

Heslington Parish Neighbourhood Development Plan 2017-2033

**A report to the City of York Council on the
Heslington Parish Neighbourhood Development
Plan**

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Executive Summary

- 1 I was appointed by the City of York Council in November 2019 to carry out the independent examination of the Heslington Parish Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 15 January 2020.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. It addresses potential development opportunities at the campuses of the University of York. It also proposes the designation of a suite of local green spaces.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Heslington Parish Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
24 March 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Heslington Neighbourhood Development Plan 2017-2033 (the 'Plan').
- 1.2 The Plan has been submitted to the City of York Council (CYC) by Heslington Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It has a clear focus on preserving the character and the appearance of the neighbourhood area and on designating local green spaces.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by CYC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both CYC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan;
- the supporting evidence documents;
- the Basic Conditions Statement;
- the Consultation Statement;
- the SEA and HRA screening report;
- the Parish Council's responses to the Clarification Note;
- the City of York Council's responses to the Clarification Note;
- the representations made to the Plan;
- the saved elements of the Regional Spatial Strategy for Yorkshire and Humber;
- the City of York Draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005);
- the submitted City of York Local Plan 2017-2033;
- *Wedgewood v City of York Council* EWHC 780 (Admin) WL 02086186;
- the National Planning Policy Framework (February 2019);
- the Use Classes Order 2020;
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 15 January 2020. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised CYC of this decision after I had received the responses to the clarification note.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement sets out the mechanisms used to engage all concerned in the plan-making process. The flow chart in Section 4 is particularly helpful and informative. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (January to March 2019). Its principal feature is the way in which it captures the key issues in a proportionate way and is then underpinned by more detailed appendices.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the preparation of the initial questionnaires;
 - the delivery of the questionnaires to every household in the neighbourhood area;
 - the engagement with businesses, landowners and other organisations;
 - liaison with the University of York;
 - liaison with its students;
 - the use of a quarterly Heslington newsletter;
 - the development of website links; and
 - detailed engagement during the pre-submission consultation phase including organising a drop-in session.
- 4.4 Appendix 4 of the Statement reproduces details of the way in which the Parish Council engaged with the wider community. It provides a degree of depth and interest to the Statement. It is clear that the process has been proportionate and robust.
- 4.5 Appendices 1/2/3 of the Statement provide specific details on the comments received as part of the consultation process on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. They help to describe the way in which the plan has been refined in response to this important part of the plan-making process.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned

throughout the process. CYC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the second submitted plan was undertaken by CYC for a six-week period that ended on 11 December 2019. This exercise generated comments from a range of organisations as follows:

- Heslington Village Meeting Room Committee
- Environment Agency
- Historic England
- Coal Authority
- City of York Council
- University of York
- Langwith Developments

4.9 Representations were also received from seven local residents. I have taken all the representations into account in examining the Plan. Where it is appropriate to do so I make specific reference to certain representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Heslington. The population is heavily influenced by the presence of the University of York and the various elements of residential accommodation for its students. There were 4,792 usual residents in 2011. Of these, 23.5% lived in households and 76.5% lived in communal establishments. The average (mean) age of residents was 24.9 years. It was designated as a neighbourhood area on 22 November 2016. It is an irregular area located in the south-eastern part of the City of York.
- 5.2 Heslington is an area of great interest and contrasts. Its northern element is part of the built-up part of the City of York. It is based around Main Street and Field Lane. It includes the principal campus of the University of York. It also includes the more modern campus to the east off Lakeside Way. The attractive village centre is based on a spur of Main Street and includes a range of retail and commercial uses.
- 5.3 The remainder of the neighbourhood area consists of an attractive agricultural hinterland. It is located both within and outside the York Outer Ring Road (A1237). The south-eastern part of the neighbourhood area includes part of the former Elvington Airfield. The neighbourhood area is affected by proposals for major strategic development in the emerging Local Plan.

Development Plan Context

- 5.4 The development plan context is both complex and unusual. It consists of two saved policies from the Regional Spatial Strategy for Yorkshire and Humber as follows:
- Policy YH9: Green Belts – the definition of the inner boundaries of the Green Belt around York.
- Policy Y1: York sub area – the definition of detailed boundaries of the outstanding sections of the green belt and the inner boundary and the protection and enhancement of the historical and environmental character of York.
- These saved policies will apply in the neighbourhood area until they replaced by the emerging City of York Local Plan.
- 5.5 The CYC does not have a formally adopted Local Plan. The City of York Draft Local Plan incorporating the Fourth Set of Changes Local Plan (April 2005) was approved for development management purposes. Its policies are capable of being material planning considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. This has proved to be particularly useful in the application of Green Belt policy. In March 2020 the High Court issued guidance about the way in which Green Belt issues should be considered in the City whilst definitive boundaries are being prepared in the emerging Local Plan. I refer to this matter in Section 7 of the report.

- 5.6 The Basic Conditions Statement highlights the policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It also explains the complicated context within which the neighbourhood plan has been prepared.
- 5.7 The emerging City of York Local Plan (2017-2033) was making good progress at the time of this examination. It was submitted for its own examination in May 2018. Consultation took place on proposed Main Modifications to that Plan in June/July 2019. In June and July 2020, the appointed planning inspectors wrote to CYC on Green Belt and household projection matters respectively. CYC responded with a housing needs update in October 2020. In recent months CYC has been providing additional information to the inspectors on Green Belt matters.
- 5.8 The submitted Plan has been designed to run concurrently with the emerging York Local Plan. This follows important national advice in Planning Practice Guidance.

Unaccompanied Visit

- 5.9 I visited Heslington on 15 January 2020. I drove into the neighbourhood area from the A64 to the immediate east of York. This gave me an initial impression of its setting and the character. It also highlighted its connection to the strategic road system and to the wider City of York. I was fortunate in having chosen a dry and sunny day for the visit after the effects of Storm Brendan earlier in the week. I was rewarded with excellent views of York Minster from the A64.
- 5.10 I looked initially at the part of the neighbourhood area to the south and east of the A64. I saw that it had an open and agricultural character. I drove along Elvington Lane so that I could see the general location of the proposed strategic housing site in the emerging Local Plan. I saw its location both in relation to the surrounding countryside and to the Elvington Airfield.
- 5.11 Thereafter I headed towards the built-up part of the neighbourhood area to the north and west of the A64. I looked initially at the University of York, Campus East. I saw the way in which it was attractively arranged around Lakeside Way. I also saw the Unity Health building and the local retail facilities.
- 5.12 I then looked at the village centre of Heslington. I saw the way in which it was distinct in its character and appearance based on the green verges on both sides of Main Street and the arrangement of the various buildings to these verges. I saw its range of vernacular brick buildings, mainly with clay pantile roofs. The attractiveness of the village centre was further reinforced by the high standards of the maintenance of the various buildings. I saw the various commercial facilities, including two banks and a post office. The Brown's Bakery shop was particularly popular.
- 5.13 Thereafter I looked at the range of proposed local green spaces mainly arranged to the south-west and to the north-east of the village centre. They varied in their scale and character. In their different ways they reflected the historic development of Heslington, its ecclesiastical importance and the development of sporting and

recreational facilities. The concentration of the proposed local green spaces based around St Paul's Church results in a very attractive and open environment in the heart of the village opposite the entrance to Heslington Hall.

- 5.14 I then walked up Spring Lane into the main University Campus. I saw the way in which it was attractively arranged within a sylvan setting around the iconic lake. In doing so I saw the way in which several students were taking advantage of the seating and the wider urban design of the campus on a bright Winter day.
- 5.15 I retraced my steps back along Spring Lane and then continued along Main Street/Heslington Lane. I saw the Halifax College Buildings and the aptly-named 22 acres playing fields.
- 5.16 Thereafter I drove back to the Hull Road. I saw the B&Q building and the rather interesting Inner Space Stations Service Station with its roof-mounted daleks. I left the neighbourhood area along the A64.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).
- 6.3 I assess the Plan against the basic conditions under the following headings:
- National Planning Policies and Guidance*
- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in February 2019. This approach is reflected in the submitted Basic Conditions Statement.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Heslington Parish Neighbourhood Plan:
- a plan led system – in this case the relationship between the neighbourhood plan and existing development plan context as described in section 5 of this report;
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.

- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.
- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements. Plainly the development plan context with the City is both unusual and challenging. In these circumstances I have given particular attention to the relevant part of Planning Practice Guidance (ID: 41-009-0509). This part of national policy comments about the way in which a qualifying body and a local planning authority should discuss and aim to agree the relationship between policies in an emerging neighbourhood plan, an emerging local plan (or spatial development strategy) and the adopted development plan with appropriate regard to national policy and guidance.
- 6.8 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. In particular it includes a series of policies on the scale and nature of new development. It identifies three settlement gaps and proposes local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.9 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for housing development, for employment development and for the future development of the University (Policies HES8-12, HES2 and HES19 respectively). In the social role, it includes a policy on local green spaces (Policy HES13). In the environmental

dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy HES4), on urban character (HES6) and on green infrastructure (Policy HES14). The Parish Council has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in the City of York in paragraphs 5.4 to 5.8 of this report. I am satisfied that subject to the incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan.
- 6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement a screening exercise was undertaken on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.16 The screening report includes a separate Habitats Regulations Assessment (HRA) of the Plan. It takes account of the likely effects of development in the neighbourhood area on the Strensall Common SAC, the Skipwith Common SAC, the River Derwent SAC, the Lower Derwent SAC, SPA and Ramsar site and on the Humber Estuary SPA, SAC and Ramsar site. It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on a European protected site. It also concludes that there will be no likely significant in-combination effects. Its level of detail provides assurance that this important matter has been comprehensively addressed.
- 6.17 The screening reports include the responses received as part of the required consultation. In doing so they provide assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.
- 6.18 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations. The work undertaken on HRA screening is exemplary.

- 6.19 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On the basis of all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.20 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. The Plan includes a series of Community Aspirations. They are properly distinguished from the principal land use policies.
- 7.5 I have addressed the policies in the order that they appear in the submitted Plan. Where necessary I have identified the inter-relationships between the policies. The Community Aspirations are addressed after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial section of the Plan (Sections 1-7)

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a professional way. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction comments generally about the neighbourhood area and how it relates to the emerging Local Plan. It does so to good effect. It identifies the Plan period.
- 7.10 Section 2 comments about the development of the Plan. It also provides background information about how the Plan was prepared and the SEA and HRA work that has been undertaken.
- 7.11 Section 3 comments about what the Plan is seeking to achieve. It helpfully summarises the policies.

- 7.12 Section 4 comments about the policy evidence and data used to support and develop the Plan. It highlights the difference between the quantitative and the qualitative data that was used in this process.
- 7.13 Section 5 comments about the wider planning policy context within which The Plan has been prepared. It also comments about the neighbourhood area and a range of matters which have influenced the preparation of the Plan. It has a particular focus on its history, its landscape setting, the University of York and the York Science Park.
- 7.14 Section 6 comments about the community and stakeholder engagement. It is particularly comprehensive in its coverage and detail. It also usefully overlaps with the submitted Consultation Statement.
- 7.15 Section 7 comments about the Plan's growth strategy. It draws attention to the overlapping approach being promoted in the emerging City of York Local Plan.
- 7.16 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

Policy HES:1 Main Street Change of Use

- 7.17 This policy seeks to sustain and diversify the range of uses in Main Street. It has three related parts as follows:
- supporting changes of use to retail (A1), food and drink (A3/A4) and medical/community uses (D1) subject to a series of traffic and amenity considerations;
 - supporting proposals to diversify the use of public houses where its principal use remains; and
 - any acceptable proposals should otherwise conform with detailed design policies elsewhere in the Plan.
- 7.18 The policy was developed in good faith in the period leading up to its submission. However, in September 2020 the Use Classes Order was substantially revised. It introduces three new use classes as follows:

Class E	Commercial, business and service uses
Class F1	Learning and non-residential uses
Class F2	Local community uses

The new Use Class E incorporates several former use classes including A1(shops), A2 (financial and professional services) and A3 (cafes or restaurants). In this context there is now considerable flexibility for different business functions to be undertaken in towns and village centres without the need for planning permission.

- 7.19 In this context I recommend specific modifications to the policy to take account of the revised approach and details of the 2020 Use Classes Order. In particular I recommend that the former references to Class A uses and D1 uses are replaced by

the relevant use class categories in the 2020 Use Classes Order. In the round this approach will offer support for the ongoing safeguarding and extension of the role, importance and significance of the village centre. In doing so it acknowledged the government's wider ambition to stimulate the role of town and village centres both in general, and in response to the Covid pandemic in particular.

7.20 In general terms the policy makes a positive response to the current mix of uses in Main Street. However, in places it has an unusual format. In particular criterion c) which comments about the Plan's approach towards proposals which would result in the loss of existing commercial facilities to residential use is effectively a separate part of the policy. This also applies to the element on the potential diversification of the use of public houses. I recommend modifications to address these substantive matters. I also recommend detailed modifications to the wording used so that the policy has the clarity required by the NPPF.

7.21 I also recommend three specific modifications to the policy as follows:

- that the final part of the policy takes on a more general format. Its effect would then be, irrespective of the use of any property, that new development should comply with the design and character policies in the Plan;
- that the policy title is modified. It is a wide-ranging policy which addresses more than simply changes of use; and
- that 'Main Street area' is defined on a Map. Whilst the village centre is largely self-evident such clarity is required for a development plan policy.

After Main Street area add 'as shown on Map [insert number]

In the opening part of the policy replace 'for change of use.... other community facilities (D1)' with 'for change of use to commercial, business and service uses (Class E), to pubs and other drinking establishments, or to Learning and non-residential uses (Class F1)'

In the initial part of the policy replace 'subject to' with 'subject to the following criteria:'

Replace a) with 'they do not generate unacceptable impacts on traffic safety or the capacity of the local highway network; and'

Replace b) with 'they do not have an unacceptable impact on the residential amenities of the immediate local area'

Replace c) with a free-standing paragraph of the policy to read:

'Proposals which would involve the loss of Class E, Class F1 and pubs and other drinking establishments in the Main Street area will not be supported unless the applicant can demonstrate that no other similar business uses would be commercially viable'

Reposition d) (without modifications) to a free-standing part of the policy. In doing so delete the preceding ‘In addition’

In the final part of the policy replace ‘In the event.....use, any’ with ‘Insofar as planning permission is required all’

Replace the policy title with: ‘Sustaining the vitality and the viability of Main Street’

Show the Main Street area on a map in the Plan.

Policy HES: 2 New Business and Employment Development

7.22 This policy offers support for new business and employment development in three locations as follows:

- the existing science and business parks on the University campuses;
- within designated housing sites (which may be included in the emerging Local Plan); and
- within farm complexes to support rural diversification.

7.23 This element of the policy is positively-worded. It provides a positive local response to Section 6 of the NPPF.

7.24 The final part of the policy offers support for the development of sporting facilities. Whilst this part of the policy is slightly out of context with the remainder of the policy it has the ability to contribute towards business and employment development in the neighbourhood area. Nevertheless, I recommend that this part of the policy becomes a separate and free-standing element of the policy.

7.25 I also recommend modifications to the wording used elsewhere in the policy so that it has the clarity required by the NPPF and can be applied clearly and consistently by CYC. Otherwise it meets the basic conditions.

In c) replace ‘providing.... adverse impact’ with ‘where there would be no unacceptable adverse impacts’

In the final element of the policy (sports development) incorporate d) directly into the preceding wording - losing the d)

In this final and consolidated part of the policy replace ‘significant’ with ‘unacceptable’

Policy HES: 3 Agriculture and Rural Enterprise

7.26 This policy recognises that much of the neighbourhood area is in agricultural use. The purpose of the policy (paragraph 9.1) identifies that it intends to support the viability of working farms as thriving businesses whilst making a positive contribution to green

infrastructure. This is further consolidated in Section 9.3 which sets out a series of priorities for the working farms. They include:

- developing renewable energy;
- the promotion of diversification projects;
- providing access to high speed Broadband; and
- helping farming businesses to build profitability and to respond to new business opportunities.

7.27 The policy seeks to provide a context to deliver such initiatives. However, its language is less than clear. As such I recommend modifications so that it has the clarity required by the NPPF. In particular I recommend that the criterion on traffic movements is replaced by one which addresses both existing and new traffic movements. I also recommend consequential modifications to the Interpretation.

7.28 I recommend a modification to the title of the policy. Its focus on agriculture is not directly reflected in the policy itself. In any event most forms of agricultural development do not need planning permission and therefore cannot be controlled by a policy.

After ‘proposals’ add: ‘for rural enterprise and rural diversification’

In a) delete ‘and acknowledge’

Replace b) with: ‘provide safe vehicular access points to the highway network and ensure that existing and the proposed new traffic generated by the wider use of any farm/rural enterprise can be safely accommodated in the local highway network’

Replace c) with: ‘ensure the compatibility between the proposed new uses and any existing agricultural activities on the site concerned’

In the Interpretation replace ‘Applications.... ensures’ with ‘This policy has been designed to facilitate rural diversification projects whilst ensuring’

Replace the policy title with: ‘Rural enterprise and rural diversification’

Policy HES: 4 Sustainable Design

7.29 This policy sets out the Plan’s intentions to secure sustainable design. As the Interpretation comments it seeks ‘to ensure that development is designed to be sustainable and inclusive’. It is based around a series of design principles which include:

- complementing the character of the surrounding area;
- providing active frontages to streets;
- creating safe and attractive pedestrian environments; and

- providing a range of parking solutions.

- 7.30 In general terms the policy has been well-developed. It seeks to ensure that the quality of new development is distinctive and of the highest quality. However, whilst this is appropriate in principle, it fails to acknowledge that the majority of development will be modest in its nature and is unlikely to trigger the need to take account of all of the development and character principles. In this regard I recommend that the opening part of the policy clarifies that the principles will apply as appropriate to the nature, scale and location of the proposed development.
- 7.31 I recommend that the first criterion is modified to clarify its intention. As the University comments it implies that character areas have been defined against which development proposals can be assessed. The recommended modification provides a more general approach but which does not undermine the effectiveness of the policy.
- 7.32 I recommend that principle g) is removed from the list of principles and sits as a free-standing part of the policy. Unlike the preceding six elements of the policy it is not a sustainable design feature in its own right.
- 7.33 I also recommend modifications to the wording used elsewhere in the policy so that it has the clarity required by the NPPF and can be applied clearly and consistently by CYC. Otherwise, it meets the basic conditions.

At the beginning of the policy add: ‘As appropriate to the nature, scale and location of the proposed development’

In the opening part of the policy replace ‘use’ with ‘are of a’

In the opening part of the policy replace ‘sustainable urban design principles. This includes’ with ‘the following sustainable urban design principles’

In principle a) replace ‘the surrounding character areas’ with ‘the character of the surrounding area’

Reposition principle g) so that it is a free-standing element of the policy (without the g))

In the final part of the policy replace ‘are welcomed’ with ‘will be particularly supported’

Policy HES: 5 Crime Prevention and Reduction

- 7.34 This policy offers support to development proposals which are designed to create safe communities. It specifically references the principles of ‘Secured by Design’.
- 7.35 The policy complements national and emerging Local Plan policies. It meets the basic conditions.

Policy HES: 6 Urban Character

- 7.36 This is an important policy in the wider context of the Plan. It provides detailed guidance to ensure that new design in the built-up part of the neighbourhood area reflects its urban design and character. In this context the policy is helpfully underpinned by the wide-ranging supporting text in Section 10 of the Plan.
- 7.37 The policy produces a series of design principles with which new development should comply. They include:
- respecting the vernacular form and scale of existing buildings;
 - preserving gardens and open spaces;
 - maintaining historic paths and routes; and
 - specific design and reinstatement issues in the designated conservation area.
- 7.38 In general terms the policy has been well-developed. It seeks to ensure that the quality of new development is distinctive and of the highest quality. However, whilst this is appropriate in principle, it fails to acknowledge that the majority of development will be modest in its nature and is unlikely to trigger the need to take account of all of the development and character principles. In this regard I recommend that the opening part of the policy clarifies that the principles will apply as appropriate to the nature, scale and location of the proposed development.
- 7.39 I also recommend detailed modifications to the wording used in the various criteria so that they have the clarity required by the NPPF. In criterion j) the recommended modification acknowledges that in some case the reinstatement of traditional period features may not need either planning permission or listed building consent.
- 7.40 Otherwise the policy meets the basic conditions. It is an excellent local response to this important national agenda. It should result in sensitive and sustainable new development in the Plan period.

At the beginning of the policy add: ‘As appropriate to the nature, scale and location of the proposed development’

In a) add at the end ‘of existing buildings’

In h) replace ‘practical’ with ‘practicable’

In i) add ‘and insofar as planning permission and/or listed building consent is required’

Policy HES: 7 Conversion of existing buildings

- 7.41 This policy seeks to ensure that conversions/extensions/adaptations to existing buildings are of a scale and design that are subservient to the original building.

- 7.42 The opening part of the policy applies the policy to those parts of the neighbourhood area ‘outside strategic development site allocations’ and the existing boundaries of the University campuses. Historic England correctly identify that the precise nature and outcome of the Local Plan remains uncertain. In any event the wording of the policy does not directly relate either to its title or to the Interpretation of the policy. In both case the focus is on works to existing buildings.
- 7.43 I recommend modifications to the policy to address these issues. The first clarifies the coverage of the policy. The second removes the geographic references in the policy. In effect a policy for alterations and adaptations for existing buildings should apply across the neighbourhood area. The third clarifies that the policy title and the policy itself will apply to alterations and adaptations to buildings in addition to conversions.

**Replace the opening part of the policy with:
‘Proposals for the conversion, extension or alteration of existing buildings will be supported where they:’**

In the title replace ‘Conversion’ with ‘The conversion, extension or alteration’

Policy HES: 8 New housing

- 7.44 This policy comments about new housing proposals in those parts of the neighbourhood area that are unaffected by strategic development proposals or are within the University campuses. It proposes a series of locational, design and amenity considerations.
- 7.45 I sought clarification from the Parish Council on the structure of the policy. Whilst it has six criteria, they are broken into two separate categories. I recommend modifications to the structure of the policy so that it applies all six criteria in an equal fashion as anticipated by the Parish Council in designing the policy. I also recommend that the references to strategic development sites and the University are repositioned into the Interpretation.
- 7.46 I also recommend detailed modifications to the wording used in the policy so that it would have the clarity required by the NPPF.

Delete ‘Beyond thecampuses’

**In the body of the policy delete ‘Development proposals.... if they’
In c) add ‘where practicable’ before ‘enhance’**

At the end of the first paragraph of the Interpretation add: ‘Policy HES 8 comments about general development proposals for housing. It does not address the strategic development proposals arising from the emerging City of York Local Plan or development on the various campus sites of the University of York’

Policy HES: 9 Housing Mix and Affordability

- 7.47 This policy comments about housing mix and affordability on strategic developments which may come forward within the neighbourhood area. By definition the delivery of strategic development in the neighbourhood area is dependent on the eventual outcome of the emerging Local Plan.
- 7.48 The second criterion of the policy comments that affordable housing should be provided on site and not provided remotely through financial contributions. CYC comment that such an approach is contrary to the approach for the delivery of affordable housing in its emerging Local Plan (Policy H10).
- 7.49 I sought the Parish Council's comments on this issue in the clarification note. It responded that the submitted policy had not been tested for its potential effect on the viability of development sites. At the same time, it accepted that a similar approach to that in the emerging Local Plan would relate well to the wider objectives of the policy. I recommend accordingly. In the event that the Local Plan policy approach is refined through its examination process the Parish Council will have the opportunity to propose minor modification to the policy approach that would then be incorporated into any 'made' neighbourhood plan.

In the initial part of the policy replace 'the' with 'any' and after allocations add 'arising from the City of York Local Plan'

Replace b) with: 'affordable housing is provided to the most recent standards published by the City of York Council. On sites of 15 homes and above on-site provision of the required level of affordable housing will be expected, unless offsite provision or a financial contribution of equivalent value can be robustly justified'

In the second part of the Interpretation replace 'is not supported' with 'will not be supported unless offsite provision or a financial contribution of equivalent value can be robustly justified. This approach overlaps with the approach in the emerging City of York Local Plan'

Policy HES: 10 Housing in Multiple Occupation

- 7.50 This policy identifies a series of issues with which proposals for a change of use to a house in multiple occupation (HMO) will need to comply. They include:
- they would not harm the character and appearance of the building concerned;
 - their effects on the amenities of neighbouring residential properties; and
 - they would not create unacceptable highway issues.
- 7.51 The policy takes an appropriate approach to this important matter in the neighbourhood area. The various criteria are well-balanced and will provided clarity and consistency both to CYC and potential investors and developers. It provides an appropriate approach that is complementary to the CYC Article 4 Direction on HMOs.

- 7.52 The final paragraph of the policy ‘encourages’ proposals to change HMOs back to a traditional dwelling house. I recommend that this element of the policy is deleted given that such changes of use would be permitted development. Nevertheless, as a statement of intent I recommend that it is repositioned into the Interpretation.
- 7.53 I also recommend detailed modifications to the wording used in the various criteria so that they have the clarity required by the NPPF.
- 7.54 Finally I recommend modifications to the Interpretation Section to take account of a factual update suggested by CYC.

At the beginning of the policy add: ‘Proposals for a’

In a) replace ‘not harm’ with ‘not cause unacceptable harm to’

In c) replace ‘so as not to harm visual amenity’ with ‘and would not cause unacceptable harm to the visual amenity of the immediate locality of the property concerned’

Delete the final paragraph of the policy.

In the Interpretation replace ‘Houses in Multiple Occupation Technical Paper (2011, updated 2014)’ with ‘Draft Controlling the Concentration of Houses in Multiple Occupation SPD (Approved 2012, Amended July 2014)’.

At the end of the Interpretation add:

‘Proposals for the conversion of HMOs back to traditional dwelling houses are permitted development and therefore do not need planning permission. However, the Plan would encourage and support such proposals’

Policy HES: 11 Housing and community facilities

- 7.55 This policy offers support for community and recreational facilities on any strategic housing sites in the neighbourhood area which may be included in the emerging Local Plan. Its third part requires that any sites which are developed incrementally include a master plan design statement which includes the location of community facilities and otherwise complies with other neighbourhood plan policies.
- 7.56 I am satisfied that the policy takes a general and a non-prescriptive approach. In addition, it does not seek to influence the development of local plan policies or express a preference for any particular site.
- 7.57 I recommend modifications to the title of the policy and its opening element so that they properly reflect its intention. I also recommend detailed modifications to the wording used in the various criteria so that they have the clarity required by the NPPF. Otherwise it meets the basic conditions.

**Replace the opening element of the policy with:
‘The development of any strategic sites in the neighbourhood area allocated in the emerging City of York Local Plan should:’**

In c) replace ‘Submit.... incrementally, which includes’ with ‘prepare a masterplan design statement in circumstances where strategic sites are developed incrementally and which identifies’

Replace the policy title with:

‘Community and recreational facilities in strategic housing sites’

Policy HES: 12 Purpose Built student accommodation

- 7.58 This policy seeks to address the issue of purpose-built student accommodation. Its approach is that such accommodation will only be supported within the existing development boundaries of the University campuses.
- 7.59 The policy has attracted an objection from the University. It comments that the submitted policy is at odds with Policy SS22 of the emerging Local Plan. The University also comments about the inconsistencies between the policy (which applies throughout the neighbourhood area) and the Interpretation (which has a focus on Heslington village).
- 7.60 I sought advice from the Parish Council on how the policy was anticipated to be applied across the neighbourhood area. It commented that it had been designed to apply within the existing University campuses and within the strategic development sites. Whilst this is helpful that approach would be restrictive and may prevent otherwise acceptable development proposals from coming forward. In this context the Plan provides no compelling evidence about the extent to which such development would be unacceptable. In any event that approach would not align with the approach in Policy SS22 of the emerging Local Plan. This comments about future expansion of the University. Whilst that policy supports the development of new student accommodation as part of that wider package it does not prevent purpose-built student accommodation proposals elsewhere. Similarly, Policy HES12 is not supported by any detailed evidence about the impacts of student accommodation within the wider parish and the ability or otherwise of the University to accommodate all its accommodation needs on land within its direct control.
- 7.61 I have considered all the information available to me very carefully. In all the circumstances I recommend that the Policy and the Interpretation are deleted.

Delete the policy

Delete the Interpretation

Policy HES: 13 Local Green Spaces

- 7.62 This policy proposes the designation of a package of local green spaces (LGSs). The supporting text in Section 12 makes appropriate references to paragraphs 99-101 of the NPPF and the national context to the designation of LGSs.
- 7.63 The policy approach is underpinned by Appendix 1 of the Plan (the LGS Evidence base). It provides a detailed assessment of each of the proposed LGS against the various criteria included in the NPPF. Both the process followed and the resulting document are exemplary.
- 7.64 The Appendix helpfully comments about the potential overlap between proposed LGSs and the existing and the proposed extent of the York Green Belt. I am satisfied that a proportionate approach has been taken on this matter. In particular it has taken account of the current stage at which the Local Plan has reached in its examination process. In this context I am satisfied that the proposed LGS at Pond Field (LGS12) is appropriate.
- 7.65 I am satisfied that in general terms the proposed LGS have been carefully chosen. They are distinctive to the neighbourhood area and reflect its character. In its response to the clarification note the Parish Council advised that proposed LGS 7 - Heslington Hall Gardens (Rear) is now listed by Historic England as a Heritage Category: Park and Garden Grade: II. List Entry Number: 1456517 and that the additional protection of LGS is no longer justified. I therefore recommend the deletion of LGS 7 accordingly.
- 7.66 In general terms I am satisfied that the proposed LGS designations accord with the more general elements of paragraph 99 of the NPPF. Firstly, the package of sites is consistent with the local planning of sustainable development. The Plan has sought to take account of the emerging City of York Local Plan in general and the way in which it addresses strategic housing issues in particular. The package of proposed LGSs are unaffected by alternative development proposals. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, in many cases they are established elements of the local environment and are sensitively managed as green spaces in ways appropriate to their particular uses.
- 7.67 In general terms the policy itself takes the matter of fact approach in the NPPF on LGS designation. Nevertheless, I recommend that its format is modified so that it explicitly designates the various spaces as LGSs. This will result in the clarity required by the NPPF. Otherwise the effect and coverage of the policy is unaffected.
- 7.68 I also recommend the deletion of the second part of the policy which seeks to identify the nature of very special circumstances which may justify certain developments within identified LGSs. Whilst the types of development suggested are modest, they go beyond the matter of fact approach in the NPPF. Plainly it will be the CYC to assess any development proposals which may come forward within LGSs on their merit taking account of all the relevant material considerations. However, in the circumstances I recommend that the criteria are repositioned into the Interpretation section.

Replace the opening part of the policy with:

‘The Plan designates the following green spaces as shown in Figure 4 as Local Green Spaces:’

[List LGSs 1-6 and 8-13 numbers and descriptions]

After the schedule of sites add:

‘Development proposals that would affect the designated Local Green Spaces will only be supported in very special circumstances’

In the Interpretation insert the following after the first sentence:

‘CYC will assess any development proposals which may come forward within LGSs on their merit taking account of all the relevant material considerations. However small scale, ancillary development proposals on local green spaces may be supported where they meet each of the three following points:

List a) to c) from the policy (as submitted)’

Thereafter delete the second sentence of the Interpretation section.

Policy HES: 14 Green Infrastructure

- 7.69 This policy addresses green infrastructure. It is a particularly wide-ranging policy which has both a general application and one which relates specifically to identified ‘significant green spaces’ as identified in paragraph 13.5 and shown in Figure 6 of the Plan.
- 7.70 The generality of the policy indicates that development will be supported where it avoids significant harm to the environment of the neighbourhood area, including:
- trees, hedgerows and other ecological features;
 - local wildlife habitats and protected landscapes; and
 - identified significant green spaces.
- 7.71 Other elements of the policy comment about mitigation measures. Opportunities to incorporate improvements for green infrastructure in and around developments will be supported.
- 7.72 I sought the Parish Council’s comments on the initial element of the policy which is general in nature and contrasts significantly from the more specific elements. The Parish Council agreed that it could be deleted and repositioned into the supporting text. I recommend accordingly.
- 7.73 The proposed significant green spaces have generally been well-received. However, the University has commented about the Campus East Lake and Grounds (Site 1) and CYC has commented about the Elvington Airfield Grassland (Site 3). The University’s comments are primarily based on its views about the dated nature of both Figure 5 (showing details from a reserved matters application from 2008) and Figure 6 (showing the broader location of the proposed significant green spaces). I recommend that this

issue is resolved by the deletion of Figure 5 and the preceding element of supporting text. I also recommend that a revised figure is included in the Plan showing the extent of Site 1.

- 7.74 The representation from CYC concentrates on the potential inconsistency between the identification of the Elvington Airfield Grasslands as a significant green space and the proposed allocation of a strategic housing allocation in the same general location in the emerging Local Plan. In its response to the clarification note the Parish Council proposes a reduced extent of the Grasslands as a significant green space in the event that the strategic allocation is included in the adopted Local Plan.
- 7.75 I have considered this matter very carefully. In all the circumstances I recommend that the whole of the Elvington Airfield Grasslands is not included as a significant green space. By definition the identification of strategic sites in the emerging Local Plan is a strategic matter which will find its own level in the examination of that Plan. In this context it would be inappropriate for a neighbourhood plan to seek to influence or shape this matter. In the event that the adopted Local Plan includes the proposed strategic housing location (ST15) in the general vicinity of the Elvington Airfield any review of a 'made' neighbourhood plan could consider the identification of a significant green space at the western end of the wider site based on appropriate evidence.
- 7.76 I recommend modifications to the policy itself. They fall into three areas:
- detailed modifications to the wording used so that it would have the clarity required by the NPPF;
 - modifications to ensure that it has regard to national policy (Section 15 of the NPPF); and
 - the deletion of the general criterion a).

In the opening part of the policy replace 'they can.....as a whole, including' with 'they are designed to respect the natural environment of the neighbourhood area and do not cause unacceptable harm to its integrity and longevity. Development proposals should take particular account of the following elements of the natural environment: [At this point include b) and c) from the submitted policy].

Replace the second part of the policy with: 'Development proposals will not be supported where significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for'

Replace the third part of the policy with: 'Development proposals which would bring about improvements to the integrity, the accessibility and the interpretation of green infrastructure will be particularly supported'

In the second paragraph of the Interpretation insert after the first sentence: 'Policy HES: 14 applies both generally across the neighbourhood area, and in the specific locations identified in the first part of the policy. Whilst the policy cannot identify every

element of green infrastructure in the neighbourhood area it might otherwise include trees, woods, hedges, ditches, grass field margins, flora and fauna'

Delete 3 Elvington Airfields Grasslands as a significant green space both from Section 13.5 of the Plan and from Figure 6.

Delete the paragraph on page 55 'The University of York.... continuity of grass'

Replace Figure 5 with a revised plan showing the extent of proposed significant green space at the Campus East Lake and Grounds (Site 1 in Figure 6).

Policy HES: 15 Sustainable Transport

7.77 This policy comments about sustainable transport provision on strategic development sites which may come forward through the process of the emerging Local Plan. Its approach is to support development proposals on such strategic sites where they incorporate a variety of transport facilities including:

- public transport facilities;
- strong pedestrian links to bus stops and community facilities; and
- the preparation of a transport master plan.

7.78 As with Policy HES: 8 its various criteria are arranged in two distinct parts of the policy. The Parish Council responded to the clarification note that not all of the criterion e) to k) would necessarily apply to every strategic development site. In this context it recommended a modified approach to the policy.

7.79 I recommend that the policy is redesigned so that it incorporates its principal requirements (a-d) in general terms and that the other criteria are applied insofar as they relate to any particular strategic site. In addition, I recommend detailed modifications to the wording used in the policy so that it has the clarity required by the NPPF and to respond to the suggestions by CYC.

In the opening part of the policy replace 'the' with 'any'

After 'including' add 'as appropriate to the site concerned and the scale and the nature of the proposed development'

In c) replace 'to' with 'across'

Replace 'Development proposals.... of the following' with 'Development proposals should address any of the following matters insofar as they are relevant to the development of the site concerned'

Replace the e) to k) lettering system with bullet points'

In the submitted e) insert at the beginning 'the incorporation of'

In the submitted f) insert at the beginning ‘the incorporation of measures that would result in’

In the submitted k) insert at the beginning ‘the incorporation of’

Policy HES: 16 Vehicular and Pedestrian Traffic

- 7.80 This policy is very specific in its nature. As the Interpretation comments it seeks to ensure that the strategic allocation site (ST15) in the emerging Local Plan is fully served by a new principal access road to the A64, bypassing the village and the immediate locality.
- 7.81 CYC draws my attention to the potential conflict between the submitted policy and Policy SS13 in its emerging Local Plan. It contends that the York Local Plan Policy SS13 and the key principles in relation to transport which are highlighted in this policy should be tested through the Local Plan Examination process and not through the Neighbourhood Plan process.
- 7.82 I have considered this matter very carefully in general, and given the different approaches being taken by CYC and the Parish Council in particular. The NPPF provides clear guidance on the distinction between strategic policies (paragraphs 20-23) and non-strategic policies (paragraphs 28-30). In particular it comments in paragraph 29 that:
- ‘Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies’*
- 7.83 In this context I have concluded that the identification, the design and the transport arrangements associated with the strategic allocation sites in the emerging Local Plan is a strategic matter. In this context it would be inappropriate for an emerging neighbourhood plan to seek to influence this matter. In any event the emerging Local Plan is just that, and as CYC comment, these and other matters remain to be examined. In addition, I am not satisfied that the neighbourhood plan policy has produced any specific evidence to justify its approach. In any event certainty on the potential development of the proposed allocated site will only be available once the Local Plan examination has concluded, any main modifications are published and the Inspectors’ report is available.
- 7.84 In these circumstances I recommend that the policy and the Interpretation are deleted. However, to recognise the significance of this matter to the local community I also recommend that a modified version of the policy is repositioned so that it would form an additional Community Action.

Delete the policy

Delete the Interpretation

Insert an additional Community Action to read:

'Within the context set by the emerging Local Plan the Parish Council will work with the City of York Council and the developers concerned to ensure that the development of the strategic housing allocation (ST15) safeguards the character of the local road network in general, and of Low Lane, Ox Close Lane, Common Lane, Long Lane and Langwith Stray in particular'

Policy HES: 17 Traffic in Heslington Conservation Area

- 7.85 This policy comments about traffic in the conservation area. It has two related parts. The first offers support to development proposals where any increase in traffic would cause no significant harm to the character of the conservation area. The second part comments that highways improvements in the conservation area should preserve or enhance and cause no significant harm to its character.
- 7.86 The origin of the policy is not directly referenced in the Rationale and Evidence in this part of the Plan. The Interpretation comments that 'the policy seeks to protect the conservation area and the amenity of residents without compromising the provision of flexible, sustainable transport solutions'
- 7.87 The policy raises a series of issues about the way in which it could be applied through the development management process. The first part of the policy has a focus on the impact of traffic in the conservation area. Whilst this approach is understandable given the central position of the conservation area in the neighbourhood area and the concentration of retail and commercial businesses within its area, conservation areas are designated for their historic or architectural significance rather than their level of traffic. In addition, the second part of the policy's focus on any associated highway improvements addresses issues which would traditionally be permitted development as they are carried out within the highway.
- 7.88 Whilst I have some sympathy for the issues that the Parish Council is seeking to address in the proposed policy it captures issues which are beyond the direct control of the planning system. In any event, the policy offers no direct evidence about the way in which increased traffic would cause harm to the conservation area and the level of any harm which might otherwise be acceptable. As such I recommend its deletion. However, to recognise the significance of this matter to the local community I also recommend that the second part of the policy is repositioned so that it would form an additional Community Action. In this context it would supplement HES: CA1 (Street Furniture and Lighting in the Conservation Area).

Delete the policy*Delete the Interpretation*

Insert an additional Community Action after HES: CA1 to read:

'Any highway improvements within the Heslington Conservation Area (either introduced in their own right or as mitigation associated with other development) are expected to respect the character or appearance of the area and respond to its distinctive features'

Policy HES: 18 Paths and other Rights of Way

7.89 This policy offers support to proposals which preserve or enhance the network of footpaths, bridleways and cycleways in the neighbourhood area. I saw many of such paths during my visit. They contribute significantly to the attractiveness of the neighbourhood area and the way in which its local residents can enjoy their environment and move around within that environment.

7.90 It meets the basic conditions.

Policy HES: 19 University of York

7.91 This policy comments about development proposals for the various campuses of the University of York. The development of the policy reflects the importance of the University to the environment and to the economy of the neighbourhood area. The Parish Council clarified that the policy was intended to apply to academic and University-related development.

7.92 The policy offers support for such development where it safeguards the green open space buffer zones and implements the various good practice development principles in Section 15.4 of the Plan. The principles are as follows:

- master planning;
- existing planning conditions;
- character;
- historic buildings;
- permeability and movement;
- design quality; and
- design and access statements.

7.93 I recommend that the element of the policy on green spaces is addressed in the supporting text. In a policy context such green spaces are already included in Policy HES 14 of this Plan.

7.94 In general terms I am satisfied that the good practice development principles are well-considered and appropriate for the neighbourhood area. Nevertheless, I recommend the deletion of the 'existing planning conditions' and the 'Design and Access Statement' principles. The former is a matter of fact issue rather than a development principle. Nonetheless I recommend that it is addressed in the supporting text. As the University comment any reserved matters applications which come forward will be considered within the context of the planning history of the site concerned and their

compliance or otherwise with existing master plans and development briefs that exist on the various campus sites.

- 7.95 The latter is a means by which the planning application would be assessed and described against the development principles in this policy.

Replace the policy with:

‘Proposals for academic and University-related development on the University of York campuses will be supported where they demonstrate, as appropriate to the location, scale and nature of the development concerned, how they respond positively to the development principles in Section 15.4 of this Plan’

In Section 15.4 delete 15.4.2 (Existing planning conditions) and 15.4.7 (Design and Access Statements)

After 15.4.6 Design Quality add:

‘15.5 Implementation

Policy HES: 19 sets out a series of development principles to guide and influence any new development that may come forward on the University campuses. Within this context the policy seeks to consolidate the approach already taken by previous planning permissions and captured in master plan and development brief work. Design and Access Statements should demonstrate the extent to which development proposals address the design principles included in Section 15.4 of the Plan’

Community Actions

- 7.96 The Plan includes three community actions. In accordance with national guidance they are captured in a separate part of the Plan. They are also shown in a different colour than the land use policies. They are as follows:

HES: CA1	Signage, Street Furniture and Lighting in the Conservation Area
HES: CA2	Building and Landscape Character
HES: CA3	Elvington Airfield

- 7.97 I am satisfied that the first two community actions are appropriate and distinctive to the neighbourhood area.
- 7.98 HES:CA3 relates to the proposed strategic development at Elvington Airfield. It requires that a master plan should be in place before any separate planning permissions are granted on the site. This approach may well be incorporated in the event that the site is included as such in the emerging Local Plan. However, this is a matter for that Plan and not for the neighbourhood plan. In any event as submitted the proposed community action reads as a land use policy.

- 7.99 I recommend modifications to remedy the latter point.

Replace the Community Action to read:

'The local community will work with the City of York Council, landowners and any proposed developers to ensure that any development of the former Elvington Airfield comes forward within the context of an agreed master plan'

Other matters – Green Belt

- 7.100 Section 5 of the Plan provides a comprehensive analysis of the complicated planning policy context in the City. It makes specific reference to the Green Belt. In particular Figure 2 of the Plan indicates the Green Belt boundary insofar as it affects the neighbourhood area (and as extracted from the Fourth Set of Changes Local Plan 2005).
- 7.101 In March 2020 the High Court (*Wedgewood v City of York Council EWHC 780 Admin*) considered a case which centred about the way in which Green Belt issues should be considered in the City whilst definitive boundaries are being prepared in the emerging Local Plan. The effect of this judgement is that such decisions will take into account the Regional Spatial Strategy general extent of the Green Belt, the draft Local Plan (April 2005), the emerging Local Plan and site-specific features in deciding whether land should be regarded as Green Belt in advance of the adoption of the Local Plan. As the Plan was submitted before this judgement it is important that it takes its findings into account. This approach will also be consistent with the approach which CYC has taken since that time both in relation to development management issues and in decisions on the neighbourhood planning agenda
- 7.102 In this context I recommend that paragraph 5.1.3 is updated and consolidated with replacement text. I also recommend consequential modifications to Figure 2 and the Policies Map.

Replace paragraph 5.1.3 with:

'5.1.3 National Planning policy is clear in its support for the Green Belt, emphasising its essential characteristics of openness and permanence. It also states that inappropriate development (such as the construction of new buildings), which is harmful to the role and function of the Green Belt should not be approved except in very special circumstances.

5.1.4 Despite the fact that the York Green Belt is still, technically, draft Green Belt it has, de facto, been in existence for several decades and has been reaffirmed on numerous occasions in planning refusals and dismissals of planning appeals. It was specifically recognised in the Yorkshire and Humber Regional Spatial Strategy (RSS) adopted in 2008 and although the RSS was substantially revoked by an Order (SI. No. 117 2013) made in early 2013 under the Localism Act 2011, policies which related to the York Green Belt were specifically excluded from the revocation.

5.1.5 The Neighbourhood Plan needs to be in general conformity with strategic policies of the Development Plan. In this case, these are the saved policies YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (RSS) (2008) and the RSS Key

diagram (see Figure 2A). Together the policies and key diagram set the general extent of York's Green belt to approximately 6 miles from York's city centre.

5.1.6 Further, whilst not forming part of the Development Plan, the City of York draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005) was approved for development control purposes. This is a material consideration in decision making but does not define York's Green belt boundaries.

5.1.7 The National Planning Policy Framework (NPPF) is clear that the identification and modification of Green Belt boundaries are essentially matters for the Local Planning Authority to determine. In this case, that authority is York City Council. Furthermore, these paragraphs identify that these processes should be undertaken as part of the preparation or review of a Local Plan. In this case, this would be through the vehicle of the preparation of the emerging City of York Local Plan, which was submitted for independent examination in May 2018. The proposed Green Belt boundary relevant to the Heslington Neighbourhood Plan is set out on the Local Plan Policies Map South (2018) (Figure 2B). The adopted Local Plan will set the detailed Green belt Boundaries.

5.1.8 In advance of the adoption of the Local Plan decisions on whether to treat land as falling within the Green Belt for development management purposes will be taken in accordance with the approach supported in the case of Christopher Wedgewood v City of York Council Group [2020] EWHC 780 (Admin). This means that such decisions will take into account the RSS general extent of the Green Belt, the draft Local Plan (April 2005) (Figure 2C), the emerging Local Plan and site-specific features in deciding whether land should be regarded as Green Belt in advance of the adoption of the Local Plan'

Renumber paragraphs 5.1.4 and 5.1.5 of the submitted Plan accordingly

Insert a Figure 2A to show the RSS Key Diagram (2008)

Insert a Figure 2B to show the City of York Local Plan Publication (Draft) (2018) submitted for examination – Policies Map South Heslington Parish extract

Renumber Figure 2 as Figure 2C

On the Policies Map remove the Green Belt shading from the map and the Green Belt part of the key. Insert a note at the end of the Key to read: Green Belt: 'The situation in relation to the Green Belt is set out in paragraphs 5.1.3 to 5.1. 10 of the Plan and illustrated on Figures 2A, 2B and 2C'

Other matters - General

- 7.103 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may

be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for CYC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies.

- 7.104 The Plan acknowledges the need to identify the Plan period. However, it does so in a fashion which is slightly unclear. As I read the Plan its intention is to run in parallel with the emerging Local Plan (as indicated in paragraph 1.1.2 of the submitted Plan). However, in other places it refers to a 20-year period or to a date of the emerging Green Belt boundaries. For clarity I recommend that the Plan period should relate to that of the emerging Local Plan (2017-2033). In this context I recommend modifications to the front cover of the Plan and to paragraph 1.1.2.

On the front page of the Plan add '2017 to 2033' after Plan

In paragraph 1.1.2 replace 'covers a 20-year period' with 'period is 2017-2033'

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2033. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Heslington Parish Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to the City of York Council that subject to the incorporation of the modifications set out in this report that the Heslington Parish Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by the City of York Council on 22 November 2016.

Andrew Ashcroft
Independent Examiner
24 March 2021