

## CITY OF YORK COUNCIL SUMMONS

All Councillors, relevant Council Officers and other interested parties and residents are formally invited to attend a Extraordinary Council Meeting of the **City of York Council** at **The Guildhall, Coney Street, York, YO1 9QN** to consider the business contained in this agenda on the following date and time

Thursday, 27 February 2025 at 8.30 pm, or at the rise of the Budget Council Meeting, whichever is the later.

## AGENDA

### 1. Apologies for Absence

To receive and note apologies for absence.

### 2. Declarations of Interest

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

- (1) *Members must consider their interests, and act according to the following:*

#### **Type of Interest**

#### **You must:**

*Disclosable  
Pecuniary Interests*

*Disclose the interest; not participate in the discussion or vote; and leave the meeting unless you have a dispensation.*

*Other Registrable  
Interests (Directly  
Related)*

**OR**

*Non-Registrable  
Interests (Directly  
Related)*

*Disclose the interest; speak on the item only if the public are also allowed to speak but otherwise not participate in the discussion or vote; and leave the meeting unless you have a dispensation.*

*Other Registrable  
Interests (Affects)*

**OR**

*Non-Registrable*

*Disclose the interest; remain in the meeting, participate, and vote unless the matter affects the financial interest or well-being:*

*Interests (Affects)*                      (a) *to a greater extent than it affects the financial interests of a majority of inhabitants of the affected ward; and*  
(b) *a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest,*  
*in which case speak on the item only if the public are also allowed to speak, but otherwise not do not participate in the discussion or vote, and leave the meeting, unless you have a dispensation.*

- (2) *Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (3) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*

### **3. Public Participation**

At this point in the meeting, any member of the public who has registered to address the Council, or to ask a Member of the Council a question, on a matter directly relevant to the business of the Council or the City, may do so. The deadline for registering is **5:00pm on Tuesday, 25 February 2025.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting please contact Democratic Services. Contact details can be found at the foot of this agenda.

### **Webcasting of Public Meetings**

Please note that, subject to available resources, this public meeting will be webcast including any registered public speakers

who have given their permission. The remote public meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

During coronavirus, we made some changes to how we're running council meetings. See our updates at [www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

- 4. Adoption of the City of York Local Plan (Pages 9 - 254)**  
To consider endorsing the conclusions made by the Inspectors Report and adopting the Local Plan as part of the Development Plan for the authority. This will meet our statutory duty for preparing and adopting a Local Plan for York.

Democracy Officer

James Parker

Contact details:

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我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی میا کی جاسکتی ہیں۔ (Urdu)

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Democracy  
Officer

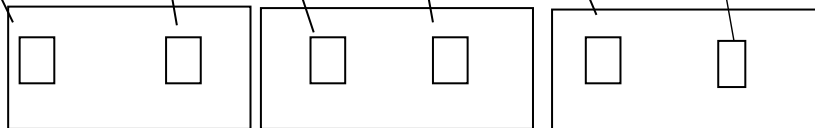
L Tomlinson,  
Head of  
Democratic  
Governance

Cllr Wells,  
Lord Mayor

B Roberts,  
Monitoring  
Officer

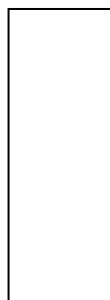
I Floyd,  
Chief Operating  
Officer

D Mitchell, Chief  
Finance Officer



Cllr Ravilious	Cllr Pavlovic	Cllr Steels- Walshaw	Cllr Douglas	Cllr Kilbane	Cllr Lomas	Cllr Kent	Cllr Webb
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Cllr Clarke	Cllr Nelson
Cllr Moroney	Cllr Merrett
Cllr Melly	Cllr Wilson
Cllr Myers	Cllr Coles
	Cllr Warters



Cllr B Burton	Cllr Rose
Cllr Crawshaw	Cllr Whitcroft
Cllr J Burton	Cllr Baxter
	Cllr Taylor
Cllr Steward	Cllr Nicholls
Cllr Rowley BEM	

Cllr Smalley Cllr Runciman	Cllr Waller Cllr Widdowson	Cllr Ayre Cllr Healey	Cllr Fenton Cllr Mason	Cllr Orrell
Cllr Hook Cllr Cuthbertson	Cllr Fisher Cllr Cullwick	Cllr Watson Cllr Hollyer	Cllr Wann Cllr Vassie	Cllr Knight Cllr Waudby

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<b>Meeting:</b>	Full Council
<b>Meeting date:</b>	27/02/2025
<b>Report of:</b>	Director of Governance and Monitoring Officer and Director of City Development
<b>Portfolio of:</b>	Cllr M Pavlovic, Executive Member for Housing, Planning and Safer Neighbourhoods.

## **Decision Report: Adoption of York's Local Plan**

### **Subject of Report**

1. York's Local Plan was submitted on 25 May 2018 for independent Examination to assess whether it was prepared in accordance with legal and procedural requirements and whether the approach taken was 'sound', as per the National Planning Policy Framework ("NPPF"). This report follows the conclusion of the Examination of York's Local Plan and issuing of the Inspectors final report.
2. The Inspectors have concluded that, subject to the inclusion of their proposed modifications, the Local Plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the NPPF. The Plan is therefore capable of adoption.
3. Full Council is therefore asked to endorse the conclusions made by the Inspectors Report and adopt the Local Plan as part of the Development Plan for the authority. This will meet our statutory duty for preparing and adopting a Local Plan for York.
4. Adoption of the Plan represents a defining step-change in the authority's approach to spatial planning and planning positively for the city. It will provide certainty in relation to our planned approach to development and sets our policy approach for achieving York-specific sustainable development. Importantly, the plan will provide a consistent local framework for decision-

making with the adopted policies having full weight in the process.

## Benefits and Challenges

5. The Local Plan sets the framework for York's spatial strategy and development over a 15-year plan period. It is prepared under a legislative framework (set out in the next section), incorporating strategic and non-strategic policies to ensure delivery of identified development needs and sustainability outcomes. The policy approach embeds sustainable development principles at the national and local level to achieve desired local priorities in the decision-making process aligned to the vision for York's future. This spatial strategy is concluded to be '*rational, justified and thereby sound*'.
6. This is the first plan prepared for York in accordance with the NPPF and will be the first adopted development plan for the authority since 1956. It meets the Council's statutory duty for plan-making and ensuring plan-led decision-making. The adopted plan will fully supersede Saved Policies from the Yorkshire and Humber Regional Spatial Strategy (RSS, 2008) and the Local Plan Fourth Set of Changes approved for Development Management purposes in 2005.
7. The plan will set the detailed Green Belt boundaries in the authority for the first time. The approach taken is concluded to be:
  - in accordance with (a) the RSS Green Belt Policies and (b) the Key Diagram of the RSS insofar as it illustrates the RSS York Green Belt policies and the general extent of the Green Belt around the City of York<sup>1</sup>.
  - Based on a sound methodology; and
  - Reflective of the application of the spatial strategy.
8. The role of York's Green Belt is confirmed in Spatial Strategy Policy SS2, the primary purpose of which is to safeguard the setting and special character of the historic city of York. This will be spatially detailed on an accompanying Policies Map to be read in conjunction with the written plan. It is recognised that in

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<sup>1</sup> As per the Partial Revocation Order 2013 (Annex X)

delineating the Green Belt boundary, needs are accommodated in a way that support this principal purpose.

9. The preparation of the plan started in 2013 and, following its submission in 2018, under transitional arrangements has been examined against the original NPPF (2012). As part of the examination process, the Inspectors have agreed modifications to the plan to ensure it is 'sound'. As far as possible, policy modifications reflect soundness against the 2012 NPPF as well as contemporary requirements set by updated NPPF, by agreement, and Written Ministerial Statements (to 2024).
10. The Government recently released an updated NPPF (December 2024) incorporating changes to meet their ambitions for higher housing delivery and economic investment. This was enacted for decision-making from its release date but comes into force for plan-making on 12 March 2025. Transitional arrangements for plan-making will not be invoked by having a plan adopted ahead of this date. This provides more certainty for decision-making by allowing the policy approach to be implemented with weight ahead of considering a review against the new NPPF and its requirements.
11. Additionally, the current Government have confirmed that they are proceeding with plan-making reform aligned with the Levelling Up and Regeneration Act (2023), with legislation expected to be released in summer 2025. Having a newly adopted Local Plan will allow us to more comprehensively scope a review aligned to this legislation.
12. Adoption of the Local Plan also provides certainty of the policy approach allowing the Community Infrastructure Levy Examination to proceed and be implemented in due course. Additionally, we can confirm the policy background and contents for the schedule of high priority Supplementary Planning Documents, as agreed by Executive in September 2024.

## **Policy Basis for Decision**

13. As a Local Planning Authority, we are required to prepare a Development Plan for the authority area forward planning for a period of 15 years hence in accordance with national legislation:
  - Planning and Compulsory Purchase Act 2004 (as amended);

- Localism Act 2011(as amended);
  - Town and Country Planning Regulations 2012 (as amended);
  - National Planning Policy Framework;
  - Environmental Assessment of Plans and Programmes Regulations 2004 (as amended);
  - Conservation of Species and Habitats 2017 (as amended).
14. Section 19(1B) - (1E) of the Planning and Compulsory Purchase Act 2004 sets out that each local planning authority must identify their strategic priorities and have policies to address these in their Local Plan. The Local Plan is made up of these strategic policies, together with non-strategic policies covering more detailed matters.
15. Legislation within Section 19 of the Planning and Compulsory Purchase Act 2004 prescribes the specific matters to which the Local Planning Authority must have regard when preparing a Local Plan and the Town and Country Planning Regulations 2012 prescribe the general form and content of local plans. The Local Plan should include a Policies Map which gives a visual representation of the Plan policies.
16. Full Council resolved to submit the draft Local Plan for Examination on 17 May 2018, requesting that the Inspectors propose Main Modifications (“MM”) to the plan to ensure it could be found ‘sound’ in accordance with the Section 20 (7C) of the Planning and Compulsory Purchase Act 2004. Consequently, the plan was formally submitted on 25 May 2018. As a result of the positive endorsement for adoption by the Inspectors pending modification, the authority may now adopt the plan.
17. On 26 January 2023, Executive endorsed the schedule of MM to the plan agreed with the Inspectors prior to statutory public consultation. It was resolved that:
- (iv) in the event that there are no material changes following the conclusion of the consultation exercise on the Proposed Main Modifications and the associated evidence base and following receipt of the Inspectors’ report, the Local Plan (as modified in accordance with the Proposed Main Modifications and the associated evidence base) and the Inspectors’ report be submitted to Full Council by the Leader, in consultation with*

*the Corporate Director of Place [succeeded by the Director of City Development], to recommend adoption.*

*Reason: To support progress towards adoption of the Local Plan, which will ensure the Council meets its statutory and national planning policy requirements.*

18. It is also anticipated that the Partial Revocation Order for the Yorkshire and Humber RSS (2013) will be updated to fully revoke the saved policies pertaining to York's Green Belt. Following adoption of York's Local Plan, the requirement of the saved policies to set the detailed boundaries of York's Green Belt will have been met (Annex D).
19. The plan was prepared in accordance with, and to support, previous Council Plans and corporate strategy. The vision states:

*"York aspires to be a city whose special qualities and distinctiveness are recognised worldwide. The Local Plan aims to deliver sustainable patterns and forms of development to support this ambition and the delivery of the city's economic, environmental and social objectives. This will include ensuring that the city's place making and spatial planning policies reflect its heritage and contemporary culture, contributing to the economic and social welfare of the community whilst conserving and enhancing its unique historic, cultural and natural environmental assets.*

*The plan will ensure that the vision and outcomes are delivered in a sustainable way that recognises, adapts to and mitigates the challenges of climate change, protects residents from environmental impacts and promotes social and economic well-being".*

20. In the Council Plan 2023-2027, City of York Council set the ambition that the council would, over the next four years, establish the conditions to make York a healthier, fairer, more affordable, more sustainable, and more accessible place, where everyone feels valued, creating more regional opportunities to help today's residents and benefit future generations.
21. Through adoption of the Local Plan, the council takes one step forward in meeting this ambition, with the policies set out in the Local Plan aligned to the 10-Year Strategies 2022-2032, and The Council Plan 2023-2027 is rooted in the 10-Year Strategies.

22. During the development of the Local Plan, Council approved three 10-year strategies, covering Economic Development, Climate Change (sustainability) and Health and Wellbeing. The 10-year strategies cover the period 2022-2032, and reflect the strategies set out in the Local Plan. They further informed the 10-Year City Plan, co-designed by city partners and reflecting the ambitions set out in the 10-Year Strategies, and in alignment with the Local Plan.
23. Whilst prepared and submitted ahead of the current Council Plan 'One City, for all' (2023), the Local Plan supports the four core commitments, as follows. Additionally, all the core commitments align with and have been considered in the Sustainability Appraisal at each stage of plan production and consultation to inform the process.

### **Equalities and Human Rights**

24. The plan seeks to ensure that it is relevant to all and plans specifically for some groups. Equalities impacts assessments have been undertaken for each stage of plan production, decision and consultation. Annex A sets out the overall approach taken and key findings as a result of implementing the plan.

### **Affordability**

25. A key purpose of the Local Plan is to ensure we meet the development needs identified through the evidence base. A key aspect of this is the delivery of housing for which the Local Plan has allocated over 13,000 new homes to be delivered in the plan period to 2032/33 but has planned to deliver 22,000 in total when all allocations are developed.
26. A key part of the policy approach has been to ensure a viable approach to the delivery of market and affordable housing via development proposals as set out in Section 5 'Housing'. This has resulted in the inclusion of the following policies, all of which align to Council's objective for delivery of affordable and specialist accommodation to meet the needs of the population:
  - Policy H1: Housing Allocations
  - Policy H2: Density of residential development
  - Policy H3: Balancing the Housing Market
  - Policy H4: Promoting Self and Custom House Building
  - Policy H5: Gypsies and Travellers
  - Policy H6: Travelling Showpeople

- Policy H7: Student Housing
- Policy H8: Houses in Multiple Occupation.
- Policy H9: Older Persons specialist accommodation
- Policy H10: Affordable Housing.

## **Climate**

27. Climate change and its relationship with sustainable development is specifically referenced in the vision for the plan and considered throughout the policy approach as part of embedding sustainable development at the local level.
28. Section 11 'Climate Change' includes specialist policies to manage climate change mitigation and adaption through the planning application and decision-making process. These are:
  - CC1: Renewable and Low Carbon Energy Generation and Storage
  - CC2: Sustainable Design and Construction of New Development
  - CC3: Decentralised Energy Networks.

## **Health**

29. The Plan embeds supporting positive social outcomes through planning, including for health and wellbeing. Section 6 'Health and Wellbeing' directly supports the achievement of healthy lifestyles and the necessary physical infrastructure for health. Additionally, other sections in the plan support health and wellbeing through the inclusion of Green Infrastructure, requirement for placemaking and design, provision of new and specialist accommodation, sustainable transport delivery and maintaining environmental quality and flood risk.

## **Financial Strategy Implications**

30. It is anticipated that the Local Plan will lead to long-term investment in the city by providing more certainty in relation to the policy approach and for development across York.
31. The Local Plan is supported by an infrastructure delivery plan, which sets out the anticipated supporting infrastructure needs for delivery. The financial implications will be considered as part of forthcoming planning decisions as well as ongoing capital programmes.

32. The Plan is also supported by a viability assessment to ensure that the desired policy outcomes are deliverable. On the basis of this and using the draft policy approach, a viability 'headroom' was identified in terms of viability leading to a decision to proceed and implement a Community Infrastructure Levy ("CIL"), taken by Executive in 2022. The adoption of the Local Plan will enable officers to proceed to the next stages of implementing CIL, which is to proceed to independent examination of the proposed charging schedule. This will allow funds for development to be collected and used across the authority, subject to an agreed pipeline of CIL spending. S106 contributions for infrastructure delivery will still be collected where this is specifically necessary as part of the development.

## **Recommendation and Reasons**

33. Full Council is recommended to:
- i. Endorse the conclusions of the Inspectors' report and adopt the Local Plan incorporating main modifications as set out in Annexes B & C;
  - ii. Delegate authority to the Director of City Development to agree any further non-material minor corrections and factual updates and publishing of the adopted Local Plan and Policies Map;
  - iii. Delegate to the Director of City Development statutory notification correspondence relating to adoption including the adoption statement, Sustainability Appraisal Report and communications regarding the plan in accordance with Regulation 26 of the Town and Country Planning Act 2012 (as amended).

Reason: To adopt a 'sound' spatial development plan for the City of York and to comply with the legislative requirements for adopting a Local Plan.

## **Legal Options for Council**

34. As can be seen from the above, and is further explained in the background to this report, the process to bring the Local Plan to



the point of a finding of soundness, and subsequent adoption, has been both lengthy and statutorily proscribed.

35. Making alterations to the Local Plan is a process involving both an examination-in-public, and an impartial assessment of the proposed alteration by the Inspectors, taking account of the Council's proposals and any public response to those proposals. The Inspectors would subsequently need to assess the proposals for soundness, before including them in any revised version of the Local Plan recommended for adoption.
36. As such, the options for Council are limited. It can choose to endorse the report and thereby adopt the Local Plan in its current form; or it can choose not to endorse the report and thereby reject the Local Plan in its current form.
37. If Council chooses the latter, it will need to clearly identify the reasons why it disagrees with the Inspectors' conclusion that the Local Plan is sound and may be adopted. The Planning Inspectorate (PINS) is clear that the final report received by the LPA marks the end of the Examination process<sup>2</sup>. We are required to inform PINs of the Council's decision and failure to adopt would likely result in Government intervention requiring the Council to adopt the plan for decision-making purposes. Other authorities have received similar intervention directions having taken decisions to pause Local Plan production or halt proceeding to examination with an advanced plan. As noted above, such further consideration is likely to result in significant changes to the provisions of the Local Plan to align with the latest NPPF (2024), and substantial delays in its ultimate adoption.
38. Consequently, Council has a strictly defined choice: to adopt (either with or without the additional modifications); or not to adopt. For the reasons set out above, it is considered that adoption with the additional modifications is the recommended option.

## Background

39. Our Local Plan is the development plan for the City. It provides a vision and framework for the future spatial development of the area addressing the needs, and opportunities, in relation to

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<sup>2</sup> [Procedure Guide for Local Plan Examinations - GOV.UK](#)

housing, the economy and infrastructure. It also addresses issues around conserving and enhancing the natural and historic environment, mitigating and adapting to climate change, and achieving well-designed places.

40. With the introduction of the National Planning Policy Framework in 2012, preparation began on the development of a new Local Plan for York. This built on work already undertaken from 2005-2012 on the, now superseded, Local Development Framework. Evidence gathering, and a further call for sites in 2013/14, resulted in a Publication Draft Local Plan being considered by Local Plan Working Group and Cabinet in September 2014. A motion submitted to Full Council in October 2014 halted proceeding to consultation on the Publication Draft pending further work, including reviewing development needs for the city.
41. Consequently, the Preferred Sites Consultation occurred in 2016 followed by further work responding to the announcement of land in York identified for release by the Ministry of Defence. Consultations on the pre-publication draft (2017) and the publication draft (2018) of the Local Plan followed with the Local Plan being submitted for examination in May 2018.
42. We were appointed two independent Inspectors to undertake the formal Examination of York's Local Plan, who first wrote to the Council setting out their initial observations and intentions to proceed in July 2018. We also appointed an independent Programme Officer to manage correspondence and the administration of the Examination process in conjunction with the Inspectors.
43. Following initial observations, further work was undertaken at the request of the Inspectors to inform the examination process particularly in relation to the approach to the Green Belt and Housing Need. This was considered at Phase 1 Hearings Sessions in December 2019 wherein the sessions principally focussed on legal compliance, matters of Housing Need, the approach to the Green Belt and defining its boundaries.
44. At the Phase 1 hearings the Council agreed to submit further documents including a new Habitats Regulation Assessment to reflect landmark case law prior to the session. Submission of this was delayed as a result of the Covid-19 lockdown in Spring 2020 and, following further correspondence between the Council and Inspectors, further consultation was undertaken on proposed main modifications and evidence base documents in Spring 2021.

45. Phase 2 of the examination hearings took place in May 2022, followed by Phase 3 in July 2022 and Phase 4 in September 2022. Consultation took place on the Inspectors' proposed main modifications in February and March 2023 with further consultation on some revised Green Belt boundaries suggested by the Inspectors in August 2023.
46. Following correspondence between York Travellers Trust, City of York Council and the Inspectors, a Phase 5 hearing session was held in March 2024 considering policy H5: Gypsies and Travellers. Following two election periods, a further main modifications consultation was held Summer 2024 on the Inspectors' modifications to policy H5.
47. As part of the preparation of the Local Plan there is a statutory duty to ensure the plan is legally compliant with accompanying legislation. Consequently, we submitted and have subsequently updated throughout the examination process on matters pertaining to Duty-to-Cooperate, Sustainability Appraisal and Habitats Regulation Assessment. We have also published all outcomes of consultations held and how they have been carried out in compliance with the Statement of Community Involvement and Regulation 22 (1) (c) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

### **Inspectors Conclusions**

48. The Inspectors have concluded overall:

*The Plan has a number of deficiencies in respect of soundness for the reasons set out above [in their report], which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above [in their report].*

*The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the City of York Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.*

49. The Inspectors Final Report considers legal compliance of the submitted plan and process followed by 24 issues in detail:

- Issue 1: Do the 'Vision and Development Principles' behind the Plan give it an effective basis?
- Issue 2: Are the economic projections, and the Objectively Assessed Housing Need (OAHN) that flows from them, justified?
- Issue 3: Does that Objectively Assessed Housing Need (OAHN) translate into a housing requirement that is justified?
- Issue 4: Is the Spatial Strategy of the Plan justified?
- Issue 5: Will the Spatial Strategy deliver a five-year supply of deliverable housing sites in an effective way?
- Issue 6: Does the Plan effectively provide for economic development and are the employment policies consistent with national policy?
- Issue 7: Is the approach of the Plan to Strategic Sites justified?
- Issue 8: Is the approach taken to defining Green Belt boundaries compliant with national policy, and in general conformity with RSS?
- Issue 9: Have the detailed Green Belt boundaries been properly justified?
- Issue 10: Is the approach of the Plan to housing delivery, density, mix, tenure type, and specialist housing likely to be effective?
- Issue 11: Is the approach the Plan takes to the provision of affordable housing an effective one?
- Issue 12: Has the approach of the Plan to Gypsies and Travellers and Travelling Showpeople been properly justified?
- Issue 13: Is the approach of the Plan to education in general, and the Universities in particular, justified?
- Issue 14: Is student housing dealt with effectively by the Plan?
- Issue 15: Does the Plan address transport and traffic and the implications of development in an effective way?

- Issue 16: Is the approach of the Plan to retail-linked development in accordance with national policy and likely to be effective?
  - Issue 17: Does the Plan deal with Health and Wellbeing in a fashion that is reflective of national policy and effective?
  - Issue 18: Is the manner in which the Plan approaches placemaking, heritage, design and culture likely to be effective?
  - Issue 19: Is the way in which the Plan deals with Green Infrastructure sufficient in its scope, in line with national policy, and effective?
  - Issue 20: Does the approach of the Plan to managing development in the Green Belt accord with national policy and will it be effective?
  - Issue 21: Is the stance taken by the Plan to environmental quality and flood risk compliant with national policy and positively prepared?
  - Issue 22: Is climate change, and the issues around it, given its due importance in the Plan and will the policies to address it prove effective?
  - Issue 23: Is the way in which the Plan deals with communications infrastructure soundly based and are the relevant policies positively prepared?
  - Issue 24: Does the Plan provide effectively for delivery and monitoring?
50. Subject to modifications as outlined (Annex C), the soundness of each of the 24 matters are concluded on individually and are stated to be effective, justified and/or consistent with national policy.
51. Additionally, the following conclusions are made:

#### Policies Map

- When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the component parts of the Policies Map, to include all the changes proposed and published alongside

the MMs, alongside the relatively minor, but necessary, adjustments referred to in this report.

#### Legal Compliance – Duty-to-Cooperate

- The Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met. The Plan has been prepared in accordance with the Council's Local Development Scheme.

#### Legal Compliance – Other matters

- Consultation on the Plan and the various sets of MMs was carried out in compliance with the Council's Statement of Community Involvement.
- The Council carried out a sustainability appraisal of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under regulation 19. The sustainability appraisal was updated to assess the various sets of main modifications in a way that we have found to be adequate.
- The Habitats Regulations Appropriate Assessment sets out that the Plan may have some negative impact which requires mitigation. This mitigation has been secured through the Plan as modified. The Habitats Regulations Assessment (HRA) has been updated at various stages of the process, in response to new information coming forward, and the various groups of main modifications.
- The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
- The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.
- The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations. For reasons that are covered in [the report], we are satisfied that as modified, the Plan will be in general

conformity with the RSS of 2008, and as a result, s.24(1) of the 2004 Act.

52. The Main Modifications (“MM”) made by the Inspectors’ can be summarised as follows:
- A series of modifications to deal with the potential impact of development on Strensall Common SAC;
  - Further modifications to recalibrate the approach of the Plan to the University of York and its future expansion;
  - Modifications designed to address the potential impact of student housing on the supply of affordable housing;
  - Amendments to simplify the approach of the Plan to development in the Green Belt;
  - A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy; and
  - Adjustments to the policies designating Green Belt on the Policies Map to confirm the boundaries.
53. Modifications included by the Inspectors are based on the final consolidated list of Main Modifications of September 2024 that was added to the examination website on 16 October 2024<sup>3</sup>. The final schedule of modifications is published as Annex C to this report.
54. The Inspectors have taken account of the consultation responses to all the public consultations in coming to their conclusions and in this light, have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessments that have been undertaken. Where necessary, the Inspectors have highlighted these amendments in the report.

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<sup>3</sup> Examination Library reference EX/CYC/141 <https://www.york.gov.uk/downloads/file/9899/ex-cyc-141-city-of-york-lp-consolidated-policy-mods-september-2024>

## Next steps

55. Subject to the decision made by Full Council and adoption as recommended, legislative requirements regarding the publication of the adopted plan will need to be met, as set out in the Town and Country Planning Regulations. Regulation 26 states:
26. As soon as reasonably practicable after the local planning authority adopt a local plan they must—
- (a) make available in accordance with regulation [35](#)—
    - (i) the local plan;
    - (ii) an adoption statement;
    - (iii) the sustainability appraisal report; and
    - (iv) details of where the local plan is available for inspection and the places and times at which the document can be inspected;
  - (b) send a copy of the adoption statement to any person who has asked to be notified of the adoption of the local plan; and
  - (c) send a copy of the adoption statement to the Secretary of State.
56. To accord with the above, it is recommended that delegated authority is given to the Director of City Development to agree, publish and notify of the decision to adopt a Local Plan.
57. Additionally, Officer's intend to provide internal training on implementing the adopted Local Plan and update the Local Development Scheme<sup>4</sup> in due course.

## Consultation Analysis

58. There has been extensive consultation in both the preparation of the plan (2012-2018) and during the Examination process (2018-2025). This is summarised below:

### 2012-2018: Pre-Submission

- Issues and Options 2 (2011) (as part of the halted Core Strategy)
- 'Call for sites' (2012) requesting land to be submitted for consideration for development

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<sup>4</sup> A statutory report setting out the forward plan-making schedule.



- Preferred Options (2013)
- Further Sites Consultation (2014)
- Preferred Approach and evidence base consultation (2016)
- Pre-submission (Regulation 18) consultation (2017)
- Publication (Regulation 19) consultation (2018)

2018-2025: Post Submission

- Proposed modifications consultation between June to July 2019
  - Proposed modifications and Evidence Base consultation between May to June 2021
  - Proposed Main Modifications consultation between February to March 2023
  - Proposed Main Modifications consultation pertaining to Policy H5 'Gypsies and Travellers' between July to September 2024
59. Consultation has been undertaken in accordance with the adopted statutory Statement of Community Involvement<sup>5</sup>, which sets out our approach to engagement in planning services. Consultation has also taken place in accordance with the Town and Country Planning Regulations, predominantly Regulations 18 and 19, which dictate how consultation should be undertaken at each preparatory stage of the process. As stated above, the Inspectors have concluded this approach was legally compliant.
60. Further consultation has been undertaken by the Programme Officer on behalf of the Inspectors on more focussed matters. This includes for example, consultation on Green Belt amendments proposed by the Inspectors in August 2023, for which the Council prepared consultation materials and the process of consultation was performed by the Programme Officer.
61. Additionally, the Inspectors have held five phases of in-person Hearing Sessions between 2019-2024 prior to which there has been an invitation to comment on the Matters, Issues and Questions outlined by the Inspectors. As part of this, respondents were invited to state whether they would like to attend the hearing sessions in person. The process of attendance, coordination and delivery of the Hearing Sessions was undertaken by the Programme Officer, in conjunction where necessary with Council Officers. All details of the sessions were published online via their

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<sup>5</sup> Core Document CD0016: City of York Statement of Community Involvement (SCI) (Adopted December 2007) <https://www.york.gov.uk/downloads/file/1388/cd016-city-of-york-statement-of-community-involvement-sci-adopted-december-2007->

Examination webpage<sup>6</sup> and held in accessible venues in York, with a public viewing gallery for those wishing to observe the proceedings but not actively participating in the discussion.

## Options Analysis and Evidential Basis

62. Options for members consideration are:
- i. Adopt the Local Plan with main modifications (Annex B and C);
  - ii. Adopt the Local Plan with main modifications (Annex B and C) and additional modifications (to be delegated to the Director for City Development);
  - iii. Do not accept the Inspectors conclusions and not adopt the Local Plan.
63. The options for adoption are dictated by national legislation following receipt of the Inspectors report. Where the report recommends the plan is 'sound' subject to modification, Schedule 23 of the Planning and Compulsory Purchase Act (as amended) states:
- 3)The authority may adopt the document—*
- (a)with the main modifications, or*
- (b)with the main modifications and additional modifications if the additional modifications (taken together) do not materially affect the policies that would be set out in the document if it was adopted with the main modifications but no other modifications.*
64. Option 2 (or 23 (3b)) is recommended. This will allow a modified plan to be adopted aligned with the Inspectors conclusions. It also allows a schedule of non-material updates to be incorporated where they do not materially affect the policy approach.
65. As per above (paragraph 37), Option iii would not result in an adopted plan for the city and would likely result in Government intervention requiring the Council to adopt the plan for decision-making purposes. Other authorities have received similar

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<sup>6</sup> Examination webpage managed by the Programme Officer: [www.york.gov.uk/localplanexamination](http://www.york.gov.uk/localplanexamination)

intervention directions having taken decisions to pause Local Plan production or halt proceeding to examination with an advanced plan. It may also lead to challenges through decision-making and planning by appeal as applications are received that are not aligned to a development plan and the weight afforded to the policy framework for the city would be limited as per the requirements of para 49 of the NPPF<sup>7</sup>.

## Organisational Impact and Implications

66. **Financial:** The preparation and examination of the Local Plan commenced in 2012 and in that time expenditure of over £3.6m (excluding council staff resources) has been incurred on gathering evidence and supporting the examination process. Should the Plan not be adopted at this time it will be necessary to identify resources to start a new process. In adopting the plan there is further work required as outlined above and this will be contained within council base budgets.
67. **Human Resources (HR):** There are no HR implications contained within this report. Training for technical officers on the implications of adopting the local plan will be required should this option be taken forward, for which budget will need to be identified.
68. **Legal:** The Planning and Compulsory Purchase Act 2004, as amended ("the 2004 Act") requires local planning authorities to prepare Local Plans, which must be kept under review and revised as necessary. The Town and Country Planning (Local Planning) (England) Regulations 2012, as amended, ("the 2012 Regulations") set out the procedures to be followed in the preparation of Local Plans.
69. By virtue of sections 23(2) to (4) of the 2004 Act, the Council may adopt a Local Plan only if the Inspector(s) has recommended that outcome, whether in relation to the plan as submitted for examination or with any Main Modifications to make that plan sound and/or satisfy the relevant legal requirements. If the Council wishes to adopt the Local Plan it can only do so in accordance with the terms of the recommendation made by the Inspector(s), along with any other modifications that do not

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<sup>7</sup> Relating to weight that can be afforded to policies in plan-making taking into the account the stage of the plan, unresolved objections and conformity with the NPPF.

"materially affect" the policies in the plan (additional modifications). At this stage, the Council cannot propose any further main modifications, such as changes to policy wording or site allocations.

70. The 2004 Act and the 2012 Regulations place certain provisions on the Local Planning Authority in complying with the plan-making process, which are tested at examination. The appointed Inspectors' Final Report confirms their conclusion that the Local Plan has been prepared and consulted on in accordance with the legal and procedural requirements but that the Local Plan will require Main Modifications to ensure that it is sound. These modifications were published for consultation in their own right. With the incorporation of the final Main Modifications the Local Plan has been found sound and the Council can proceed to the adoption of the Local Plan.
71. The decision to adopt must be taken by Full Council. The choices available to a Council once an Inspector's report is received are restricted to a binary option. The choices are: to either adopt with the Main Modifications (together with any additional modifications) or not to adopt. The Council, as a matter of law, is not entitled, and has no power, at this stage in the plan making process to make material or Main Modifications to the Local Plan.
72. The Secretary of State has the power to intervene in plan making; this includes that the plan be submitted to the Secretary of State for approval (sections 21 to 21A of the 2004 Act). Section 27(5) empowers the Secretary of State to (a) approve the Local Plan with Main Modifications recommended by the Inspector(s), or (b) direct the Council to consider adopting the Local Plan by resolution of the authority. The Council may withdraw the Local Plan at any time prior to its adoption. A sound planning reason(s) and a rationale should be provided as a basis for a decision not to adopt, including how or why the plan, which has been found by the Inspectors as being sound, is not sound. Any decision not to adopt the Local Plan in accordance with the Inspectors' recommendation will be amenable to judicial review.
73. Following adoption, the Council will need to comply with the requirements of the 2012 Regulations to make adoption documents available and to notify persons who asked to be notified (and other consultees) as soon as reasonably practicable.
74. The adopted Local Plan is then subject to a statutory legal challenge period of six weeks starting with the date of adoption,

when the Local Plan could be challenged through an application to the High Court under section 113 of the 2004 Act. The grounds for such a challenge will be set out in the Adoption Statement and are that (a) the document is not within the appropriate power and/or (b) a procedural requirement has not been complied with. Officers consider that the risk of a successful legal challenge is low.

75. Once adopted the new Local Plan will form part of the statutory development plan for the Council's administrative area. The Council must have regard to the development plan when it determines planning applications and the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
76. **Procurement:** Whilst there are no direct procurement implications relating to the Local Plan itself, procurement will be a main tool used to deliver some of the upcoming priorities. Should any priorities require procurement, all works and/or services must be procured via a compliant, open, transparent, and fair process in accordance with the council's Contract Procedure Rules and where applicable, the Public Contract Regulations 2015, soon to be Procurement Act 2023 from 24th February 2025. Creative and innovative ways of procuring will be explored to ensure York's local supply chain can tender for any contracts to support and improve the local economy. Further advice regarding the procurement process and development of procurement strategies must be sought from the Commercial Procurement team.
77. **Health and Wellbeing:** The adoption of the Local Plan is positive for the health of the city, giving more scope for healthy placemaking. A Healthy Places SPD is currently being developed and will be consulted on in due course to support the policies in the plan. This will aim to further articulate healthy planning policy for the city, and how we will comply with Issue 17 raised by the inspectors.
78. The wider determinants of health are a diverse range of social, economic and environmental factors which influence people's mental and physical health. Systematic variation in these factors constitutes social inequality, an important driver of health inequalities in York which lead to around an 11 year gap in life expectancy. The quality of the built and natural environment

such as air quality, the quality of green spaces and housing quality impact significantly on health.

79. Additionally, Section 106 and future CIL contributions from developers can have positive health and wellbeing benefit, through things like Affordable housing, Transport/highways and sustainable travel, Education, Health care, Sport, recreation and open space, and ecology. To help us achieve the council plan 2023 to 2027 – One City for All developer contributions should be considered in the context of wider determinants of health.
80. **Environment and Climate action:** The Local Plan sets out a delivery plan for sustainable development in the context of the cities environmental objectives and conserving its environmental assets.
81. The Inspector's report has deemed that the Local Plan has given due importance to climate change and that the policies within it will prove effective. Since initial development of the Local Plan, City of York Council has declared a climate emergency and set an ambition for York to be a net zero and climate ready city by 2030; this was acknowledged during the course of the Examination process.
82. **Affordability:** The Plan is critical to unlock availability and a pipeline of more affordable housing for those living and working in the city, and therefore improve opportunity for those with lower incomes and their families.
83. **Equalities and Human Rights:** A full Equalities Impact Assessment can be found at Annex A. This identifies positive impacts for several groups with protected characteristics as a result of adopting the Plan, including Gypsy and Traveller communities and those on low income.
84. **Data Protection and Privacy:** The data protection impact assessment (DPIAs) screening questions were completed for the recommendations and options in this report and as there is no personal, special categories or criminal offence data being processed to set these out, there is no requirement to complete a DPIA at this time. However, this will be reviewed following the approved recommendations and options from this report and a DPIA completed if required.

85. **Communications:** Communications, consultation and engagement has taken place over the last six years to help ensure partners, businesses, communities and residents were given the opportunity to provide feedback and be involved in the development of the plan. The Local Plan will continue to be a critical aspect of how the Council delivers for the city and communications will continue to adapt to help everyone access the policies and guidance within the plan as easily as possible.
86. **Economy:** York's economic strategy over the past 12 years has consistently included "adopt the Local Plan" as a key action, and the recommendations in this report would finally conclude that action. The Local Plan has been developed to provide for the economic needs of York, and realising the plan will have a significant positive impact on the local economy.

## Risks and Mitigations

87. The decision to adopt a development plan for the City of York complies with relevant planning legislation. The Inspectors conclude that the plan can be adopted with modifications, and therefore that the Council may adopt it as a 'sound' plan for the authority.
88. Failure to adopt the Local Plan ahead of the 12 March 2025 NPPF 2024 implementation will lead to the application of transitional arrangements set out in para 234 of the NPPF. This invokes a requirement for the council to review the plan against the NPPF as soon as possible after adoption; this includes consideration for the revised housing need target set by the Government, which increases York's housing requirement from 822 dpa to 1217 dpa.
89. Risk associated with future planning applications or development proposals that are not plan compliant are mitigated with the adoption of the Local Plan and setting of the Green Belt Boundaries as full weight can be applied to the policies.
90. Following adoption of the plan, there is a 6-week statutory period for challenging the Council's decision to adopt the plan. Notification of the judicial review (JR) ('challenge') process will be set out in the Adoption Statement. Should JRs be submitted and proceed for review by the High Court, a report will be taken to Executive outlining the challenge for information.

91. In 2017, City of York Council received a letter from the Planning Minister outlining concerns with the plan-making process and timetable for production. Submission of the plan in 2018 and the plan being subject to examination allayed concerns regarding plan-making progress. Adoption of the plan will ensure that there is an up-to-date development plan for the authority and consequently, no further government intervention is anticipated for plan-making.

## Wards Impacted

92. All wards in the City of York Authority will be impacted by the adoption of the Local Plan. The Local Plan sets planning policy for the whole of the authority area.

## Contact details

93. For further information please contact the authors of this Decision Report.

### Author

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<b>Date:</b>	17/02/2025

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<b>Report approved:</b>	Yes
<b>Date:</b>	18/02/2025



## Background papers

### Key Decisions:

- Full Council 17 May 2018 – decision to submit the Local Plan
- Executive 21 April 2022 – decision regarding matters for discussion at Hearing Sessions phases 2-4
- Executive 26 January 2023 - Decision endorsing proposed modifications agreed with the Local Plan Inspectors and where no significant amendments arise, proceeding to Council for adoption.
- Executive 14 March 2024 – decision regarding the approach to investment for improvements to and delivery of Gypsy and Traveller pitches in the Local Plan.

### Documents:

- Draft Local Plan Submission Documents (2018), including core documents & supporting evidence base.
  - <https://www.york.gov.uk/downloads/download/420/local-plan-submission-documents-1>
  - <https://www.york.gov.uk/downloads/download/896/local-plan-submission-documents-2>
- Local Plan Examination Library – <https://www.york.gov.uk/LocalPlanExaminationLibrary> - an online resource including all updates provided by the Inspectors via the appointed Programme Officer and correspondence/ documents considered by the Inspectors post submission during the Examination period (between 2018 – 2025). Including:
  - Correspondence from the Inspectors
  - Correspondence to the Inspectors from the Council 2018-2023 and 2023 - 2025
  - Hearing Phases 1 (2019), 2-4 (2022) and 5 (2024)
  - Other correspondence

### Consultations:

- June to July 2019 – Proposed modifications consultation: <https://www.york.gov.uk/LocalPlanProposedModificationsConsultation2019>

- May to June 2021 – Proposed modifications and Evidence Base consultation: <https://www.york.gov.uk/LocalPlanConsultation>
- February to March 2023 – Proposed Main Modifications consultation: <https://www.york.gov.uk/LocalPlanConsultation2023>
- July to September 2024 – Proposed Main Modifications consultation pertaining to Policy H5 ‘Gypsies and Travellers’: <https://www.york.gov.uk/LocalPlanConsultation2024>

## **Annexes**

- Annex A: Equalities Impact Assessment (EIA)
- Annex B: Local Plan Inspectors Report
- Annex C: Local Plan Inspectors Report Annex A - Main Modifications Schedule
- Annex D: Saved Policies from the Yorkshire and Humber Regional Spatial Strategy relating to the York Green Belt.

**City of York Council**  
**Equalities Impact Assessment**

**Who is submitting the proposal?**

<b>Directorate:</b>	City Development		
<b>Service Area:</b>	Strategic Planning Policy		
<b>Name of the proposal :</b>	Adoption of the City of York Local Plan		
<b>Lead officer:</b>	Alison Cooke Head of Strategic Planning Policy		
<b>Date assessment completed:</b>	8 February 2025		
<b>Names of those who contributed to the assessment:</b>			
<b>Name</b>	<b>Job title</b>	<b>Organisation</b>	<b>Area of expertise</b>
Alison Stockdale	Principal Strategic Planning Policy Officer	City of York Council	Strategic Planning Policy
Laura Williams	Assistant Director Customer, Communities and Inclusion	City of York Council	Customer, Communities and Inclusion
Cathryn Moore	Legal Business Partner (Corporate) & Deputy Monitoring Officer	City of York Council	Legal Matters

## Step 1 – Aims and intended outcomes

1.1	<b>What is the purpose of the proposal?</b> Please explain your proposal in Plain English avoiding acronyms and jargon.
	City of York Council submitted a Local Plan for public examination in May 2018. Following 6 years of examination by independent inspectors, their final report has been received. This recommends that the Local Plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 and meets the criteria for soundness as set out in the National Planning Policy Framework. The Plan is therefore capable of adoption. Full Council are asked to endorse the conclusions made by the inspectors and adopt the Local Plan as part of the Development Plan for the authority.
1.2	<b>Are there any external considerations?</b> (Legislation/government directive/codes of practice etc.)
	As a Local Planning Authority, we are required to prepare a Development Plan for the authority area planning for a period of 15 years hence in accordance with national legislation: <ul style="list-style-type: none"> <li>• Planning and Compulsory Purchase Act 2004 (as amended). Section 19(1B) - (1E) of the Planning and Compulsory Purchase Act 2004 sets out that each local planning authority must identify their strategic priorities and have policies to address these in their Local Plan. The Local Plan is made up of these strategic policies and also non-strategic policies covering more detailed matters;</li> <li>• Localism Act 2011(as amended);</li> <li>• Town and Country Planning Regulations 2012 (as amended);</li> <li>• National Planning Policy Framework;</li> <li>• Partial Revocation Order for the Yorkshire and Humber RSS (2013);</li> <li>• Environmental Assessment of Plans and Programmes Regulations 2004 (as amended);</li> <li>• Conservation of Species and Habitats 2017 (as amended).</li> </ul>
1.3	<b>Who are the stakeholders and what are their interests?</b>
	<p><b>City of York Council:</b> The local authority is key stakeholder on the delivery of outcomes and engagement with its various communities and is committed to producing a Local Plan for the city. The Council has made commitments through the Council Plan to deliver on our equalities duty, suitable housing provision for all and reducing health inequalities for its residents, all of which are relevant to the wider community.</p> <p><b>Developers/ Planning agents:</b> Development professionals who may use the policy to influence development masterplans, where policies may be applicable.</p>

	<p><b>Landowners:</b> Those whose land may be allocated for development/protection and within the influence of the Plan's policy(ies).</p> <p><b>York's communities:</b> The Plan provides the framework for the ongoing development of the City. As such it identifies provision for housing and employment sites as well associated infrastructure, including greenspace, to support the needs of all our communities.</p>
<b>1.4</b>	<p><b>What results/outcomes do we want to achieve and for whom?</b> This section should explain what outcomes you want to achieve for service users, staff and/or the wider community. Demonstrate how the proposal links to the Council Plan (2019- 2023) and other corporate strategies and plans.</p>
	<p>The plan was prepared in accordance with, and to support, previous Council Plans and corporate strategy. Whilst prepared and submitted ahead of the current Council Plan 'One City, for all' (2023), it supports the core commitments, as follows. Additionally, all of the core commitments align with and have been considered in the Sustainability Appraisal at each stage of plan production and consultation to inform the process:</p> <p><b>Equalities and Human Rights</b> Under the Equalities Act 2010, Gypsy, Roma and Traveller communities are specifically protected under the protected characteristic 'Race'. Planning policy requirements regarding the spatial delivery of Gypsy, Roma and Traveller provision must be evidence based and in accordance with Planning Policy for Travellers (2024) and the National Planning Policy Framework (2024). The Plan addresses the specific accommodation needs of Gypsies and Travellers by assessing accommodation needs over the Plan period, protecting and extending existing sites, enabling delivery of new sites and setting the policy within which applications for new sites would be assessed. The Plan also addresses the specific accommodation needs of Travelling Showpeople, bringing permanent consent to a temporary site and providing for the family's projected housing needs over the Plan period.</p> <p>The plan will meet housing needs and provide a range of house types. The LHNA 2022 provides relevant evidence for this, including the need for affordable housing. Delivery of new affordable homes offering a comfortable standard of living in sustainable locations with access to services will positively impact on those in the lowest income groups.</p> <p>Right to education - Policies related to the universities will help to ensure appropriate expansion of the institutions ensuring they continue to provide modern educational facilities for the city and wider community while protecting the interests of the local communities which can be impacted by such development.</p>

Right to respect for private and family life, home and correspondence - The Plan will meet housing needs and provide a range of house types for all ages, supported by the latest evidence in the Local Housing Needs Assessment (LHNA)(2022) and Gypsy and Traveller Accommodation Assessment (2022).

Right to not be subject to discrimination - Policies meet Gypsy, Traveller and travelling showpeople's accommodation needs, supporting the outcomes of the Gypsy and Traveller Accommodation Assessment (2022). Policies address the needs of those meeting the Planning Policy for Traveller Sites 2024's revised definition of Travellers.

### **Affordability**

A fundamental purpose of the Local Plan is to ensure we meet the development needs identified through the evidence base. A key aspect of this is the delivery of housing for the which the Local Plan has allocated over 13,000 new homes to be delivered in the plan period to 2032/33 but has planned to deliver 22,000 in total when all allocations are developed.

Central to the policy approach has been the need to ensure a viable approach to the delivery of market and affordable housing via development proposals as set out in Section 5 'Provide Good Quality Homes and Opportunities'. This has resulted in the inclusion of the following policies, all of which align to Council's objective for delivery of affordable and specialist accommodation to meet the needs of the population:

- Policy H1: Housing Allocations
- Policy H2: Density of residential development
- Policy H3: Balancing the Housing Market
- Policy H4: Promoting Self and Custom House Building
- Policy H5: Gypsies and Travellers
- Policy H6: Travelling Showpeople
- Policy H7: Student Housing
- Policy H8: Houses in Multiple Occupation.
- Policy H9: Older Persons specialist accommodation
- Policy H10: Affordable Housing.

### **Climate**

Climate change is specifically referenced in the vision for the plan and considered throughout the policy approach as part of embedding sustainable development.

	<p>Section 11 ‘Climate Change’ includes specialist policies to manage climate change mitigation and adaption through the planning application and decision-making process. These are:</p> <ul style="list-style-type: none"> <li>• CC1: Renewable and Low Carbon energy Generation and Storage</li> <li>• CC2: Sustainable Design and Construction of New development</li> <li>• CC3: Decentralised Energy Networks.</li> </ul> <p><b>Health</b></p> <p>The Plan embeds supporting positive social outcomes through plan, including for health and wellbeing. Section 6 ‘Health and Wellbeing’ directly supports the achievement healthy lifestyles and the necessary physical infrastructure for health. Additionally, other sections in the plan support health and wellbeing through the inclusion of Green Infrastructure, requirement for placemaking and design, provision of new and specialist accommodation, sustainable transport delivery and maintaining environmental quality and flood risk.</p>
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## Step 2 – Gathering the information and feedback

2.1	<b>What sources of data, evidence and consultation feedback do we have to help us understand the impact of the proposal on equality rights and human rights?</b> Please consider a range of sources, including: consultation exercises, surveys, feedback from staff, stakeholders, participants, research reports, the views of equality groups, as well your own experience of working in this area etc.
Source of data/ supporting evidence	Reason for using
Previous EIA	<p>EIA has been undertaken throughout the Local Plan making process to help to ensure that the impacts of the Plan on equalities and human rights are fully understood.</p> <p>EIA has been undertaken at the following points:</p> <ul style="list-style-type: none"> <li>• <a href="#">CD019</a> City of York Local Plan EqIA (incorporating the better decision making tool) (2018)</li> <li>• <a href="#">SD027c</a> – Executive 13 July 2017 Annexes – See Annex 11: Better Decision Making Tool. This supports <a href="#">SD027a</a> (Executive Minutes) and <a href="#">SD027b</a> (Executive Report) wherein the decision was taken to proceed to Pre-Publication (Regulation 18) consultation.</li> <li>• <a href="#">SD028c</a> -Executive 25th January 2018 Annexes – See Annex C: Better Decision Making Tool. This supports <a href="#">SD028a</a> (Executive Minutes) and <a href="#">SD028b</a> (Executive Report) wherein the decision was taken to proceed to Publication (Regulation 19) consultation.</li> <li>• This has been updated with addendum EIAs in <a href="#">March 2019</a>, <a href="#">January 2023</a> and <a href="#">July 2024</a> completed to support consultations on main modifications to the Plan.</li> </ul>
Primary consultation	<p>There has been extensive consultation in both the preparation of the plan (2012-2018) and during the Examination process (2018-2025). This is summarised below:</p> <p><u>2012-2018: Pre-Submission</u></p> <ul style="list-style-type: none"> <li>• Issues and Options 2 (2011) (as part of the halted Core Strategy)</li> <li>• 'Call for sites' (2012) requesting land to be submitted for consideration for development</li> <li>• Preferred Options (2013)</li> <li>• Further Sites Consultation (2014)</li> <li>• Preferred Approach and evidence base consultation (2016)</li> <li>• Pre-submission (Regulation 18) consultation (2017)</li> </ul>



	<ul style="list-style-type: none"> <li>• Publication (Regulation 19) consultation (2018)</li> </ul> <p><u>2018-2025: Post Submission</u></p> <ul style="list-style-type: none"> <li>• Proposed modifications consultation between June to July 2019</li> <li>• Proposed modifications and Evidence Base consultation between May to June 2021</li> <li>• Proposed Main Modifications consultation between February to March 2023</li> <li>• Proposed Main Modifications consultation pertaining to Policy H5 'Gypsies and Travellers' between July to September 2024</li> </ul> <p>Consultation has been undertaken in accordance with the adopted statutory Statement of Community Involvement<sup>1</sup>, which sets out our approach to engagement in planning services. Consultation has also taken place in accordance the Town and Country Planning Regulations, predominantly Regulations 18 and 19, which dictate how consultation should be undertaken at each preparatory stage of the process.</p> <p>Further consultation has been undertaken by the Programme Officer on behalf of the Local Plan Inspectors on more focussed matters. This includes, for example, consultation on Green Belt Amendments proposed by the Inspectors in August 2023, for which the Council prepared consultation materials but the process of consultation was performed by the Programme Officer.</p> <p>Additionally, the Inspectors have held five phases of in-person Hearing Sessions between 2019-2024 prior to which there has been an invitation to comment on the Matters, Issues and Questions outlined by the Inspectors. As part of this, respondents were invited to state whether they would like to attend the hearing sessions in person. The process of attendance, coordination and delivery of the Hearing Sessions was undertaken by the Programme Officer, in conjunction where necessary with Council Officers. All details of the sessions were published online and held in accessible venues in York, with a public viewing gallery for those wishing to observe the proceedings but not actively participating in the discussion.</p>
<p>Evidence</p> <p>Core Document Library, evidencing the submitted Local Plan (2018)</p>	<p>This contains the documents, plans, strategies and evidence (including consultation) that informed the submitted Local Plan.</p> <p><a href="https://www.york.gov.uk/downloads/download/420/local-plan-submission-documents-1">https://www.york.gov.uk/downloads/download/420/local-plan-submission-documents-1</a></p> <p><a href="https://www.york.gov.uk/downloads/download/896/local-plan-submission-documents-2">https://www.york.gov.uk/downloads/download/896/local-plan-submission-documents-2</a></p>

<sup>1</sup> Core Document CD0016: City of York Statement of Community Involvement (SCI) (Adopted December 2007) <https://www.york.gov.uk/downloads/file/1388/cd016-city-of-york-statement-of-community-involvement-sci-adopted-december-2007->

Evidence  Local Plan Examination Library	This contains the documents, statements and other relevant correspondence issued after the submission of the City of York Local Plan to the Secretary of State on 25 May 2018. This library is updated by all material issued by the Inspector, City of York Council and other parties throughout the examination process. This includes updated evidence, Hearing Statements (from the Council and other stakeholders) and letters, queries and other matters issued from the Inspectors'. <a href="https://www.york.gov.uk/LocalPlanExaminationLibrary">https://www.york.gov.uk/LocalPlanExaminationLibrary</a>
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### Step 3 – Gaps in data and knowledge

<b>3.1</b>	<b>What are the main gaps in information and understanding of the impact of your proposal? Please indicate how any gaps will be dealt with.</b>	
	<b>Gaps in data or knowledge</b>	<b>Action to deal with this</b>
	N/A – there has been extensive EIA undertaken already on the Local Plan as identified within this document.	

## Step 4 – Analysing the impacts or effects.

<b>4.1</b>	<b>Please consider what the evidence tells you about the likely impact (positive or negative) on people sharing a protected characteristic, i.e. how significant could the impacts be if we did not make any adjustments?</b> Remember the duty is also positive – so please identify where the proposal offers opportunities to promote equality and/or foster good relations.		
<b>Equality Groups and Human Rights.</b>	<b>Key Findings/Impacts</b>	<b>Positive (+) Negative (-) Neutral (0)</b>	<b>High (H) Medium (M) Low (L)</b>
<b>Age</b>	Policies in the Plan seek to provide a mix of housing, including specific policy for older persons housing, to support inclusive communities.	<b>+</b>	<b>M</b>
<b>Disability</b>	Policies in the Plan address issues around providing safe and suitable access to development for all including those with impaired mobility. They also support the provision of housing which is flexible to accommodate changing circumstances and delivery of housing to the higher access standards of Part M Building Regulations.	<b>+</b>	<b>M</b>
<b>Gender</b>	This proposal is not expected to impact on that characteristic	<b>-</b>	
<b>Gender Reassignment</b>	This proposal is not expected to impact on that characteristic	<b>-</b>	
<b>Marriage and civil partnership</b>	This proposal is not expected to impact on that characteristic	<b>-</b>	
<b>Pregnancy and maternity</b>	This proposal is not expected to impact on that characteristic	<b>-</b>	

<b>Race</b>	Policies in the Plan specifically address accommodation needs for Gypsies and Travellers. This should have significant positive outcomes against this characteristic.	<b>+</b>	<b>H</b>
<b>Religion and belief</b>	This proposal is not expected to impact on that characteristic	<b>-</b>	
<b>Sexual orientation</b>	This proposal is not expected to impact on that characteristic	<b>-</b>	
<b>Other Socio-economic groups including :</b>	<b>Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?</b>		
<b>Carer</b>	This proposal is not expected to impact on that characteristic	<b>-</b>	
<b>Low income groups</b>	Policy H10 addresses the requirements for affordable housing within new development to address the affordability issues around housing in the city.	<b>+</b>	<b>H</b>
<b>Veterans, Armed Forces Community</b>	Policy H10 addresses the requirements for affordable housing within new development to address the affordability issues around housing in the city. This will positively impact service leavers who often struggle to find suitable housing after their service.	<b>+</b>	
<b>Other</b>	This proposal is not expected to impact on that characteristic	<b>-</b>	
<b>Impact on human rights:</b>			
List any human rights impacted.	<b>Right to education</b> – the Plan makes provision, where justified by need and capacity, for new schools on strategic sites; it also supports expansion of the universities. <b>Right to respect for private and family life, home and correspondence</b> – the Plan meets housing needs identified in the latest evidence base (including those of Gypsies and Travellers) and provides a range of house types for all ages.	<b>+</b>	<b>M</b>

	<b>Right to not be subject to discrimination</b> – Policies meet Gypsy & Traveller, and Travelling Showpeople’s needs supported by the latest Gypsy and Traveller Accommodation Assessment.		
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## Use the following guidance to inform your responses:

Indicate:

- Where you think that the proposal could have a POSITIVE impact on any of the equality groups like promoting equality and equal opportunities or improving relations within equality groups
- Where you think that the proposal could have a NEGATIVE impact on any of the equality groups, i.e. it could disadvantage them
- Where you think that this proposal has a NEUTRAL effect on any of the equality groups listed below i.e. it has no effect currently on equality groups.

It is important to remember that a proposal may be highly relevant to one aspect of equality and not relevant to another.

<b>High impact</b> (The proposal or process is very equality relevant)	There is significant potential for or evidence of adverse impact The proposal is institution wide or public facing The proposal has consequences for or affects significant numbers of people The proposal has the potential to make a significant contribution to promoting equality and the exercise of human rights.
<b>Medium impact</b> (The proposal or process is somewhat equality relevant)	There is some evidence to suggest potential for or evidence of adverse impact The proposal is institution wide or across services, but mainly internal The proposal has consequences for or affects some people The proposal has the potential to make a contribution to promoting equality and the exercise of human rights
<b>Low impact</b> (The proposal or process might be equality relevant)	There is little evidence to suggest that the proposal could result in adverse impact The proposal operates in a limited way The proposal has consequences for or affects few people The proposal may have the potential to contribute to promoting equality and the exercise of human rights

## Step 5 - Mitigating adverse impacts and maximising positive impacts

5.1	<b>Based on your findings, explain ways you plan to mitigate any unlawful prohibited conduct or unwanted adverse impact. Where positive impacts have been identified, what is been done to optimise opportunities to advance equality or foster good relations?</b>
<p>There are no adverse impacts identified with adoption of the Local Plan in relation to equalities.</p> <p>Positive impacts have been identified in the provision of an inclusive mix of housing, both market and affordable. In particular, the provision of Gypsy and Traveller pitches will be advised by significant engagement with the community as required by policy H5: Gypsies and Travellers.</p>	

## Step 6 – Recommendations and conclusions of the assessment

6.1	<b>Having considered the potential or actual impacts you should be in a position to make an informed judgement on what should be done. In all cases, document your reasoning that justifies your decision. There are four main options you can take:</b>
<p><b>No major change to the proposal</b> – the EIA demonstrates the proposal is robust. There is no potential for unlawful discrimination or adverse impact and you have taken all opportunities to advance equality and foster good relations, subject to continuing monitor and review.</p>	

- **Adjust the proposal** – the EIA identifies potential problems or missed opportunities. This involves taking steps to remove any barriers, to better advance quality or to foster good relations.
- **Continue with the proposal** (despite the potential for adverse impact) – you should clearly set out the justifications for doing this and how you believe the decision is compatible with our obligations under the duty
- **Stop and remove the proposal** – if there are adverse effects that are not justified and cannot be mitigated, you should consider stopping the proposal altogether. If a proposal leads to unlawful discrimination it should be removed or changed.

**Important:** If there are any adverse impacts you cannot mitigate, please provide a compelling reason in the justification column.

Option selected	Conclusions/justification
No major change of the proposal	The EIA demonstrates that the adoption of the Local Plan will result in positive impacts, particularly in relation to housing. Policies in the Plan address the need for a wide range of housing, market and affordable, for a range of groups.

## Step 7 – Summary of agreed actions resulting from the assessment

7.1	What action, by whom, will be undertaken as a result of the impact assessment.		
Impact/issue	Action to be taken	Person responsible	Timescale
Local Plan review	Work will begin in due course on scoping the extent of a review of the Local Plan reflecting current national planning policy	Alison Cooke, Head of Strategic Planning Policy	2025/26

Step 8 - Monitor, review and improve

8. 1	<b>How will the impact of your proposal be monitored and improved upon going forward?</b> Consider how will you identify the impact of activities on protected characteristics and other marginalised groups going forward? How will any learning and enhancements be capitalised on and embedded?
	Monitoring of planning policies is a statutory duty to check that these are having their intended effect and to make sure they are working for local communities. The Local Plan policies will be monitored in accordance with an agreed monitoring framework and reported through the statutory Authority Monitoring Report on an annual basis.





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## Report to City of York Council

by **Simon Berkeley** BA MA MRTPI and **Paul Griffiths** BSc (Hons) BArch IHBC

Inspectors appointed by the Secretary of State

Date: 14 February 2025

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Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

# Report on the Examination of the City of York Local Plan

The Plan was submitted for examination on 25 May 2018

The examination hearings were held in five separate phases between December 2019 and July 2024

File Ref: PINS/C2741/429/6

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## Abbreviations used in this Report

DIO	Defence Infrastructure Organisation
EA	The Environment Agency
ELR	The City of York Economic Land Review 2016
The Framework	National Planning Policy Framework of March 2012
GTAA	Gypsy and Traveller Accommodation Assessment
HE	Historic England
HMO	House in Multiple Occupation
LHNA	Local Housing Needs Assessment
MoD	Ministry of Defence
OAHN	Objectively Assessed Housing Need
PBSA	Purpose Built Student Accommodation
PPG	Planning Practice Guidance (pre 2018 Framework)
PPTS	Planning Policy for Traveller Sites
The Plan	The City of York Local Plan (the Plan under examination)
RSS	The Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 of 2008
TER	Target Emissions Rate
SAP	Standard Assessment Procedure
SHMA	Strategic Housing Market Assessment
SAC	Special Area of Conservation
SINC	Site of Importance for Nature Conservation
SSSI	Site of Special Scientific Interest
WFD	Water Framework Directive
WMS	Written Ministerial Statement

## Non-Technical Summary

This report concludes that the City of York Local Plan provides an appropriate basis for the planning of the city and its hinterland, provided that some main modifications are made to it. City of York Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Over the course of five sets of hearings, the Council prepared schedules of the proposed main modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. These main modifications were subject to public consultation over the required statutory periods. We have recommended their inclusion in the Plan after considering the various sustainability appraisals and habitats regulations assessments and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- A series of modifications to deal with the potential impact of development on Strensall Common SAC;
- Further modifications to recalibrate the approach of the Plan to the University of York and its future expansion;
- Modifications designed to address the potential impact of student housing on the supply of affordable housing;
- Amendments to simplify the approach of the Plan to development in the Green Belt;
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy; and
- Adjustments to the policies designating Green Belt on the Policies Map to confirm the boundaries.

## Introduction

1. This report contains our assessment of the City of York Local Plan (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. Paragraph 182 of the National Planning Policy Framework of March 2012 (the Framework) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. A revised Framework was published in July 2018 and further revised in February 2019, July 2021, December 2023, and December 2024. It includes a transitional arrangement in paragraph 220 of the July 2021 Framework which indicates that, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised Framework, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 Framework and the versions of the PPG which were extant prior to the publication of the 2018 Framework. Those same transitional arrangements have persisted in subsequent iterations of the Framework.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The City of York Local Plan, submitted in May 2018, has been the basis for the examination. It is the same document that was published for consultation before submission.

## Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **[MM1.1 MM2.1]** and so forth and are set out in full in the separate Appendix to this report. To be clear, this report uses the final consolidated list of MMs of September 2024 that was added to the examination website on 16 October 2024<sup>1</sup>.
5. During and following the examination hearings, the Council prepared various schedules of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The final group of MMs following Phase 5 was subject to public consultation for the required six weeks

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<sup>1</sup> EX/CYC/141

between July and September 2024. We have taken account of the consultation responses to all the public consultations in coming to our conclusions in this report and in this light, we have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessments that have been undertaken. Where necessary we have highlighted these amendments in the report.

## Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan, including, for reasons that will become clear, various Green Belt boundaries. When submitting a local plan for examination, the Council is required to provide a submission policies map. In this case, the submission policies map comprises the set of plans identified as Policies Map (North), Policies Map (South), and Policies Map (City Centre Inset)<sup>2</sup>.
7. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies maps. Moreover, as indicated below, some relatively minor adjustments are needed to the proposed Green Belt boundaries.
8. These further changes to the policies map were published for consultation alongside the MMs. In this report we identify any amendments that are needed to those further changes, in the light of further reflections on our part, and the consultation responses.
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the component parts of the Policies Map, to include all the changes proposed and published alongside the MMs, alongside the relatively minor, but necessary, adjustments referred to in this report.

## Context of the Plan

10. The City of York has not had a plan designed to deal with its particular needs, and future development, in place since 1956, which, in planning terms, is a very, very long time ago. In that time, development in the historic centre seems to have been managed relatively well, most likely because of strong statutory

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<sup>2</sup> CD004a, CD004b and CD004c respectively

protections. However, there are examples of development on the fringes of the city where expansion has taken place in a manner that has made the lack of a strategic overview apparent.

11. Moreover, there is evidence that this lack of a plan has led to difficulties with economic expansion, most notably in relation to the University of York, and the housing market, in terms of the affordability of general housing, and the lack of affordable housing. There has been a situation in relation to the definition of Green Belt boundaries that has not been altogether helpful in this regard.
12. This Plan looks to provide that strategic overview by allowing for the economy of the city to grow, and by providing for the new housing that is needed, in ways that best protects the historic character of the city itself, and its setting in the landscape. Importantly too and following on from the saved policies of the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS) of 2008, it seeks to define detailed Green Belt boundaries for the first time.

## **Public Sector Equality Duty**

13. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included our consideration of several matters during the examination including provision in the Plan for Gypsies and Travellers, Travelling Showpeople, and the elderly. We deal with these matters in much more detail below.

## **Assessment of Duty to Co-operate**

14. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
15. During the preparation of the Plan, a number of strategic, cross-boundary issues were identified including the extent of the housing market area; the scale of housing growth; the functional economic area; the scale of employment growth; retail growth; leisure; transport; waste and minerals; renewable energy; flood risk and river corridors; green infrastructure; Gypsies, Travellers and Travelling Showpeople; education establishments; the approach to the Green Belt; the historic environment; and climate change.
16. The Council has a longstanding record of co-operation and joint working with neighbouring and statutory authorities and the Council's approach to the Plan has continued in that positive vein. The Council's Statement to Demonstrate



Compliance<sup>3</sup> shows how the Council has worked together with these authorities in producing the Plan.

17. The outcomes of this joint working have been summarised<sup>4</sup> and it is evident that they have been properly taken into account in the preparation of the Plan. In simple terms, the Council has agreed to meet its own needs, in terms of housing and employment, and other similar matters and there are no significant cross-boundary issues that remain unresolved.
18. As such, we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

## **Assessment of Other Aspects of Legal Compliance**

19. The Plan has been prepared in accordance with the Council's Local Development Scheme.
20. Consultation on the Plan and the various sets of MMs was carried out in compliance with the Council's Statement of Community Involvement.
21. The Council carried out a sustainability appraisal of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under regulation 19. The sustainability appraisal was updated to assess the various sets of main modifications in a way that we have found to be adequate.
22. The Habitats Regulations Appropriate Assessment sets out that the Plan may have some negative impact which requires mitigation. This mitigation has been secured through the Plan as modified. The Habitats Regulations Assessment (HRA) has been updated at various stages of the process<sup>5</sup>, in response to new information coming forward, and the various groups of main modifications.
23. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
24. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area

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<sup>3</sup> CD020

<sup>4</sup> EX/CYC/7a, EX/CYC/23, EX/CYC38, EX/CYC/64, and EX/CYC/140

<sup>5</sup> EX/CYC/14c, EX/CYC/45, EX/CYC/45a, EX/CYC/128d, EX/CYC/128e, and EX/CYC/139

contribute to the mitigation of, and adaptation to, climate change. We address these matters in some detail below.

25. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations. For reasons that are covered in detail below, we are satisfied that as modified, the Plan will be in general conformity with the RSS of 2008, and as a result, s.24(1) of the 2004 Act.

## Assessment of Soundness

### Main Issues

26. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 24 (twenty-four) main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

### Issue 1 – Do the ‘Vision and Development Principles’ behind the Plan give it an effective basis?

27. Section 1 of the Plan sets out the general background to it. Section 2 then goes on to talk about the ‘vision’ and general principles underpinning the Plan. It is worth quoting that ‘vision’ in full: *York aspires to be a city whose special qualities and distinctiveness are recognised worldwide. The Local Plan aims to deliver sustainable patterns and forms of development to support this ambition and the delivery of the city’s economic, environmental, and social objectives. This will include ensuring that the city’s place making and spatial planning policies reflect its heritage and contemporary culture, contributing to the economic and social welfare of the community whilst conserving and enhancing its unique historic, cultural and natural environmental assets.* It continues: *The plan will ensure that the vision and outcomes are delivered in a sustainable way that recognises the challenges of climate change, protects residents from environmental impacts and promotes social, economic and cultural wellbeing.*
28. In simple terms, the Council, through the Plan, is seeking to create a prosperous city for all, provide good quality homes and opportunities, protect the environment, and ensure efficient and affordable transport links. That approach of generating economic growth while protecting the built and natural environment is in very clear accord with that of the Framework and cannot reasonably be criticised. The question, as ever, is how that overarching ‘vision’ copes when it runs into the realities involved in balancing those potentially conflicting ambitions.

29. Before addressing specific points relating to those potential conflicts, Section 2 of the Plan does contain some general strategic policies. Policy DP1: York Sub-Area lists the various aspects of the Council's vision in detailed terms and functions as a scene-setter for the rest of the Plan. Policy DP2 then sets out what the Plan considers to be sustainable development<sup>6</sup> with the expectation that development will create a prosperous city for all; provide good quality homes and opportunities; conserve and enhance the environment; and ensure efficient and affordable transport links.
30. Policy DP2 itself explains how development is expected to contribute to sustainable development through measures that will be taken under each of those headings. As drafted, criterion iii reads 'Development will help conserve and enhance the environment through' before setting out a list of ways in which these aims are to be achieved. One of these relates to water quality in rivers and the approach to ground water. Discussions with the Environment Agency (EA)<sup>7</sup> showed up a need for the policy to properly reflect the requirements of the Water Framework Directive (WFD) so that reference is made to the water environment rather than individual rivers, ensuring that there is no deterioration in status of any surface or ground water body, and making positive progress towards achieving 'good' status or higher in surface and groundwater bodies in line with the WFD.
31. Moreover, a new bullet point needs to be added under this heading to make plain that development will be expected to mitigate and adapt to climate change through designing new communities and buildings, transport networks, and services that support communities to be energy and resource efficient and reduce carbon emissions. This is required to make explicit the Plan's contribution to mitigating and adapting to climate change, in accordance with s.19(1A) of the Planning and Compulsory Purchase Act 2004.
32. Main modifications **[MM2.2 MM2.3 MM2.4]** are necessary to effect these changes and to bring the policy and the explanatory text into line with national policy.
33. Policy DP3 then deals with what it terms 'Sustainable Communities' and provides an all-encompassing summary of the approach the Council will take to new development, and the various allocated sites in particular. After that, the Plan as submitted includes Policy DP4: Approach to Development Management. This policy reproduces the presumption in favour of sustainable development included in the Framework. However, this approach has now been superseded and paragraph 11 of the latest version of the Framework, with its associated footnotes, has a rather different approach. Notwithstanding the transitional arrangements, that I have referred to above, it is plain that Policy

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<sup>6</sup> And to be clear this is sustainable development as envisaged by the Plan and is nothing to do with the presumption in favour of sustainable development in paragraph 14 of the Framework

<sup>7</sup> Which culminated in a SOCG – EX/SoCG/4

DP4 as drafted is not consistent with national policy as it stands. This would also be likely to give rise to effectiveness issues because consideration of any planning application would need to take into account the latest version of the Framework as a material consideration rather than a previous iteration.

34. Against this difficult background, it is plain that the best approach for the Plan to take is to delete Policy DP4 and the supporting text in their entirety. That is the neatest way to ensure that the Plan will operate in an effective way. A main modification **[MM2.5]** is required to achieve that.
35. There is one final point under this heading. As drafted, paragraph 2.5 of the explanatory text to Policy DP4, in dealing with the provision of good quality homes and opportunities, refers to the original figure of 867 dwellings per annum as the Plan's housing target. Reflecting new evidence, that we cover later in this report, this figure was modified downwards, and so the text needs to be corrected through a main modification **[MM2.1]** to refer to a minimum annual net provision of 822 dwellings over the Plan period to 2032/33.

## Conclusion

36. With the main modifications outlined above, we are content that the 'Vision and Development Principles' behind the Plan give it an effective basis.

## Issue 2: Are the economic projections, and the Objectively Assessed Housing Need (OAHN) that flows from them, justified?

37. Policy SS1: Delivering Sustainable Growth for York, that we deal with in detail below, seeks to provide sufficient land to accommodate an annual provision of around 650 new jobs. This figure was established in the City of York Economic Land Review 2016 (ELR)<sup>8</sup> and reflects the Council's growth ambitions outlined in the City of York Economic Development Strategy<sup>9</sup> and the York & North Yorkshire Local Enterprise Partnership.
38. The figure of 650 new jobs annually has been derived from economic forecasts using the 'Oxford Economic Model'. Amongst other things, the ELR considers three scenarios. Scenario 2 was considered by the Council to best reflect the Council's economic strategy for the city and in particular the desire to drive up the skills of the workforce. This scenario forecast that 11050 jobs would be created which is the equivalent of 650 per year between 2014 and 2031.
39. An analysis of other models suggests that this figure is ambitious. The York Economic Outlook (2019)<sup>10</sup> identifies a baseline forecast of 450 jobs per year

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<sup>8</sup> SD064

<sup>9</sup> SD070

<sup>10</sup> EX/CYC/29

between 2017 and 2038. An alternative, 're-profiled' scenario forecasts 510 between the same dates, with higher growth in earlier years. Analysis of the 'Oxford Economic Model' undertaken by the Council in relation to the emerging Economic Development Strategy, based on data for October 2021, produced baseline forecasts of 479 jobs per year between 2017 and 2038.

40. All that said, we see no good reason to fault the Council's ambitious approach. Paragraph 154 of the Framework explicitly says that Plans should be aspirational, but realistic. Moreover, against the background of paragraph 18 which says that the Government is committed to securing economic growth in order to create jobs and prosperity, paragraph 20 of the Framework says that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business, and support an economy fit for the 21<sup>st</sup> Century. These wider ambitions apply with as much force, if not more, today.
41. Of course, the Council could have planned for a lower rate of job creation, but that might well have been criticised for displaying a lack of ambition. We see nothing wrong, in principle, with the ambition the Council has displayed in terms of economic projections. On top of that, the methodology that underpins the figure of 650 jobs per year is sufficiently robust, and appropriate in the context of the Council's ambitious approach.
42. This figure of 650 jobs per year is then used to inform the calculation of the Objectively Assessed Housing Need (OAHN). The OAHN that has been arrived at is an economic-led housing need with the economic growth the Council is driving for, being the biggest influence on the provision of new dwellings over the Plan period. The Council considers this to be the most appropriate approach.
43. We accord with that view – if an ambitious approach to economic growth and job creation in York is to be followed, and we have found nothing to fault in that approach, then that ambition has to be carried through into housing. If it is not, then all the economic growth and job creation will produce is more pressure on the York housing market, and more in-commuting, with attendant problems in relation to traffic and congestion.
44. As originally submitted, Policy SS1 referred to a minimum annual provision of 867 dwellings over the Plan period to 2032/33 and beyond to 2037/38. However, the Housing Needs Update (HNU) Report 2019<sup>11</sup> indicated that this figure should be 790 dwellings per year. The HNU 2020<sup>12</sup> revised this figure to

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<sup>11</sup> EX/CYC/9

<sup>12</sup> EX/CYC/43a

779 but the Council did not regard that as a meaningful change and chose not to revise the figure further. We agree with that assessment.

45. It is fair to say that the Council could have taken a different approach to their OAHN, based on population projections, or even the 'Standard Method', but the Council's evidence shows that these approaches would have produced an OAHN lower than that derived from an economics-led calculation. That would not accord with the Council's laudable economic ambitions and would likely lead to the problems with the housing market, and in-commuting, set out above.
46. There is another point too and that relates to the provision of affordable housing. We deal with this in detail below but it is clear that there has been a major shortfall in provision over a considerable period of time. The only way this shortfall can be addressed, and progress made on this important matter is if the provision of general housing is maximised. To our minds, setting the OAHN lower is untenable in that context.
47. With all that in mind, we are content that this base figure of 790 dwellings a year has been justified. To that figure needs to be added 32 dwellings a year to cater for the shortfall between 2012 and 2017. Added together, these produce the OAHN of 822 dwellings per year that, as we set out below, Policy SS1 proceeds upon.

## Conclusion

48. On that overall basis, we conclude that the economic projections, and the OAHN that flows from them, have been justified.

## Issue 3: Does that OAHN translate into a housing requirement that is justified?

49. Policy SS1: Delivering Sustainable Growth translates this OAHN into a housing requirement over the Plan period. This policy deals with a number of other matters too, which we deal with below, but it is where the housing requirement enshrined in the Plan is set out.
50. Policy SS1 in the Plan as drafted talked of a minimum annual provision of 867 over the Plan period to 2032/33 and post the Plan period to 2038. As set out above, that figure has been changed to 822 dwellings a year and the policy needs to reflect that. Moreover, the policy needs to make it plain that the Plan seeks to deliver a minimum *average* annual *net* provision of 822 homes over the Plan period that will support an overall housing requirement of 13,152 new homes (being 822 homes per year for 16 years).

## Conclusion

51. On that basis, the housing requirement set out in Policy SS1 reflects the OAHN and is justified in the light of the constraints that we refer to below.

## Issue 4: Is the Spatial Strategy of the Plan justified?

52. Given our conclusions above, the question then, is whether the Spatial Strategy can accommodate the economic and housing growth proposed in an acceptable way? Based on the figures for economic development, and the housing requirement that flows from them, Section 3 of the Plan deals with the way these are to be accommodated in and around the city. Essentially, the Spatial Strategy followed by the Plan is a product of the Heritage Topic Paper (2014)<sup>13</sup> and born of the need to safeguard a number of key contributors to the character and setting of York as an historic city. These include the compact nature of the city, and its perception as a freestanding settlement, set in a rural hinterland from which there are important views into the city, and with satellite settlements distributed around it. Preservation of the setting and special character of York is the key purpose of the York Green Belt, a matter that we address further below.
53. The overriding function of the Spatial Strategy is to locate the housing and economic development the city aspires to deliver, that we have covered above, without unacceptably undermining those key contributors to the character and setting of York as an historic city. To achieve that, put very simply, the Council has sought to focus development on the main urban area of York, with a tight Green Belt boundary to prevent the city leaking out into the surrounding countryside. The housing and economic development that cannot be accommodated in the main urban areas, or adjacent to them in urban extensions, is then proposed to be provided as 'satellites', inset from the Green Belt, following the historic settlement pattern, and the hierarchy therein.
54. Policy SS1: Delivering Sustainable Growth for York sets out the ways in which the city expects to meet its commitment in terms of economic growth and the resulting housing requirement, during the Plan period, and the spatial principles that will be applied in order to achieve that in a sustainable<sup>14</sup> way. There are a number of shortfalls in the policy as originally drafted.
55. First of all, it is necessary for the policy itself to refer directly to the Plan period as 2017-2032/33 rather than leave the reader to find it elsewhere. Further, the policy as drafted makes no direct reference to the Green Belt. An insertion is necessary to make the point that the Plan allocates sufficient land to meet development needs for 5 years beyond the Plan period (2038) in order to

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<sup>13</sup> SD103

<sup>14</sup> We use the word, as does the policy, in the 'dictionary' sense; it is not a reference to the way the word is used in the Framework or its successor documents.

ensure that the Green Belt boundaries set within the Plan will not need to be revisited for a very long time.

56. The first part of the policy deals with the 'spatial drivers'. The first is the pursuit of economic growth which, as we have dealt with above, is then used as the basis for the housing figures. The Plan provides sufficient land to accommodate an annual provision of 650 new jobs a year and ensure that York fulfils its role as a key regional economic driver. This figure of 650 new jobs a year remained intact through the examination but, for various reasons that we have covered above, the housing figure changed. As set out above, the housing requirement in the Plan was adjusted through the examination and ended up seeking to deliver a minimum *average* annual *net* provision of 822 homes over the Plan period that will support an overall housing requirement of 13,152 new homes.
57. Further, in dealing with the approach the Plan takes to housing, Policy SS1 as drafted, makes no reference to provision for Gypsies and Travellers or Travelling Showpeople, or affordable housing. We deal with these specific issues within the Plan later in the report, but these omissions need to be remedied in this policy.
58. After dealing with what the Plan aims to provide, the policy moves on to address the spatial shapers, or principles, that will guide the location of that provision. Not unexpectedly, the first of these relates to the conservation and enhancement of York's historic and natural environment. As drafted, the second refers to the need to ensure access to sustainable modes of transport and a range of services. This does not give a full picture and an addition is required to make plain that development will be directed to the most sustainable, that is, the most accessible, locations.
59. Other shapers relate to the need to prevent unacceptable levels of congestion, pollution and/or air quality, and to ensure flood risk is appropriately managed. These are acceptable as drafted but the approach to previously developed land is not. The policy as submitted says that where viable and deliverable, the re-use of previously developed land will be phased first. That is rather ambiguous and, in any event, the Framework contains no such prioritisation, in terms of phasing, or anything else. That said, it is good planning practice to encourage the efficient development of brownfield land, so the spatial shaper has some relevance. However, it needs to be amended in the policy to simply say that the best use of previously developed land will be prioritised.
60. All this needs to be secured through a main modification **[MM3.1]**. On top of that, the explanatory text needs to be augmented to reflect those significant changes. Firstly, a series of new paragraphs (3.1a, 3.1b, 3.1c, 3.1d and 3.1e) are necessary to provide some additional explanation of the link between spatial drivers and spatial shapers, and to make reference to the overall strategy of the



Plan, with reference to a new Key Diagram. This needs a main modification **[MM3.2]**. The new Key Diagram reflects the changes made to the list of Strategic Sites and specifically, the removal of Strategic Site ST35 for habitats-based reasons – a matter dealt with in detail below. This requires a Main Modification **[MM3.3]** too.

61. Policy SS2 then sets out the role of the Green Belt around York. We have touched on this previously, but we deal with this policy, and the reasons why changes are required to it, under Issue 8 below so there is no need to dwell on it further here.
62. That brings us to Policy SS3 which refers to York City Centre. Not unexpectedly, the policy explains that the city centre is the economic, social, and cultural heart of York and its special qualities and distinctiveness will be protected while it helps to achieve economic and social aspirations of the Plan. It goes on to say that the city centre will be a priority area for a range of employment uses and the principal location for the delivery of economic growth, and associated employment in the tourism, leisure, and cultural sectors. A number of uses that are acceptable in principle in the city centre are then listed in the policy as drafted. However, these pre-date changes in the new classifications of use that came into force in September 2020, during the examination. These need to be updated in order to provide clarity and effectiveness.
63. Three allocated Strategic Sites within the designated city centre (ST32: Hungate, ST20: Castle Gateway, and Elements of ST5: York Central that lie within the city centre) are then referred to. The reference to ST32 suggests that it will bring forward 328 dwellings. This figure has been overtaken by events and in that context, it requires amendment to read 'residential development'. This avoids the figure of 328 acting as a floor, or a ceiling and is necessary for effectiveness.
64. A main modification **[MM3.7]** is necessary to secure these changes.

## Conclusion

65. With these changes, we are of the view that the Spatial Strategy of the Plan is justified.

## Issue 5: Will the Spatial Strategy deliver a five-year supply of deliverable housing sites in an effective way?

66. Absent from the Plan as drafted is any presentation of the sources of housing supply (in all its forms) over the Plan period. To address that, the Council having

regard to the evidence presented on housing supply and distribution<sup>15</sup>, produced Table 1a which deals with the total housing requirement (the 13,152 dwellings referred to above), net completions between 2017 and 2022 (3,767), existing commitments (extant permissions at 1 April 2022) (2,149), strategic housing allocations (the ST sites) (8,160), housing allocations (the H sites) (1,733) and the windfall allowance (1,592). This gives a total of 17,401. Table 1a goes on to deal with Gypsies and Travellers and Travelling Showpeople.

67. After that, Table 1a deals with distribution explaining that 7,656 dwellings will be provided as urban development (6,155 of ST sites, 1501 on H sites), 1,705 in the form of urban extensions (all on ST sites), 537 as village extensions (305 of ST sites, 232 on H sites), and 5,532 in new settlements or Garden Villages (all on ST sites). This gives the total of 15,430 which is read against the overall target of 13,152 dwellings. Table 1a gives much-needed clarity to the Council's approach in relation to housing supply and demonstrates that the Spatial Strategy of the Plan will deliver a 5.8 year supply of housing upon adoption<sup>16</sup>.
68. Its insertion is necessary to make the Plan effective and this can be secured by a main modification [MM3.4]. As an adjunct to that, the Plan needs to include additional explanation of the origin of these changed housing figures<sup>17</sup> and the approach to be taken to student housing (Policy H7 that is covered in detail below) and affordable housing (Policy H10 again dealt with below). These insertions require a main modification [MM3.5] too.

## Conclusion

69. On that basis, it has been shown that the Spatial Strategy will deliver a five-year supply of deliverable housing sites in an effective way.

## Issue 6: Does the Plan effectively provide for economic development and are the employment policies consistent with national policy?

70. Section 4 of the Plan as submitted deals with 'Economy and Retail'. The retail aspects are dealt with elsewhere in this report. The section opens by confirming that the Plan needs to provide sufficient land to meet the level of growth, and job production envisaged, in order to deliver on the economic ambitions that are central to the Plan overall.
71. As covered above, the Plan provides for the production of 650 new jobs per year, over the Plan period. Section 4 of the Plan identifies locations that will

<sup>15</sup> EX/CYC/76 and 76a, EX/CYC/86, EX/CYC/88, and EX/CYC/107-1

<sup>16</sup> EX/CYC/76a Section 3

<sup>17</sup> EX/CYC43a and EX/CYC/107/2

provide for this growth in employment; protects the overall supply of employment land; and addresses specific aspects of economic growth including the impact of business activity in residential areas, tourism, and rural businesses.

72. The first part of that is dealt with in Policy EC1: Provision of Employment Land. This policy starts by identifying a series of strategic sites where employment uses can be brought forward, the floorspaces that might be accommodated on those sites and the types of employment uses that are deemed suitable. We deal with these Strategic Sites, and their specific policies, elsewhere in the report.
73. In the first instance, the policy identifies strategic sites as those over 5Ha in area. That is an unnecessary label for them that serves no purpose. A main modification **[MM4.1]** is needed to remove the reference.
74. More substantively, the policy as drafted predated subsequent changes that have been made to the Use Classes Order in relation to what were the distinctions between Use Classes B1a, B1b and B1c. These have now been replaced by a single Use Class E and the policy obviously needs to be adjusted to reflect that.
75. In that respect, the entry for York Central (Strategic Site ST5) needs to refer to 100,000 square metres of office space in Use Class E; the entry for Land at Northminster Business Park (Strategic Site ST19) needs to refer to 49,500 square metres of light industrial uses in Use Class E, industrial uses in Use Class B2 and storage and distribution uses in Use Class B8, with a potential for office uses in Use Class E; the entry for Land South of Elvington Business Park (Strategic Site ST26) must refer to 25,080 square metres of research and development uses in Use Class E, light industrial uses in Use Class E, industrial uses in Use Class B2 and storage and distribution uses in Use Class B8; and Whitehall Grange (Strategic Site ST37) should make reference to 33,330 square metres of storage and distribution uses in Use Class B8.
76. There is a reference in the policy too to what is termed the University of York expansion (Strategic Site ST27) which, as drafted foresaw Campus East and Strategic Site ST27 delivering up to 25 Ha of Use Class B1b knowledge-based businesses including research led science park uses, as identified in the grant of outline planning permission for Campus East.
77. There are issues with that, notably the reference to a site area of 25 Ha which is imprecise in that it fails to say what area of building that might provide for. In any event, matters have moved on and the entry in the policy needs to be updated to reflect discussions between the Council and the University of York that took place during the examination process. To that end, the policy needs a

completely new entry to refer to Heslington Campus East and Strategic Site ST27 bringing forward 40,000 square metres of knowledge-based business space in Use Class E. A further note is needed to make clear that this 40,000 square metres is an indicative figure that could be adjusted to cater for other employment generating, University-linked, uses that might come forward.

78. Finally, the reference in the policy to York City Centre remaining the focus for town centre uses is superfluous as this is dealt with elsewhere in the Plan under the auspices of Policies SS3, R1 and R2, that we have covered elsewhere.
79. The policy then goes on to deal with employment uses coming forward on a range of 'other sites'. The first of these E8: Wheldrake Industrial Estate needs to be removed as it is no longer available.
80. The entries for sites E9: Elvington Industrial Estate, E10: Chessingham Park, E11 Annamine Nurseries, E16 Poppleton Garden Centre, and E18 Towthorpe Lines need to be updated to reflect changes to the Use Classes Order. Moreover, given the proximity of the E18 site to the Strensall Common SAC, a cross-reference to Policy GI2a, which we deal with elsewhere, is required.
81. Those changes to Policy EC1, which are necessary for effectiveness, require a main modification **[MM4.2]**. The interface between site E18 and the SAC also necessitates the insertion of an additional, explanatory paragraph (4.8a) into the supporting text **[MM4.5]**.
82. Table 4.1 provides a trajectory for the delivery of this employment land over the Plan period and beyond. This needs to be updated through a main modification **[MM4.4]** to ensure that it accurately reflects changes to the Plan since submission, and in particular, the reworded Policy EC1, and the Use Classes Order. The supporting text in paragraph 4.6 must undergo consequential changes **[MM4.3]** too.
83. Policy EC2 deals with the potential loss of employment land to other uses and sets viability and marketing tests for assessing any such loss, that follow the line of national policy in the Framework. However, the supporting text in paragraph 4.9 requires expansion to give more detail of the length of marketing period that will be considered acceptable, alongside clarification that the policy is aimed at all employment generating uses. A main modification **[MM4.6]** is needed to bring those changes about and provide for an effective policy viewed overall.
84. Policy EC3 covers businesses and industrial uses in residential areas and approaches the subject in a manner that is in accord with national policy. The same is true of Policy EC4 that covers proposals relating to tourism.

85. Finally, Policy EC5 deals with the policy approach to be taken to what it terms the 'Rural Economy'. Broadly the policy as drafted follows the line of national policy though changes are required to update references to the Use Classes Order. Moreover, the manner in which the policy provides support for camping and caravan sites (whether temporary or permanent) is problematic given that these are very likely to be located in the Green Belt where they would most likely be an inappropriate form of development. A cross-reference to the Green Belt policies in the Plan is necessary to qualify the support and justify the policy wording. This requires the policy to be adjusted **[MM4.7]** as well as the explanatory text in paragraph 4.17 **[MM4.8]**.

## Conclusion

86. So long as these main modifications are made, we are content that the Plan properly provides for economic development and the employment policies are consistent with national policy.

## Issue 7: Is the approach of the Plan to Strategic Sites justified?

87. The Plan as drafted then goes on to deal with a series of Strategic Sites with each one having their own policy. We must make clear at this point that with one exception, these sites are considered to be acceptable, in principle, and in clear accord with the spatial strategy that underpins the Plan overall. We deal with each in turn but make the observation that most of what follows is about the details of what comes forward on these Strategic Sites, not whether they should come forward.

### Policy SS4: York Central (ST5)

88. Policy SS4 that follows deals with the York Central site (Strategic Site ST5) referred to above in its entirety. The site which surrounds the main railway station, and the National Railway Museum, is proposed for redevelopment as an exemplar mixed-use scheme, producing a new urban quarter of high quality, and work on site has already begun. The policy starts by setting out the range of what is intended to come forward in terms of uses, before a list of expectations for the scheme overall. In that sense, the policy is justified.
89. However, to ensure the policy's effectiveness, it should refer directly to its place on the Policies Map (City Centre Inset). Secondly, the list of uses needs to be updated to account for the September 2020 changes to use classes, and to make sure that the scheme can include ancillary retail uses designed to meet the day-to-day needs of residents of the scheme.
90. Moreover, references to a minimum of 1,500 dwellings in the Plan period is inflexible, and at odds with the 950 dwellings envisaged in the Council's

updated housing trajectory, and the figure of 100,000 square metres for office space is similarly restrictive. Changes are required to make these figures less of a constraint – the references should be to *around* 950 dwellings, and *approximately* 100,000 square metres of office space. It also needs to be made plain that the office space needs to lie within what is now Use Class E. Main modifications **[MM3.8 MM3.9 MM3.10]** are needed to secure these changes which will make the policy effective.

### **Policy SS5: Castle Gateway (ST20)**

91. The Castle Gateway site (Strategic Site ST20) is allocated as an 'Area of Opportunity' where the aim is to regenerate and radically improve the area centred around Clifford's Tower and York Castle. In the interests of clarity, a reference is needed to the identification of the site on the Policies Map.
92. The policy is in two parts – the first lists the various purposes of the regeneration. This list makes reference to the setting of Clifford's Tower and other features in the Eye of York, but effectiveness would be assisted if direct reference was made to the significance of other historic assets in the wider Castle Gateway (of which there are many) being better revealed and/or enhanced.
93. The policy as drafted then rehearses the various elements of the redevelopment of the area that any scheme is expected to bring forward. Bearing in mind how the policy treats the sub-areas of the overall site, it is not necessary for effectiveness for these to be included in policy – it is enough for these to be set out in the explanatory text (in a new paragraph 3.33a). The five sub-areas of the overall site are then covered with a series of 'principles' set out. These are well-directed and likely to be effective.
94. Taking all that together, main modifications **[MM3.11 MM3.12 MM3.13 MM3.14]** address the necessity for those changes and ensure that the policy can operate in an effective way.

### **Policies SS6: British Sugar/Manor School (ST1) and SS7: Civil Service Sports Ground (ST2)**

95. Policy SS6 that follows directs itself at the British Sugar/Manor School site (Strategic Site ST1) which lies to the north-west of the York Central (ST5) site and is proposed to bring forward 1,200 dwellings. In common with other Strategic Sites, the policy includes as one of the 'principles' set out, a requirement that any scheme coming forward creates a sustainable balanced community with an appropriate mix of housing informed by the Council's SHMA. A main modification **[MM3.15]** is necessary to remove this requirement because

it is repetitious and likely to cause confusion. Housing mix is dealt with by a separate policy (Policy H3) that we deal with elsewhere in this report.

96. That is followed by Policy SS7 which is aimed at the redevelopment of the nearby Civil Service Sports Ground (Strategic Site ST2) for 266 dwellings. The requirement relating to housing mix needs to be removed for the reasons set out above, but for similar reasons, the requirement for it to be of a high design standard to give a sense of place and distinctive character should be removed too. That is covered by Policy D1 which we cover elsewhere. A main modification **[MM3.16]** is required to make these changes and make the policy effective.

## **Policy SS8: Land Adjacent to Hull Road (ST4)**

97. Policy SS8 covers the development of land adjacent to Hull Road (Strategic Site ST4) to provide around 211 dwellings north of the East Campus of the University, on the eastern outskirts of the city. Like the other similar policies, it begins by setting out the broad expectations of the policy before laying out a series of 'principles' that are expected to be followed.
98. Principle (ii) envisaged access to the site being provided from a new roundabout also serving the Heslington East development but this has been overtaken by events. This criterion must be changed to reflect the current situation which is that access will be gained from Kimberlow Rise. Principle (iii) refers to housing mix. This should be removed because this matter is dealt with in an overarching way by Policy H3 that we deal with elsewhere in this report.
99. Principle (v) talks of maintaining and enhancing existing trees and hedgerows behind the site. This is imprecise and needs to be modified to make clear that these lie to the south of the site. Developer contributions are the subject of principle (vi). This needs to be adjusted to explain that it is primary and secondary education capacity that needs to be addressed. Principle (vii) is about air quality and the need for assessment, but the 'principle' must also ensure that any adverse air quality impacts identified in the assessment must be mitigated. Finally, principle (viii) addresses the potential for adverse noise impacts from the nearby Grimston Bar Park & Ride site, and the need for assessment. It has to make clear too that any adverse impacts identified must be properly mitigated.
100. A main modification **[MM3.17]** is necessary to secure all that and to make sure that the policy is effective.

## **Policy SS9: Land East of Metcalfe Lane (ST7)**

101. Policy SS9 is directed towards Strategic Site ST7: Land east of Metcalfe Lane. This is the first of three satellite 'Garden Villages' in the Plan and is located to the east of the city, north of Osbaldwick. It is expected to bring forward 845 dwellings, amongst other things. Like similar policies, as drafted Policy SS9 sets out the general expectation for the development, with reference to a masterplan, followed by a series of 'principles'.
102. Principle (ii) refers to housing mix and needs to be deleted because this matter is covered elsewhere in the Plan. There is no principle in the list that addresses the site boundary. As set out below, this site is to be inset from the Green Belt along the line of existing strong boundaries (lines of hedgerows and the like) that are expected to remain readily identifiable and endure. To this end, a replacement principle (ii) is needed to ensure these existing boundaries are retained and bolstered as part of the development overall. This necessitates a main modification **[MM3.18]** for the sake of effectiveness.
103. Principle (iv) relates to developer contributions. Clarification is needed through a main modification **[MM3.19]** because the principle as drafted is too wide in its compass, and it needs to be directed to the need for primary and secondary education provision only. This means that paragraph 3.48 of the accompanying text should be deleted **[MM3.25]**.
104. Transport and highways are addressed in principle (v). Changes are needed here **[MM3.20]** to ensure that the approach is not unduly restrictive – the principle as drafted asks for a demonstration that sustainable transport provision at the site is achievable which calls into question why, if those matters are not considered to have been resolved, is the site being allocated? This is far too high a bar in the light of the evidence that the site promoters have put forward. The principle should simply say that the transport and highway impacts should be assessed alongside cumulative impacts with other Strategic Sites ST8, ST9, ST14, and ST15 with proportionate mitigation provided as necessary. That is necessary for effectiveness.
105. Principle (vi) relates to the site access while principle (vii) addresses public transport. Reflective of the work done by the promoters of the site, adjustments are needed to the former **[MM3.21]** to make it clear that the vehicular accesses shown on the Policies Map are indicative, and that some accesses are intended for walking/cycling and perhaps public transport only<sup>18</sup>. The latter needs to be augmented by reference to a Sustainable Travel Plan that aims to achieve upwards of 15% of trips to and from the site by public transport **[MM3.22]**. These are necessary to ensure that the policy is effective and properly balances the need for development against likely impacts in transport terms.

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<sup>18</sup> Elsewhere in the report we have referred to the need to link this site to the Gypsy and Traveller site off Osbaldwick Lane; it is a pedestrian/cycle link only and should not be a vehicular access



106. Recreation and open space is the ambit of principle (ix). This principle needs to be made clearer with reference to a site-wide recreation and open space strategy, and the Policies Map, in order to make it abundantly clear that the setting of the Millennium Way, that runs through the allocation, is to be protected. A reference to Policies GI2a and GI6, that we deal with elsewhere is also necessary in this regard. These adjustments **[MM3.23]** are required to make the policy function effectively. A further modification **[MM3.24]** is needed to principle (x) which refers to the Osbaldwick Meadows, to make clear that this is a *candidate* SINC.

### **Policy SS10: Land North of Monks Cross (ST8)**

107. Policy SS10 deals with Strategic Site ST8: Land North of Monks Cross. This is an urban extension site stretching northwards from the Monks Cross shopping centre and associated development, which is itself a relatively recent urban extension to the city. This site is expected to deliver approximately 968 dwellings. Following the now familiar pattern, the policy sets out a series of 'principles' that are to be abided by, or observed, in the master-planning of the site. As with the similar policies above, principle (i) relates to housing mix. This should be deleted for reasons given previously.
108. Like Strategic Site ST7, there is a need to ensure that the boundaries of the site with the surrounding Green Belt, which follow the line of existing, readily identifiable features, (hedgerows and the like that we refer to in detail elsewhere in this report) that are expected to remain, with augmentation as required. To this end, a replacement principle (ii) is needed to ensure these existing boundaries are treated properly as part of the development overall and strengthened where necessary.
109. All this necessitates a main modification **[MM3.26]** to ensure that the policy functions with good effect.
110. Principle (iv) is directed at the Green Wedge to be left between the urban extension and the established settlement of Huntington to the west. There was some doubt cast on the purpose of, and the necessity for, this gap, or Green Wedge, but in our view, it is necessary to ensure the developed site appears as an extension to Monks Cross, rather than an extension of the established housing to the west. The former would have much less of an impact on the setting of the historic city, while the latter would give an appearance of the city spreading, or leaking outwards which would be at odds with the strategy that underpins the Plan; a strategy that we regard as well-founded.
111. Nevertheless, there are some adjustments required to principle (iv). As drafted it talks of exploring the creation of a Green Wedge to the west of the site. This possibly reflected doubts about whether this could be delivered but it was

shown that a Green Wedge can be brought forward, south of Garth Road, so more direct language is required to make it clear that a new Green Wedge is required in this position. This is necessary to allow for the protection of ecological and non-designated heritage assets, as well as the setting of the city. The main modification put forward **[MM3.27]** is necessary for the policy to be justified, therefore.

112. Principle (vi) deals with recreation and open space with reference to an area of land to the east of the allocation, on the other side of the Monks Cross Link Road. To act effectively, the wording of the policy needs to make plain that a detailed site-wide recreation and open space strategy is required as an integral part of the master-planning of the site. This should then include the creation of a new (public) open space on the area referred to above – which is now to be represented on the Policies Map (North) as allocation OS8 – with appropriate traffic calming and crossing facilities.
113. Further, because this allocation is one of those whose potential impact on the Strensall Common SAC identified in the (2020) HRA needs to be mitigated, reference is needed within the principle to the need for the open space to comply with Policies GI2a and GI6.
114. A main modification **[MM3.28]** is necessary to secure all that and to ensure that the policy overall is effective.
115. Principles (x) and (xi) address transport and public transport requirements respectively. Principle (x), as drafted requires a demonstration that sustainable transport provision at the site is attainable. However, it has been shown that it is a question of how that might be secured through mitigation, rather than whether it could be. If that was not the case, then one might doubt the wisdom of the allocation. This principle needs to be amended to reflect that, with reference to the need for proportionate mitigation.
116. Principle (xi) as drafted refers to the need for high quality, frequent and accessible public transport links and envisages 15% of trips to and from the site being undertaken in this way. That lacks strength as a requirement and the principle should instead refer to the need for a Sustainable Travel Plan which aims to achieve at least 15% of trips through the use of public transport.
117. Main modifications **[MM3.29 MM3.30]** are needed to make these transport-related principles effective.

## **Policy SS11: Land North of Haxby (ST9)**

118. Strategic Site ST9: Land North of Haxby is covered by Policy SS11. This is an urban extension of the settlement of Haxby which lies to the immediate north of York. In the policy as drafted, the site is expected to deliver 735 homes. This is inappropriately specific and at the outset, a main modification **[MM3.31]** is needed to ensure this figure is treated as an approximation.
119. As with the preceding policies, principles (i) and (ii) refer to high standards of design, and the housing mix expected. These should be deleted **[MM3.32]** because these requirements are dealt with by other policies in the Plan. Principle (iii) addresses open space requirements with reference to the southern part of the site that is intended to be used for these purposes. However, the HRA (2020) considered that Strategic Site ST9 could place recreational pressure on the Strensall Common SAC so the policy needs to be adjusted to secure a site-wide recreation and open space strategy as part of the master-planning. Moreover, the open space needs to accord with the requirements of Policies GI6 and GI2a that we cover elsewhere. All that requires a main modification **[MM3.33]** to make the policy function effectively, and there needs to be a reference to the open space being shown on the Policies Map **[MM3.36]** in the explanatory text.
120. Principle (iv) of the policy as drafted talks of the need to create new local facilities like shops. To ensure the policy functions effectively, it needs to be made clear that this requirement is subject to the provision being viable **[MM3.34]**.
121. Transport related requirements are within the ambit of principle (viii). As with the preceding policies, this needs to be adjusted to refer to the assessment of any site generated transport and highway impacts, cumulative impacts, and the need for proportionate mitigation **[MM3.35]**.

### **Policy SS12: Land West of Wigginton Road (ST14)**

122. Policy SS12: Land West of Wigginton Road is directed towards the development of Strategic Site ST14. This is one of the satellite garden villages, inset from the Green Belt, proposed as part of the Plan, located to the north-west of the city, to the south-west of Haxby, that is expected to deliver, eventually, 1348 dwellings. At the time the policy was drafted, it was thought that 1200 of these would be delivered in the Plan period. The Council's latest housing trajectory<sup>19</sup> appropriately identifies this figure as a little optimistic and expects 1000 instead. This needs to be properly reflected in the policy **[MM3.37]**. Principle (ii) deals with housing mix but like before, this should be deleted as it is dealt with elsewhere in the Plan **[MM3.38]**.

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<sup>19</sup> EX/CYC/107/1

123. Principle (iv) refers to the need for educational facilities but to be effective, this reference does need to be clear that it is need generated by the development that must be addressed. A similar approach is required in principle (v) which refers to financial contributions related to secondary school places. These changes that are necessary for effectiveness have been dealt with together **[MM3.39]**.
124. That brings us to the group of principles relating to highways and transport requirements. First, principle (vi) deals with access to the site from the Outer Ring Road but adjustment is needed to correct the references to the relationship between the new access road and existing roads. This, along with a reference to what is shown *indicatively* on the Policies Map, is necessary to ensure an appropriate level of flexibility. A main modification is needed to secure those changes **[MM3.40]** and make the policy effective in this respect.
125. Principle (vii) is concerned with transport issues and as with similar policies, this needs to make clear that there is no 'in principle' difficulty and that individual and cumulative assessment is required, along with proportionate mitigation. A main modification **[MM3.41]** is needed to secure those changes.
126. The need for local capacity upgrades to the outer ring road, in the vicinity of the site, is the subject of principle (viii). Unsurprisingly perhaps, matters have moved on since the policy was drafted and this principle requires rewriting to reflect the fact that what is envisaged is development coming forward in phases to reflect the delivery of dualling works to the outer ring road, with upgrades and the provision of a fourth arm to the Clifton Moor Gate roundabout and a pedestrian/cycle underpass connecting Clifton Moor with the site. All this makes necessary a main modification **[MM3.42]** so that the policy properly reflects the current position and is justified. A further main modification **[MM3.46]** is needed to make clear in the supporting text that the access road is to be designed to minimise its impact on the openness of the Green Belt, and the setting of the city.
127. This needs to be reflected too in principle (x) which talks about the need for connections to Clifton Moor and the pedestrian/cycle underpass in particular. Principle (ix) is concerned with public transport but to ensure consistency with other similar policies, this must be adjusted to refer to a Sustainable Transport Strategy for the site that aims to achieve upwards of 15% of trips to and from the site by public transport. These matters are dealt with in the same main modification **[MM3.43]** for the sake of effectiveness.
128. Principle (xii) deals with site boundaries. However, as drafted it does not reflect the Council's subsequent work on Green Belt boundaries around insets<sup>20</sup> and the need for these to follow existing features that are likely to endure, with

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<sup>20</sup> EX/CYC/59g

strengthening as necessary. A reworded principle (xii) **[MM3.44]** is required to achieve that adherence to the background evidence and ensure the policy is justified, and effective.

129. Strategic Site ST14 is another one of those that the (2020) HRA identified as having the potential to lead to recreational pressure on the Strensall Common SAC. To this end, a new principle (xiv) is needed to secure a site-wide recreation and open space strategy, as part of the master-plan, with the provision of open space in compliance with Policies GI2a and GI6. This **[MM3.45]** is required for the policy to be properly justified.

### **Policy SS13: Land West of Elvington Lane (ST15)**

130. That brings us to Policy SS13: Land West of Elvington Lane (Strategic Site ST15). This is the largest of the satellite garden villages, located to the south-east of the city, outside the ring road, inset from the Green Belt, proposed as part of the Plan. It is intended to deliver over 3,000 houses with, in the Plan as drafted, 2200 coming forward in the Plan period. The Council's latest trajectory<sup>21</sup> persuasively identifies however that only 560 will come forward in that time. A main modification is needed **[MM3.47]** to ensure that the policy reflects the most up-to-date position.
131. Principle (ii) deals with housing mix and once again, this should be deleted **[MM3.48]** because housing mix has its own specific Plan policy.
132. As set out above, Strategic Site ST15 is proposed to be inset from the Green Belt. Principle (iii) makes reference to some site boundaries but in order to properly reflect the Council's work<sup>22</sup>, this reference needs to be much fuller and refer directly to the need to protect and strengthen, where appropriate, existing boundary features, and where these are not present, provide new, strong and defensible boundaries as part of the overall design of, and master-plan for, the site. A main modification **[MM3.49]** is required to ensure that principle (iii), and thereby the policy overall, is properly justified.
133. Principle (iv) talks of the creation of open space within the site to maintain existing views of the Minster. This principle contains an erroneous reference to this open space being shown on the Policies Map. This needs to be deleted **[MM3.50]** because there is no such indication on the Policies Map, and neither should there be because this is a matter of detail best left to the master-planning process.

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<sup>21</sup> EX/CYC/107/1

<sup>22</sup> EX/CYC/59g

134. Existing biodiversity assets and the need to mitigate any impacts upon them are referred to in principles (v) to (vii). These need some correction/clarification in a number of respects. Firstly, there needs to be a direct reference to the Elvington Airfield SINC which lies in part within the site. Secondly, a reference is needed to the compensatory habitat (allocated to the west of the site as OS10) as provided for in Policy GI6. Thirdly, it needs to be made clear in the policy that a minimum provision of 10% of biodiversity net gain is required. Principle (vii) refers to ecological mitigation and compensation measures being delivered 5 years before development commences, supported by a long-term Management Plan. This reference to 5 years is unduly restrictive and not reflective of work that has progressed since the Plan was drafted. All that is needed is for ecological and compensation measures to have been delivered before development commences, and for the Management Plan to cover a period of at least 30 years by which time the mitigation and compensatory measures ought to be well-established. A main modification **[MM3.51]** is required to secure those changes and to ensure that the policy is effective.
135. Principle (viii) in the Policy as drafted addresses the need for the development of the site to protect the character, setting, and enjoyment of the Minster Way. This needs to be clarified to make clear that the Minster Way is also known as Langwith Stray but more particularly, that it is the character, setting and enjoyment of the Minster Way that is within Strategic Site ST15 that is to be protected. Principle (ix) in the policy as drafted deals with shops and other facilities that will need to be provided as part of the garden village to ensure that it is, to a reasonable extent, self-sufficient. An adjustment is required to make it apparent that this provision is expected to come forward early in the phasing programme. A main modification **[MM3.52]** is necessary to secure those adjustments to principles (viii) and (ix).
136. Principle (x) of the policy as initially drafted is concerned with on-site education provision and refers to nursery, primary, and potentially secondary demand. This needs to be adjusted because while the need for nursery and primary provision on-site has been demonstrated, the need for secondary has not, even though land has been set aside for it. The principle must be adjusted to say that secondary school facilities should be provided on the site shown within Strategic Site ST15 on the Policies Map, if a need for this provision is demonstrated. The principle also needs to deal with the alternative possibility, where demand can be met off-site in which case, financial contributions will be required in place of provision on-site. A main modification **[MM3.53]** is needed to bring clarity on this matter.
137. There then follows a series of principles aimed at the various highways, transport, and connectivity issues raised by the allocation. In common with the approach to similar principles in similar policies, principle (xi) in the policy as submitted, needs to be adjusted, in recognition of further work on this aspect that has taken place since the Plan was submitted, to require assessment of the

transport and highways implications of the allocation, on its own and in combination with other strategic sites, with proportionate mitigation provided as necessary.

138. Principle (xii) deals with the provision of necessary transport infrastructure to provide access to the site from the A64, with a potential secondary access from Elvington Lane. In recognition of the continuing work that has taken place on this important aspect of the scheme, this principle needs to be adjusted to make clear that what is envisaged is a phased development, with Elvington Lane serving the early stages, subject to certain other highway improvements - a link road between Elvington Lane and Hull Road, and works to the south of the junction between the Grimston Bar Interchange and Elvington Lane - pending the eventual link to the A64 shown indicatively on the Policies Map. This is all to be the subject of detailed assessment and with that in mind, alongside the provisions in relation to public transport, as well as walking and cycling, that we come on to below, we are content that this provides an appropriate and justified way forward that need not lead to excessive traffic, with attendant problems, on Elvington Lane, in the early or later stages of housing delivery. These changes are necessary for effectiveness and require a main modification **[MM3.54]**.
139. As presaged above, principles (xiii) and (xiv) in the submission draft of the policy talk about the use of Common Lane, Long Lane, and Langwith Stray as cycle and pedestrian routes only, and the potential for local bridleways like Fordlands Road and Forest Lane to function as cycle routes. These are justified considerations if this garden village proposal is to be properly accessible by means other than the private car.
140. Principle (xiii) as drafted should be modified to make clear that a cycle and pedestrian route is to be created along Common Lane/Long Lane/ Langwith Stray to connect Strategic Site ST15 to Heslington with no vehicular access to be provided along this route. In order to be effective principle (xiv) should require improvements to ensure that these bridleways can function as cycling routes all year round. A main modification **[MM3.55]** is necessary to bring all this about and make the policy effective in this regard.
141. Allied to that, principle (xv) in the policy as submitted deals with dedicated access for affected residents to be agreed with the community of Heslington. This lacks precision in our view and is open-ended to the extent that it might provide a barrier to development. The Council has suggested a change to make much clearer what is required – the retention of vehicular access connecting premises along Common Lane and Long Lane to Heslington as part of the access arrangements for Strategic Site ST15 overall. This clarity is necessary to ensure the policy operates with good effect.

142. Principle (xvi) is about public transport and in common with similar principles in other policies, it needs to be adjusted to refer to a Sustainable Transport Strategy aimed at securing 15% of trips to and from the site by public transport, with a focus on a transport hub with links to the city centre, and the University of York, and provision of public transport within the site itself.
143. The final principle of the policy as initially drafted - principle (xviii) - talks of exploiting synergies with the expansion of the university in terms of site servicing including transport, energy and waste. To function effectively this principle should refer to optimising synergies with the existing university campus(es) as well as the proposed expansion.
144. A main modification **[MM3.56]** is necessary to address all those points and to ensure the policy works effectively in these areas.
145. Some linked adjustments to the supporting text are also required. Paragraph 3.64 of the Plan as submitted is clear that any large-scale development on this site solely reliant on Elvington Lane would not be supported. This needs to be expanded to take account of the latest information and the approach to phasing that we have set out above. Moreover, there ought to be a reference to public transport improvements and cycle and pedestrian connections to allow travel by means other than the private car between Strategic Sites ST15, ST26 (the expansion of Airfield Business Park, Elvington) and ST27 (the University expansion). A main modification **[MM3.57]** is necessary to bring that clarity.
146. Paragraph 3.67 is also concerned with these linkages but needs to make reference to the grade separated junction on to the A64 necessary to bring these developments forward, the potential re-use of aggregates from the former runway, and the making of journeys by public transport. A main modification **[MM3.58]** is needed to make all that plain.

#### **Policy SS14: Terry's Extension Sites (ST16)**

147. As originally drafted, Policy SS14 sought to secure the delivery of 111 dwellings at the former Terry's factory, in the southern part of the city. This figure was made up of 22 dwellings on the Terry's Clock Tower element of the site (Phase 1), around 33 dwellings on the car park (Phase 2), and about 56 dwellings on land to the rear of the factory (Phase 3). However, this position was overtaken by events in the course of the examination and specifically, the fact that the Phase 3 site to the rear of the factory is in the course of being developed for an alternative healthcare use. The policy needs a main modification **[MM3.59]** to reflect that change in circumstances and so render it effective.

#### **Policy SS15: Nestle South (ST17)**



148. This site, formerly part of the Joseph Rowntree Cocoa Works, is north of the city centre. As drafted the policy foresaw the provision of 863 dwellings on the site with 263 in Phase 1 and up to 600 in Phase 2. Again though, these figures have been superseded by subsequent approvals from the Council for different amounts of housing.

149. A main modification **[MM3.60]** is required to update those figures to approximately 581 dwellings in total, with 279 in Phase 1 and around 302 in Phase 2. This change can also serve to remove the reference in principle iii to housing mix which again, is dealt with in a specific policy elsewhere in the Plan.

### **Policy SS16: Land at Tadcaster Road, Copmanthorpe (ST31)**

150. This site is a north-eastern extension of the village of Copmanthorpe. While it is a 'greenfield' site, the land is contained by the ring road and the East Coast main railway line. It is a logical, well-contained extension to the settlement, such that including it in the Copmanthorpe inset from the Green Belt is an appropriate approach.

151. As drafted the policy refers to the delivery of 158 dwellings on the site. This is inappropriately specific, to function effectively, the policy should refer to *approximately* 158 dwellings. This would allow the developer scope to make site-specific adjustments upwards, or downwards, as necessary. A main modification **[MM3.61]** is required to secure this change. A further main modification is needed to delete principle (i) which refers to housing mix **[MM3.62]**; this being dealt with by a separate, freestanding policy that we cover below.

152. Principle (ii) of the policy as drafted deals with the provision of open space on site. First of all, a reference is needed to refer to its representation on the Policies Map. Second, this principle says that this new open space needs to be delivered before the first phase of development to ensure that the adjacent SSSI is protected. That requirement is not justified, and the principle needs to be modified accordingly **[MM3.63]** to specify that the open space is required to be delivered before the dwellings are occupied.

153. Principle (v) is concerned with the site access and says that this is to be provided from Tadcaster Road, with no secondary access on to Learmans Way. It is accepted that access to the site will be taken from Tadcaster Road but there is no prospect of access being gained from Learmans Way. This reference needs to be deleted for clarity and effectiveness.

154. Principle (vii) deals with financial contributions relating to primary and secondary education facilities but as drafted it fails to address the fact that these might not

be required. In order to justify this principle, a rewording is necessary to deal with this possibility.

155. These matters require a main modification **[MM3.64]** in order to justify and make effective these particular principles.

### **Policy SS17: Hungate (ST32)**

156. Hungate is a large site (4.6Ha) that lies at the edge of the city centre. The site is subject to a series of approvals for a mix of office, retail, and residential uses. Work on the early phases has been progressing in the course of the examination. Reflective of that, and the Council's Hungate Development Brief, Policy SS17 does not include a series of 'principles' as these are not necessary. Nevertheless, the policy requires some adjustments to reflect the changing situation. First of all, the reference to Phases 5+ delivering around 328 dwellings needs to be changed to 570 dwellings. Second, the reference to the development having to accord with the approved site master-plan through existing planning permissions is unnecessary. However, reference does need to be made to the Hungate Development Brief as a starting point for development proposals. A main modification **[MM3.65]** is needed to secure those changes and make the policy effective.

### **Policy SS18: Station Yard, Wheldrake (ST33)**

157. This is a well-contained site on the south-west edge of the village of Wheldrake that is intended to be inset with the rest of the village from the Green Belt in order to provide around 147 dwellings.
158. The policy as drafted sets out a series of 'principles' that development proposals will need to follow. Principle (i) refers to the housing mix. This should be deleted **[MM3.66]** as this is properly covered elsewhere in the Plan.
159. Principle (ii) talks of development attaining a high standard of design which will provide an appropriate extension to the village, while maintaining its character. Good design and the need for it is covered elsewhere in the Plan but in any event, if a scheme provides a contextually appropriate extension to the village, then it will have reached that bar. A main modification **[MM3.67]** is needed to remove the reference to design and thereby allow the policy to work effectively in concert with other policies in the Plan.
160. The potential for the site to impose recreational pressure on the Lower Derwent Valley SPA/Ramsar/SSSI is the subject of principle (iv). However, the principle fails to make clear the nature of the mitigation that will be required to avoid this pressure, as detailed in the (2018) HRA. References to the facilitation of

recreation at alternative sites (like Wheldrake Woods) along with educational material for incoming residents need to be included in the policy **[MM3.68]** in order for it to act with proper effect.

161. Principle (viii) talks of providing financial contributions to existing nursery, primary, and secondary education facilities to accommodate the demand for places the development might create. However, the principle needs to be amended **[MM3.69]** to acknowledge that these contributions will only be required if they are shown to be necessary.

#### **Policy SS19: Queen Elizabeth Barracks, Strenshall (ST35)**

162. At the time the Plan was drafted, and subsequently submitted, the site of the Queen Elizabeth Barracks, in Strenshall, to the north of the city, was understood to be available, and suitable for development to deliver somewhere in the region of 500 dwellings. On that basis, the barracks were seen as a Strategic Site (ST35) and an allocation was made through Policy SS19.
163. However, the DIO, on behalf of the MoD, has since made clear that the site is not available. Consequently, Policy SS19 is no longer justified. Both the policy, and the associated supporting text need to be deleted from the Plan in their entirety **[MM3.70]**.

#### **Policy SS20: Imphal Barracks, Fulford Road (ST36)**

164. The site of Imphal Barracks lies off the Fulford Road, south of the city centre, and covers around 30 Ha. The DIO intend to dispose of the site and as a result, notwithstanding some constraints, it has the potential to bring forward a significant amount of housing.
165. The first part of Policy SS20, as drafted refers to 769 dwellings but it needs to be made clear that this figure is an approximation. This change is necessary to give the policy the flexibility necessary for effectiveness. Moreover, this part of the policy refers to the DIO disposing of the site by 2031 with development not anticipated within the Plan period. This would raise fundamental questions about the effectiveness of the policy but in any event, that timetable for disposal no longer applies, because the DIO has confirmed that the site will be available in the Plan period. On that basis, these references to when housing might come forward are superfluous and can be removed. A main modification **[MM3.71]** is required to address those points and give proper effect to the policy.
166. Principle (i) deals with highways and traffic related matters and goes into some detail about existing traffic levels on the A19 and the potential for cumulative impacts with Strategic Sites ST5 and ST15. This appears to us unnecessary; all

the principle needs to say is that any transport issues raised by development of the site must be addressed, with appropriate provision for sustainable transport choices, and proportionate mitigation as necessary. Those changes [MM3.72] are required to allow the policy to function effectively.

167. Principle (ii) refers to the housing mix but as in other policies of this type, this can be deleted [MM3.73] because it is dealt with elsewhere in the Plan.

168. Principles (iii) to (viii) deal with various aspects of the site notably the architectural and historic interest of the buildings upon it; the open spaces within it, like the Parade Ground; the potential for the inclusion of the site in the Fulford Conservation Area; the need for high design standards; and the potential for archaeological issues to arise. All the policy needs to say is that an agreed master-plan for the site that takes account of the historic and architectural interest of the site and its buildings and spaces will be required, alongside an assessment of the impact of development of the site on the adjoining conservation area. A main modification [MM3.74] is needed to address these matters and thereby ensure that the policy is properly justified.

169. Principles (x), (xii) and (xiii) are directed towards open space and the relationship of the site with the adjacent Walmgate Stray, and specifically the Tillmire SSSI which forms part of the stray. Criterion (x) as drafted only asks that potential effects on the stray and the SSSI through recreational pressure are considered. Obviously, they need to be mitigated, if necessary, too. Principle (xii) refers to the creation of new local (recreational) facilities 'as required' but this would work more effectively if the wording was changed to 'as appropriate' as this will need to be the subject of assessment. Principle (xiii) which speaks of the need to retain open spaces within the site to mitigate potential impacts on the stray is superfluous as this can be dealt with through the master-plan. A main modification [MM3.75] is necessary to secure those changes and make the policy effective, overall.

### **Policy SS21: Land South of Airfield Business Park, Elvington (ST26)**

170. Strategic Site ST26 is the first of the non-residential strategic sites in the plan. Proposed is an expansion of the existing Airfield Business Park, an important, well-established employment site to the west of the village of Elvington, partly on land that used to be part of RAF Elvington. This expansion is an integral part of the significant economic uplift the Plan seeks to provide for York. Like the adjoining elements of the existing operations, the expanded site will be inset from the Green Belt.

171. The policy refers to 25,080 square metres of new floorspace in Use Classes B1b, B1c, B2 and B8. Of course, those Use Classes have now been changed, and so must the policy to reflect that. To function effectively, the policy should

refer, more simply, to approximately 25,080 square metres of employment floorspace for research and development, light industrial and storage and/or distribution.

172. Principle (ii) is concerned with the retention of existing field boundaries within the site but given the sorts of buildings likely to come forward to furnish the uses proposed, this is not justified, and the principle needs to be deleted.
173. Principle (iv) deals with transport issues and dwells unnecessarily on the likely means of access to the site. All the principle needs to say is that transport issues need to be addressed as part of any proposals, including the facilitation of sustainable transport choices.
174. Principle (v) refers to the potential for air quality, noise, light pollution and contamination issues to arise, but this is unnecessary as these matters are addressed through other policies in the Plan. The same is true of principle (vi) which refers to the need for archaeological investigations.
175. A main modification **[MM3.76]** is needed to secure those changes that are necessary to ensure that the policy operates effectively.

### **Policy SS22: University of York Expansion (ST27)**

176. Policy SS22 in the Plan as submitted referred to the expansion of the University of York on to Strategic Site ST27 but limited that expansion, as part of the Council's economic ambitions for the city, to employment-based businesses including research-led science park uses and other higher education and related uses, with reference to Policy ED3. We have dealt with this matter elsewhere in the report, but this restricted approach to Strategic Site ST27 was shown to be likely to stifle the growth of the University to the extent that the facility would not be able to grow beyond 2026. Given the importance of the University as a key component of the long-term economic prospects of the city, this is clearly not a sound basis for the policy.
177. Fruitful discussions took place between the University and the Council in the course of the examination which culminated in a SoCG<sup>23</sup>. Amongst other things, this document recorded that the future success of the University is very important to the future economic and cultural life of the city and that the Plan should provide an appropriate policy context to facilitate the reasonable growth requirements of the University within the Plan period, including the need for student accommodation. It was agreed further that, as things stand, Strategic Site ST27, together with the prospect of future development within the existing

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<sup>23</sup> EX/SoCG/23

East and West Campuses, would be sufficient to accommodate the future development needs of the University within the Plan period.

178. We deal with the implications of all that for Policies ED1, ED2, and ED3 elsewhere in this report; what is important here is the impact of that change in the Council's understanding of the University's position on Policy SS22. Armed with this new understanding, the Council propose the deletion of Policy SS22 as originally drafted and its replacement with a new Policy SS22. The revised policy allocates the same site (Strategic Site ST27) but this time it allows for this land to be used for the future expansion of the University in the Plan period with university uses consistent with Policy ED3, having regard to a series of considerations alongside Policy ED1<sup>24</sup>.
179. These considerations include the need for an appropriate landscaped buffer between the allocated site and the A64; a need to assess transport impacts with those of Strategic Sites ST5 and ST15; the feasibility of sharing a junction with the A64 with Strategic Site ST15, as well as the potential for joint site servicing including transport, energy and waste; the need to deliver high quality public transport with links to the city centre with upwards of 15% of trips to be carried out in this way; and the optimisation of pedestrian and cycle links.
180. This changed policy secured by main modification **[MM3.77]** is necessary to ensure that, alongside other relevant policies, the approach of the Plan to the needs of the University of York is soundly based. This change in approach also necessitates a raft of changes to the explanatory text which also require a main modification **[MM3.78]**.

### **Policy SS23: Land at Northminster Business Park (ST19)**

181. The existing Northminster Business Park lies to the west of the city between Upper Poppleton to the north, and Knapton to the south. Policy SS23 proposes a significant expansion of the park to the south intended to deliver almost 50,000 square metres of employment floorspace to help serve the needs of the city over the Plan period, and the Council's ambitions for economic growth.
182. As originally drafted, the policy proposed uses with reference to the Use Classes Order as it stood at the time. Obviously, those use classes have changed and the policy needs to be amended to reflect those changes.
183. Moreover, the policy in the form submitted contained a series of 'principles' relating to design, landscaping, transport issues, and integration with the existing park. These are superfluous in the main as they are covered by policies elsewhere in the Plan. That said, bearing in mind the location of the site,

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<sup>24</sup> We deal with Policies ED1 and ED3 elsewhere in the report

principle (v) which relates to transport does need to stress that transport issues need to be addressed and that connectivity to sustainable modes of transport must be optimised. Further, principle (vi) which relates to landscaping is important as it has a site-specific screening purpose which is intended to ameliorate the potential impact of the expanded site on the surrounding landscape and the bridleway along Moor Lane in particular, and provide strong, enduring boundaries for the Green Belt inset the site would lie within.

184. A main modification **[MM3.79]** is required to address these changes necessary to make the policy effective.

#### **Policy SS24: Whitehall Grange, Wigginton Road (ST37)**

185. This site, which lies on the northern outskirts of the city, inside the ring road, has outline planning permission for the demolition of the existing buildings and the use of the land as a car storage facility. Policy SS24 allocates the site for up to 33,330 square metres of storage uses to reflect the need for these kinds of uses in the city.

186. As drafted the policy makes reference to the master-plan attached to the existing permission but this needs to be amended to refer to 'a masterplan secured by a grant of planning permission' in order to facilitate the possibility of different, perhaps more sensitive, proposals than those with permission already. A main modification **[MM3.80]** is necessary to achieve that and make the policy properly flexible and therefore effective.

#### **Conclusion**

187. Bringing all those points together, and subject to the main modifications set out, it is our conclusion that the approach of the Plan to Strategic Sites is justified.

#### **Issue 8: Is the approach taken to defining Green Belt boundaries compliant with national policy, and in general conformity with RSS?**

188. The Plan as drafted defines most of the countryside around the built-up part of the city as Green Belt. That approach emerges from the fact that this land has been treated as 'draft' Green Belt since the 1950s, with the general extent of York's Green Belt having been established through a number of documents including the North Yorkshire County Structure Plan (1995-2006), and the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 of 2008 (RSS). The primary purpose of York's Green Belt is to preserve the setting and special character of York, while helping to deliver the other purposes of Green Belt designation.

189. While the RSS has otherwise been revoked<sup>25</sup>, the Green Belt policies therein, relating to York, were saved, alongside the (RSS) key diagram insofar as it illustrates those policies and the general extent of the Green Belt around York. The revocation order stated that the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt lie about 6 miles from the city centre, and the inner boundary is to be defined in order to establish long term development limits that safeguard the special character and setting of the historic city.
190. Policy SS2 in the Plan as submitted defines the role of York's Green Belt in accordance with that principle and notes that new building in the Green Belt is inappropriate unless it is for one of the exceptions set out in Policy GB1. This policy is dealt with elsewhere in the report.
191. After that, Policy SS2 deals with the general extent of the Green Belt with reference to the 'Key Diagram'. It then goes on to say that detailed boundaries on the Policies Map, that we refer to above and below, follow readily recognisable physical features that are likely to endure, with examples given of streams, hedgerows, and highways. The last part of the policy talks about land being allocated to meet the needs identified in the Plan ensuring what the policy calls 'a degree of permanence'.
192. First of all, there is no need for the policy to explain the approach taken to boundaries; the policy need only say that the boundaries of the Green Belt are as shown on the Policies Map. Secondly, the Framework is clear that Green Belt boundaries are intended to be permanent. The phrase 'degree of permanence' does not properly reflect that and needs to be amended to do so. A main modification **[MM3.6]** is necessary to secure those changes.
193. It follows from Policy SS2, as amended, that one of the main roles of the Plan is to define the land that lies within the York Green Belt and to establish detailed Green Belt boundaries. The first question is whether the approach the Plan takes to defining the Green Belt is correct in terms of national policy, and in accord with RSS?
194. Before dealing in detail with the Council's approach to defining boundaries, in principle, it is necessary to examine the context for that operation. First, it is plain that York does not, for now at least, have an adopted development plan that includes detailed Green Belt boundaries. The Plan at issue seeks to introduce, for the first time, an inner boundary around the city itself; an outer boundary; boundaries around some settlements, and other establishments,

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<sup>25</sup> The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 came into force on 22 February 2013



insetting them rather than having them 'washed over'; and boundaries around sites proposed for development as part of the Plan.

195. In preparing the Plan, the Council, initially at least, proceeded on the basis that in setting these various boundaries 'exceptional circumstances' needed to be demonstrated. Paragraph 82 of the Framework says that new Green Belts should only be established in exceptional circumstances while paragraph 83 explains that once established, Green Belt boundaries should only be altered in exceptional circumstances.
196. Policies YH9C and Y1C of the RSS, alongside the related Key Diagram, have not been revoked, insofar as they relate to the Green Belt around York. These have a bearing on whether or not it is necessary to demonstrate exceptional circumstances, as required by paragraphs 82 and 83 of the Framework. For the Plan to be legally compliant, it has to be in general conformity with the RSS. The first question then is whether, having regard to paragraph 82 of the Framework, the Plan seeks to establish a new Green Belt.
197. RSS Policy YH9C says that: *The detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city.* RSS Policy Y1C sets out that: *Plans, strategies, investment decisions and programmes for the York sub area should: In the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with Policy YH9C.*
198. The RSS Key Diagram provides an illustration of these policies. A green dotted line encircling the city, which the key says relates to Policy YH9C is shown. A wider green 'doughnut' around the city is also shown. The key calls it the 'general extent of the Green Belt' and refers to Policy YH9.
199. Taking all that together, it is clear that these policies, combined with the Key Diagram and its key, establish the general extent of the Green Belt around York. Consequently, for the purposes of paragraph 82 of the Framework, York is among the places across the country where the general extent of the Green Belt is already established. It follows, therefore, that by undertaking to set detailed Green Belt boundaries, the Plan at issue is not, as a general principle, seeking to establish a new Green Belt.
200. It has been suggested that the inner and outer Green Belt boundaries proposed in the Plan are not in general conformity with the RSS policies referred to above because they either: do not reflect the inner boundary or general extent of the Green Belt boundary shown on the RSS Key Diagram (by the green dotted line and the green 'doughnut'); and/or in relation to the outstanding sections of the

outer boundary, are not 'about 6 miles from York city centre' as required by RSS Policy Y1C.

201. As a general point, it is plain that the (RSS) Key Diagram is a broad, schematic illustration of the RSS policies. The inner Green Belt boundary and the general extent of York's Green Belt illustrated on it is a graphic representation which symbolises the policy position set out in RSS Policies YH9C and Y1C. Moreover, there is nothing in the unrevoked parts of the RSS to indicate that York's inner and outer Green Belt boundaries should seek to replicate precisely the Key Diagram's illustrations. Indeed, Policies YH9C and Y1C specifically direct that the task of York's Green Belt boundary delineation should be undertaken through York's development plan.
202. However, that is not to say that the Key Diagram can be dismissed as a pure illustration that is of itself without meaning or consequence. If it were, then it would serve no purpose at all.
203. The Key Diagram shows the city of York in blue. This denotation is not simply an abstract 'blob', but rather it outlines the general built edge of the city. This is a point of significance, because it adds to the Key Diagram a level of specific detail. It is relevant here because the general extent of York's Green Belt does not run fully up to the built edge of the city. Instead, it is shown as running up to the aforementioned green dotted line encircling it. Whilst the built outline of York is wholly contained within this ring, so too are areas that are outside the built area. These are areas that, on the Key Diagram, are neither within the existing built area of York nor within the general extent of the Green Belt. The detailed inner Green Belt boundary proposed through the Plan includes within the Green Belt some of these areas. This gives rise to the proposition that the Plan is therefore not in general conformity with the RSS and consequently proposes to establish new Green Belt.
204. That is not accepted. The green dotted line is explicitly linked to RSS Policy YH9C which requires that the detailed inner boundaries should be defined to safeguard the special character and setting of the city. Put simply, the green dotted line leaves entirely open the question of where the detailed inner boundary should be drawn, so long as its delineation safeguards the city's special character and setting. The fact that the general extent of the Green Belt stops at the dotted line does not alter this. As such, the Plan's proposed inclusion within the Green Belt of land which is not within the general extent of the Green Belt is, in principle, of no consequence to the general conformity question and does not lead to the establishment of new Green Belt.
205. With regard to Policy YH9C, whether the proposed detailed inner boundaries would safeguard the special character and setting of York, such that the Plan is in general conformity with Policy YH9C, and/or whether it is sound in this

regard, is dealt with below. That said and given that we consider the proposed inner boundary to be in general conformity with the illustration shown on the RSS Key Diagram, it seems to us that this is a more finely-grained, detailed matter about the precise delineation of the proposed inner boundary. While it will remain necessary for the proposed inner boundary to be in general conformity with Policy YH9C, and for it to be sound, this is not a question of proposing any new Green Belt, as such.

206. Turning to the proposed detailed outer boundary and RSS Policy Y1C, we note that parts of the outer Green Belt boundary proposed in the Plan may well exceed a distance of six miles from York city centre. However, Policy Y1C does not demand precision. It says *about* 6 miles and does not stipulate any specific point within the city centre from which this distance should be measured. Consequently, general conformity with this policy limb is a matter of planning judgement. Outer boundaries are dealt with in detail below.
207. The Council's Green Belt Clarification Note<sup>26</sup> helpfully considers this point in some detail, and shows six mile boundaries using St Sampson's Square and York city walls as the points of measurement. From this analysis, it appears that only some parts of the proposed outer boundary exceed six miles, and then by little more than a few miles or so at most, no matter which starting point is used. In our view, on the basis of the Council's Green Belt Clarification Note, the degree of divergence involved is very limited.
208. Moreover, it is relevant to consider that the adopted development plans of Hambleton, Harrogate, Ryedale and Selby include Green Belt running up to York's administrative boundary that is explicitly 'York Green Belt'<sup>27</sup>. These are tranches of Green Belt that exist in order to achieve the aims of RSS policies in relation to York, and they define a significant proportion of York's outer Green Belt boundary. By and large, the remaining sections proposed through the Plan do not extend significantly further from the city than these or diverge considerably from the broad 'depth' of the Green Belt formed by them.
209. These outer boundaries are dealt with in detail below but we have reached the firm view that the proposed delineation of the detailed outer boundaries is in general conformity with the general extent of the Green Belt described by RSS Policy Y1C. The proposed detailed boundaries do not go so considerably beyond the distance of about 6 miles from York city centre so as to not conform with the general aim of RSS Policy Y1C. As such, as a matter of principle and for the purposes of paragraph 82 of the NPPF, we consider that the proposed detailed outer boundaries do not lead to the establishment of new Green Belt.

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<sup>26</sup> EX/CYC/39

<sup>27</sup> EX/CYC/59 Section 6a

210. That leads on to the question of whether the Plan alters any Green Belt boundaries having regard to paragraph 83 of the Framework. As set out above, the RSS has already established the general extent of York's Green Belt. As a result, the City of York Council is an authority with Green Belt in its area.
211. Consistent with paragraph 83 of the NPPF, and in general conformity with RSS Policy Y1C, the Plan sets out to establish Green Belt boundaries. It is clear from paragraph 83 of the Framework that it is *once established* that Green Belt boundaries should only be altered in exceptional circumstances. Save for the outer boundaries within neighbouring authorities, York's Green Belt boundaries have not yet been established. This Plan seeks to establish them for the first time.
212. It is evident that the question of the need for exceptional circumstances is only engaged in respect of established Green Belt boundaries that are being altered. That is not the case here. Consequently, it is not necessary for the inner and outer Green Belt boundaries to be justified on the basis of the existence of exceptional circumstances for the purposes of consistency with paragraph 83 of the NPPF – this 'test' does not fall to be considered.
213. We recognise that parts of the inner Green Belt boundary have been delineated specifically to exclude from the Green Belt land that is proposed in the Plan for development. Whether or not some of this land is within or outside the general extent of the Green Belt described by the policies and Key Diagram of the RSS is debateable. Other development sites that are wholly and obviously within the general extent of the Green Belt established through the RSS are also excluded from the Green Belt, as are some villages.
214. In short, the Plan proposes some 'holes in' or 'bites out of' the Green Belt that are not shown on the RSS Key Diagram or required by Policies YH9C and Y1C. The Green Belt proposed by the Local Plan is, therefore, different to the general extent of the Green Belt established in the RSS in this respect. This leads to the question of whether, because of the differences, the Local Plan is proposing to alter Green Belt boundaries.
215. For the reasons given above, we are of the firm view that the Plan is not proposing to alter any Green Belt boundaries. The general extent of the Green Belt shown on the Key Diagram is a schematic illustration of the RSS policies concerned. It includes no such boundaries and, as already mentioned, the RSS explicitly requires the task of Green Belt boundary delineation to be undertaken through the development plan. There is nothing in the RSS policies to prevent the delineation of Green Belt boundaries for the purpose of allocating land for development or for 'insetting' existing villages. These are matters on which the unrevoked RSS policies are silent. In this regard, therefore, we consider the Plan to be in general conformity with the RSS.

216. Moreover, it is apparent that the 2012 Framework allows for 'holes' in or 'bites out of' the Green Belt when establishing Green Belt boundaries, including when so doing for the first time as is the case here. It says that Green Belt boundaries should be drawn so as to set the framework for Green Belt and settlement policy (paragraph 83); take account of the need to promote sustainable patterns of development (paragraph 84); ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development (paragraph 85); and include villages in, or exclude them from, the Green Belt as necessary (paragraph 86).
217. It seems to us reasonable to suppose that any exercise of drawing up Green Belt boundaries to achieve these aims is likely to mean excluding from the Green Belt land which might otherwise be included within it. It is a possible outcome and, as such, it is one which the Framework permits, or at the very least, does not prevent.
218. Achieving these aims is precisely what the Council has sought to do. It has drawn up Green Belt boundaries having regard to what it considers to be a sustainable pattern of development in order to set the framework for Green Belt and settlement policy, and to 'inset' villages in line with paragraph 86 of the Framework. These and other such 'insets' are dealt with in detail below but, in our view, the approach taken by the Council is consistent with the Framework in principle and, critical to the question here, does not lead to the alteration of any Green Belt boundaries.
219. The Council's original position was that the approach taken has been, in effect, to first consider where the inner and outer Green Belt boundaries should be, and then to alter them – and to introduce other boundaries around proposed development sites – in order to allocate land for development. But Green Belt boundaries are not brought into existence during the plan making process, as this stance implies. Green Belt boundaries can only exist once the development plan policies bringing them about are adopted. There has, therefore, been no alteration to Green Belt boundaries through the process of producing the Plan because that is not possible – one cannot alter specific boundaries which are yet to exist.
220. In the light of the above, we consider that this Plan neither seeks to establish new Green Belt nor proposes to alter established Green Belt boundaries. We therefore conclude that for the purposes of consistency with national planning policy, it is not necessary for any of the Green Belt boundaries proposed in the Local Plan to be justified by the existence of exceptional circumstances. We also conclude that, subject to the detailed considerations below, the Green Belt boundaries proposed are, as a matter of broad principle at least, in general conformity with the RSS.

## Conclusion

221. During the examination, in response to our observations on the need for 'exceptional circumstances' to be demonstrated<sup>28</sup>, the Council took a different methodological approach to setting Green Belt boundaries. This is set out in Topic Paper TP1: Approach to defining York's Green Belt (addendum) and the associated annexes<sup>29</sup>. For the reasons set out above, this revised methodological approach to setting Green Belt boundaries is in accordance with national policy, and in general conformity with the saved policies of the RSS.

## Issue 9: Have the detailed Green Belt boundaries been properly justified?

222. Having revised its methodological approach and taken account of the development needs of the area, the Council put forward a series of detailed Green Belt boundaries for consideration, applying the revised methodological approach set out above.

223. In dealing with this particular aspect of the Plan, we are conscious that it is not specific policies that we are dealing with, or even explanatory text, but lines, or boundaries, that will appear on the Policies Map. As we have set out above, the Policies Map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. That said, some of what follows here, will require changes to be made to the Policies Map. We would also say that our observations about boundaries, and the correct way to set them, are the result of us having conducted site visits to the areas concerned.

224. As indicated above, there are several different types of boundaries that need to be addressed: the inner boundary of the Green Belt around the city itself; an outer boundary where the administrative boundary of York borders other administrative areas which in some cases have their own Green Belt; boundaries around some settlements, and other establishments, inseting them from the Green Belt; and boundaries around sites proposed for development as part of the Plan. We deal with them in turn.

## The Outer Boundary

225. We deal with the outer boundary first because it is the most straightforward. The Council has set out its methodological approach to this boundary<sup>30</sup> and based on the above, we are of the view that this approach is in general terms, sound. However, the detailed boundary positions do need to be defined clearly, taking

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<sup>28</sup> EX/INS/15

<sup>29</sup> EX/CYC/59 and EX/CYC/59a

<sup>30</sup> EX/CYC/59 and EX/CYC/59b

into account physical features that are readily recognisable and likely to be permanent, as per paragraph 85 of the Framework.

226. Several of the authorities that have boundaries with the administrative area of York have designated Green Belts in their administrative areas, that are said to be part of the York Green Belt. These run up to the boundary of these areas with the administrative area of York. It is logical that to ensure continuous coverage, the outer boundary of the Green Belt that is being set here, should run up to these outer boundaries of neighbouring authorities. This means that the Green Belt should obviously run up to the boundary with Harrogate DC, the best part of the boundary with Hambleton DC, part of the boundary with Ryedale DC, and much of the boundary with Selby DC. The question then is where the boundaries should be set in relation to the remaining outer limits of the administrative area of York?
227. In their analysis<sup>31</sup>, the Council split these boundaries into three: Section 1 which covers the boundaries with Hambleton and Ryedale where there is no designated Green Belt running up to the boundary in those districts; Section 2 which covers the boundary with the East Riding of Yorkshire, and part of the boundary with Selby, where there is no designated Green Belt running up to the boundary; and Section 3 which covers a short run of the River Ouse which forms part of the boundary with Selby<sup>32</sup>.
228. The Council's very detailed assessment of the boundary of Section 1 shows that save for a relatively short run, the proposed boundary follows easily recognisable physical features that are very likely to endure in the long term, like the River Foss, field boundaries, dikes, roads, plantations, and drainage ditches. We are satisfied that these boundaries have been justified. The short run in question (Section 1 Boundary 7) runs across the middle of an open field so it does not follow any physical feature. That said, the line of the proposed boundary does continue that of a prominent field boundary to the west, to meet another prominent boundary to the east. In that context, we are satisfied that it is justified.
229. The Council's analysis shows that Section 2 follows in part, the course of the River Derwent, drainage ditches, woodland edges and field tracks. In our view, these are all readily recognisable physical features that follow the terms of paragraph 85 of the Framework. The same goes for Section 3, which uses the River Ouse, which forms the administrative boundary of York at this point, as a Green Belt boundary.

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<sup>31</sup> EX/CYC/59b

<sup>32</sup> We are aware that some of these authorities have now been subsumed into North Yorkshire Council but we have used the former names in order to be consistent with the examination documents

230. Taking all these points together, the proposed outer boundary to the York Green Belt has very clearly been justified in terms of paragraph 85 of the Framework. No changes are needed in relation to the Policies Map as a result. We would observe too that it is logical for the outer limit of the York Green Belt, where it is not meeting another part of the Green Belt on the other side of the administrative boundary, to coincide with the administrative limits of the city and its local planning authority.

### **The Inner Boundary**

231. The inner boundary is far more complicated. The Council has explained its revised methodological approach to delineating the inner boundary<sup>33</sup> and based on our findings on that methodology, set out above, we are content that, broadly speaking, it is sound. On our analysis, the proposed boundary uses physical features that are readily recognisable and likely to be permanent, such as roads, railways, rivers, tree lines and hedgerows, and mostly, as one might expect, the edges of residential curtilages – walls, fences, and the like. As such, it accords with advice in paragraph 85 of the Framework. There are, however, some details of the boundary that provoke comment, and lead to the need for adjustments on the Policies Map. These largely relate to the way the Council has approached the boundaries around institutions like schools and their curtilages.
232. Before we move on to these specific boundaries, the overall context for the findings above must be outlined. The Council has a strategy in its Plan to keep the city compact, and prevent it spreading further into the surrounding countryside, as it has tended to do over time. As set out in the Council's most informative Heritage Topic Paper<sup>34</sup>, this gradual, and in some cases significant, encroachment has been to the detriment of the setting of York as an historic city and in our view the Council is right to seek to prevent further degradation. To meet the development needs of the city, in large part, the Council has proposed satellite developments separate from the city, following the historic settlement pattern while drawing the inner Green Belt boundary tightly around the city limits, enclosing in the Green Belt the various Ings and Strays that are such an important part of the character and pattern of the city.
233. We have found this strategy for York to be rational, justified and thereby sound. If one accepts that this strategy is sound, then it is logical to use it to underpin, to a significant extent, the approach to defining the edge of the city, and drawing the inner boundary of the Green Belt. We fully accept that the tightly drawn boundary that results will in some cases, make it very difficult to develop sites on the edge of the city that might appear, on the face of it at least, to offer the potential to readily provide housing, affordable housing, sites for Gypsies and

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<sup>33</sup> EX/CYC/59, EX/CYC/59c, EX/CYC/59d, and EX/CYC/59e

<sup>34</sup> SD103 and associated documents



Travellers perhaps<sup>35</sup>, and so forth. A lot of these sites were considered at options stage and ruled out on the basis of the strategy the Council chose to follow.

234. Once a strategy like this is settled upon, and it is the guiding principle of the entire Plan, then it must be applied consistently, and the approach cannot be half-hearted. It is not as if the Plan fails to accommodate these needs in other ways – it is just that they are to be accommodated in ways that better preserve the setting and historic character of the historic city, which is, after all, the principal purpose of the York Green Belt.
235. It is against that general background that we approach the boundaries. Again, we would make clear that we have visited the salient places and observed 'on the ground', what it is that the Council proposes.
236. The inner boundaries proposed have been dealt with in the Council's evidence in 8 separate sections. Sections 1-4<sup>36</sup> run around the western side of the city, broadly speaking. The line of the Section 1 boundary follows obvious physical features, like roads, woodland edges, the limits of residential gardens, and the extent of Westfield Primary School and its associated grounds. We would note in terms of the school that the approach taken to it, that is keeping the school grounds out of the Green Belt, is broadly, the correct approach to take – these school grounds do not fulfil a Green Belt purpose. However, it is not an approach that has been taken consistently and this is at the root of many of our observations about changes that need to be made to the proposed inner boundary of the Green Belt. We will come on to these situations in due course.
237. Section 2 of the inner boundary of the Green Belt lies to the north-west of the city and is the northern extension of the Section 1 boundary. The proposed boundary follows, to a large extent, the edge of residential development and roads. There is one section of the proposed Green Belt boundary that runs along a well-established tree line, adjacent to some open space off Prestwick Court. This open space contains play areas and associated paraphernalia and we are content that for the reasons the Council give, and consistent with findings we make elsewhere regarding playing fields and playgrounds, that it serves no Green Belt purpose and need not be contained in the Green Belt.
238. Section 3 then begins by following the line of the ring road, past Manor School and York Business Park until the ring road reaches the East Coast Main (railway) Line to the north of York. The boundary then heads south-east, following the eastern edge of the railway line, bringing Poppleton Ings into the Green Belt, until it meets the fence line of the Yorkshire Waste Water Treatment

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<sup>35</sup> Though as we set out in more detail elsewhere in this report, we have our doubts whether anything other than general housing would come forward on these sites

<sup>36</sup> Sections 1 to 4 (inclusive) are the subject of analysis in EX/CYC/59c

Works. The boundary then follows the fence line along the western bank of the River Ouse, so that the Waste Water Treatment Works are kept outside the Green Belt, up to the point where it meets Landing Lane. The proposed boundary then follows the (residential) development limits of the city until it meets St Barnabas School and the Vicarage.

239. Here, the proposed boundary has been drawn tightly around the school buildings. Consistent with our views about other situations where boundaries have been drawn tightly around school buildings, we are of the view that the curtilage of the school, should not be in the Green Belt because it is an integral, part of the school, and does not therefore serve a Green Belt purpose. We would observe here, in passing, that establishing in policy the situation where a school would need to demonstrate 'very special circumstances' for future expansion, even if that expansion was temporary, is not sustainable<sup>37</sup> when the City is seeking to grow its population, or in accordance with paragraph 72 of the Framework. The boundary needs to be redrawn here and reflected in that way on the Policies Map<sup>38</sup>.

240. After a short interval, the boundary follows the line of Scarborough Bridge, crossing the River Ouse and then turns west, following the line of properties fronting the river, before it meets St Peter's School. This is another line where we consider the Council's proposed boundary not to be justified.

241. As proposed, the boundary follows the built footprint of St Peter's School, before running north-west along a path and hedge through the school playing fields. This particular section is problematic and not in our view properly justified. The built footprint of the school could be subject to change, and there is little appreciable difference between the playing fields either side of the proposed boundary. It appears to us that these areas are highly developed with fences, lighting and manicured playing fields. They are read as an integral part of the school and serve no real Green Belt purpose.

242. It seems to us that it would be far more rational for the boundary to follow the line of the significant earth bund that forms a flood defence for the school and its grounds, and bounds those grounds, from the front of Almerly Terrace. The Policies Map will need to be changed to reflect this finding<sup>39</sup>. The revised boundary should then pick up the proposed boundary at the rear of properties on Westminster Road and the outer edge of the footpath along the side of the sports field and join the rest of the Section 3 boundary as proposed.

243. The boundary then continues as Section 4. The first part is proposed to follow the built curtilage of No.27 Shipton Road and then continue north along Shipton

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<sup>37</sup> In the dictionary sense of the word

<sup>38</sup> This change is illustrated in EX/CYC/120b

<sup>39</sup> As shown in EX/CYC/120b

Road including York Sports Club in the Green Belt. There was some discussion about this approach to York Sports Club during the Phase 4 Hearings. In line with our comments about the approach to the boundary in relation to playing fields, the Council revisited this section and made two suggestions; the first involved taking the buildings at York Sports Club out of the Green Belt and the second involved taking out both buildings and playing fields.

244. Having visited the site, we are of the view that including the substantial buildings in the Green Belt serves no purpose. However, unlike the situation at St Peter's School, here the playing fields associated with the buildings are largely open and make a significant contribution to the open character of Clifton Ings. As such, they serve a clear Green Belt purpose. As a result, the Policies Map will need to be amended here to remove the York Sports Club buildings from the Green Belt<sup>40</sup>.

245. After that, the boundary needs to extend around the built footprint of Clifton Hospital and continue north-east along the built edge of the city until it reaches the ring road. The boundary then continues east along the line of the A1237 until the roundabout with the B1363 before turning south then west on to Clifton Moor Gate. It then turns south and then west along the boundary of the development at Clifton Moor, including an area of land that is important to keep open to preserve the setting of the city.

246. The proposed boundary then runs along the rear of existing properties, until it meets Burton Green Primary School. This is another example of where the Council has proposed a boundary that follows the built footprint of the school, so that the school playground would be in the Green Belt. As with other examples, the playground has a strong boundary and identifies as part of the school, not as part of the adjoining open space. It does not fulfil any Green Belt purpose. The Council looked at this boundary and proposed an alternative that runs the boundary around the curtilage of the school so that the school and its grounds are outside the Green Belt<sup>41</sup>. This is a more rational approach and in our view this change is necessary and needs to be reflected on the Policies Map.

247. Sections 5 and 6 of the proposed inner boundary are to the north-east of the city<sup>42</sup>. Section 5 begins at the Nestle Factory and is drawn around the curtilage. It is then proposed to run north along Haxby Road. There was some discussion about whether the inclusion of the Northfield playing fields, associated with York St. John University Sports Park, that lie to the west of the road, in the Green Belt, has been justified. These playing fields, unlike those more closely bound to

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<sup>40</sup> As shown in EX/CYC/120b

<sup>41</sup> As shown in EX/CYC/120b

<sup>42</sup> EX/CYC/59d refers

the Sports Park to the east are largely open in character and as they stand, serve a Green Belt function.

248. There is a tension here though because Policy ED5, as proposed to be modified, that we deal with elsewhere in the report, allows for a range of sports and related uses where they are consistent with Policy GI5 (that we also deal with elsewhere in this report). This range includes outdoor sports facilities; together with associated car and cycle parking; appropriate indoor sports facilities; and other outdoor recreational activity.
249. As we cover in more detail below, it is very difficult to see how outdoor sports facilities, with associated car and cycle parking, and in particular, indoor sports facilities, which might well involve a large building, could be found to preserve openness. Moreover, they would conflict with the purposes of including land in the Green Belt notably checking the unrestricted sprawl of large built-up areas; and safeguarding the countryside from encroachment.
250. These facilities, allowed for by Policy ED5 as expanded, would almost certainly be found to be inappropriate development in the Green Belt. If the Northfield site remains in the Green Belt, as the Council proposes, then it seems to us that Policy ED5 cannot be said to be positively prepared, justified, or effective. The solution to that difficulty is for the Northfield site to be kept out of the Green Belt. The revised boundary should then run from the north-west corner of the Nestle Factory northwards, to the south-west corner of the properties on Alder Way. The submitted boundary needs to be modified accordingly.
251. The proposed boundary should then follow the line of residential curtilages until it reaches the Joseph Rowntree School. As originally proposed the Green Belt boundary followed the school boundary, so that the school and its curtilage were outside the Green Belt, lining up with the boundary of the site proposed for development (H46) to the south. However, the Council proposed redrawing this boundary so that the Green Belt boundary followed the built form of the school, bringing the curtilage of the school into the Green Belt.
252. However, the school has very strong boundary treatments that give the school grounds a strong sense of enclosure. They do not have an open character. As such, there is no justification for including them in the Green Belt and the previous iteration of the boundary, as shown on the Policies Map, should be followed. This involves reversion to the original (2018) policies map boundary and the withdrawal of the Council's proposed (2021) modification<sup>43</sup>.
253. After following the line of the school grounds, and the site proposed for development to the south, there is a section, around the River Foss, that

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<sup>43</sup> As shown in EX/CYC/120b

penetrates into the built form either side. This provoked some comment. It could be argued that the boundary so formed is complicated, and perhaps a little contrived given that the land in question – the river and its banks – would be very unlikely to ever be developed. However, we see this insert as a miniature version of the Ings and Strays, and the land in question warrants inclusion in the Green Belt for the same reasons. It maintains a sense of separation between the built-up areas either side and areas of this type contribute significantly to the historic form and character of the city.

254. The boundary then follows the River Foss before turning west along residential limits. The land to the north of Avon Drive, proposed for inclusion in the Green Belt, is a good example of the sort of small site, that is, in the view of some, needlessly excluded from potential development by its inclusion in the Green Belt. However, as we have set out above, its inclusion in the Green Belt is perfectly rational given that we accept that the Council's overall strategy is a justified one. There are other strategies that the Council could have followed which would have meant that sites like this would not have been included in the Green Belt, but those types of strategies would have been inconsistent with the Council's strategic approach to setting Green Belt boundaries in order to preserve the historic character and setting of the city.

255. As we have set out above, having decided on a strategy, that is justified by very strong evidence in the Heritage Topic Paper, then the strategy needs to be followed consistently. That may throw up results that some find unnecessarily rigid but that is a reasonable consequence of the strategy the Council has chosen; a strategy that we support. Based on that strategy, the land to the north of Avon Drive, should be in the Green Belt and the boundary the Council propose is the right one.

256. The boundary then runs south along the built edge of the city until it comes to the proposed inset designed to maintain separation between existing residential areas, Strategic Site ST8<sup>44</sup>, and the northern part of Monks Cross. This inset was the subject of some comment, but it seems to us that while the width of the inset that would be included in the Green Belt is, relatively restricted, it would maintain some important separation between Monks Cross, and the new development on Strategic Site ST8 proposed to the north of it. Without that separation, there would be the impression of the city spreading out into the surrounding countryside. The separation between established residential areas and the Strategic Site is important because without it, development on the Strategic Site would not appear as a satellite to the city, notwithstanding its connection to Monks Cross to the south. The inset proposed does serve a clear Green Belt (and strategic) purpose, therefore, and is justified.

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<sup>44</sup> Planning permission was granted for housing on ST8 by the SoS in December 2022 (APP/C2741/W/21/3282969)

257. The boundary is then drawn tightly around the Monks Cross Shopping Park, the Vangarde Shopping Park, and the Park & Ride site before bounding an area of land north of an existing cemetery off New Lane. This land, north of the cemetery, was the subject of a planning application and subsequent appeal against non-determination of that application<sup>45</sup> and after receiving an Inspector's report, following a Public Inquiry in January 2022, the SoS granted outline planning permission for 300 dwellings on the site. Having done so, it seems pointless and ineffective to include this site in the Green Belt. Reflective of that, the boundary should be modified to run along the south side of the cemetery and the cycle path as the Inspector who dealt with the appeal suggested.
258. We note that the Council has recently granted permission for 107 affordable homes on land immediately south-east of the cemetery, and permission for a Children's Centre on land immediately beyond that<sup>46</sup>. However, these decisions were arrived at on the basis that the sites were, or at least would be, in the Green Belt. On that basis, we see no justification for amending the proposed boundary to take these sites out of the Green Belt. That is especially the case when one considers that it need not be these permissions that are eventually implemented.
259. The proposed boundary then turns south-west to include land west of New Lane in the Green Belt before following the line of Malton Road adjacent to Monk Stray up to and including the golf course, following establish boundaries to Section 6.
260. Section 6 begins by following the built-up boundary of Heworth on the opposite side of Monk Stray, before turning south-east to, and following Stockton Lane before turning again, to follow the existing built-up, settlement limits, before reaching the main carriageway of Osbaldwick village. The boundary then heads east following the settlement pattern along Murton Way, until it reaches the industrial estate. The boundary then follows the form of the industrial estate, and the adjacent (Council owned and managed) caravan site, that we deal with further elsewhere in this report. It suffices to say here that the Green Belt boundary around the caravan site needs to be carefully considered to ensure that the expansion of this site, to meet the needs of Gypsies and Travellers, is not unnecessarily complicated by including land to the north of the caravan site in the Green Belt. This involves reversion to the original (2018) policies map boundary and the withdrawal of the Council's proposed (2021 and 2022) modifications<sup>47</sup>.

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<sup>45</sup> APP/C2741/W/21/3282598 – the decision dates from 17 October 2023

<sup>46</sup> Under Refs.23/01016/OUTM and 22/01733/FULM respectively – EX/CYC/142 refers

<sup>47</sup> The necessary change is shown in EX/CYC/121a

261. The boundary can then follow Osbaldwick Beck back to Murton Way before continuing along the boundary on the National Grid Substation before Section 6 reaches its conclusion on Hull Road.
262. The final part of the inner Green Belt is Sections 7 and 8<sup>48</sup>. Section 7 begins by following the Grimston Bar Park and Ride site before reaching York Sports Village, which is a part of the University of York. There was some question over whether the sports facilities warranted inclusion in the Green Belt. Having visited them, and the surrounding area, we are of the view that the facilities are too 'built-up' to serve any real Green Belt purpose. Consequently, the Green Belt boundary needs to be redrawn at this point to take the complex out of the Green Belt. This involves reversion to the original (2018) policies map boundary and the withdrawal of the Council's proposed (2021) modification that sought to include them<sup>49</sup>.
263. The proposed boundary then runs around the site proposed for the expansion of the University (ST27). We deal with the mechanics of that allocation elsewhere in this report and it suffices to say here that the Green Belt boundary needs to take this land out of the Green Belt.
264. As part of our analysis of the approach of the Plan to the University of York campus, we have dealt with whether there is any need for further land to be safeguarded to allow the University to expand in future. For the reasons set out elsewhere in this report there is no such need and so, the Green Belt boundary needs to follow the line of the allocation back to the existing boundary of the University of York campus and the surface water drainage infrastructure.
265. The Council has drawn our attention to some anomalies between the Green Belt boundary proposed<sup>50</sup> and the situation once some recent planning permissions have been taken into account. This needs to be remedied in the way the Council has shown<sup>51</sup>. The boundary then needs to return along the north-west boundary of Campus East, to the roundabout, before running back south-west along the line of built development, taking in Pond Field and Heslington Church in order to provide a predominantly open buffer between the campus and Heslington. The boundary then follows the edge of Heslington until it reaches Lord Deramore's Primary School.
266. Here again, there is an issue with the boundary being drawn tightly around the school buildings. Consistent with the reasons set out above in relation to schools in similar situations, the boundary needs to follow the boundary of the school curtilage. A modification to the policies map will be needed to facilitate

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<sup>48</sup> EX/CYC/59e refers

<sup>49</sup> As set out in EX/CYC/120b

<sup>50</sup> In EX/CYC/59e

<sup>51</sup> In EX/CYC/120b

this boundary change<sup>52</sup>. The boundary can then follow the established boundaries on the edge of Heslington before skirting the southern and western sides of the University of York Campus West until it reaches the southern boundary wall of the Retreat.

267. Having visited the Retreat and spent some time in the grounds, and observed the substantial boundary wall from Walmgate Stray to the south, we are of the view that including the grounds of the Retreat in the Green Belt serves no particular purpose. The boundary wall on to the Stray is such a significant structure that the Green Belt boundary, logically, needs to follow it<sup>53</sup>.
268. There is then the question of the site of the Lamel Hill battery. Originally, we suggested that this area should be taken out of the Green Belt in its entirety. On reflection and having looked in detail at the Council's proposed changes in this area, we have reached the view that it should be included. The Green Belt boundary should follow the western boundary wall of the Retreat northward before turning east in line with the main building of the Retreat, following the modified line of the Green Belt boundary bringing the site of the Lamel Hill battery, and the sliver of land to the north of it, up to Heslington Road, into the Green Belt<sup>54</sup>.
269. The boundary should then follow the built envelope, so that the allotments, and York Cemetery are included in the Green Belt, then the rear of Fulford Police Station before reaching Imphal Barracks (ST36). In our view, like the schools referred to above, the proposed Green Belt boundary here has been drawn too tightly around buildings and fails to take account of the strength of the existing boundaries, and the built-up nature of the sports facilities beyond those buildings. The Green Belt boundary needs to be revised to reflect all that<sup>55</sup>. The boundary can then follow the line of development north of Broadway before running south and then west reflecting the extent of the approved Germany Beck development.
270. Section 8 then begins by following the western extent of the built-up area of Fulford before crossing the River Ouse north of the Millenium Bridge at Rowntree Park before turning south to the car park of the Chocolate Works and then west around the Residence, eventually reaching York Racecourse. The main racecourse buildings are excluded from the Green Belt by the proposed boundary which, given their nature and scale, seems to us the proper course to follow. The racecourse itself is largely open and fulfils a clear Green Belt purpose so it is correct that the proposed Green Belt boundary follows the line of built development that borders it. The boundary should then turn west to take in the Scarcroft Allotments, and then south, along Tadcaster Road following the

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<sup>52</sup> The revised boundary is shown in EX/CYC/120b

<sup>53</sup> As the Council has shown in EX/CYC/124

<sup>54</sup> A hybrid of the changes shown in PMM40(i) and PMM40 in EX/CYC/124

<sup>55</sup> As shown in EX/CYC/120b



racecourse edge, behind the Marriott Hotel, and then the edge of residential properties further south, and St Leonards Hospice and development to the south. At this point, the proposed boundary reaches York College.

271. The proposed boundary here follows the line of the more built-up sports facilities east of the college, placing the more open playing fields further east, into the Green Belt. However, Policy ED7, that we cover in detail below, supports the continued success of York College including any further expansion of their teaching, administration, research operations and student accommodation at their existing site and campuses as shown on the Policies Map. As we have found with Askham Bryan College, it is very difficult to square that very strong support for the expansion of the college, with the tight Green Belt boundary proposed. To give proper effect to the policy, the campus of York College, including the open playing fields beyond the more built-up sports facilities directly east of the college, should be kept out of the Green Belt<sup>56</sup>. The boundary as submitted needs modification to this effect. The boundary should then run up to the Askham Bar Park and Ride site, and then the railway line north to the start of Section 1.

272. Subject to the changes highlighted, these inner boundaries, while tightly drawn, have a sound basis in keeping the city compact. Moreover, they use physical features that have a permanent quality. On that basis, they have been justified, subject to the identified changes to the Policies Map.

### **Insets from the Green Belt**

273. The next group of boundaries are those around the various insets proposed, around existing settlements and other facilities, in the area between the inner boundary, and the outer boundary of the Green Belt<sup>57</sup>. As a general point, we are content that the approach taken to these boundaries is a sound one. Again they are tightly drawn but the point is that if the strategy is to maintain a compact city as the centrepiece, with satellite settlements that surround it, following the historic pattern, then for the same reason that allowing the city to creep outwards these satellites is wrong, for the reasons rehearsed in the Heritage Topic paper and elsewhere, then the same logic must apply to allowing the settlements to expand, because they need to maintain a subsidiary character, and not creep inwards towards the city. In the same way, we are content that the Council has chosen the right settlements, or built-up areas to inset from the Green Belt, and those that need to be 'washed over', with one significant exception.

274. With that as our starting point, we need only highlight some anomalies that need to be addressed. The first relates to the boundary drawn around Elvington in the

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<sup>56</sup> As the Council suggests in EX/CYC/126

<sup>57</sup> These are dealt with in EX/CYC/59f

vicinity of the Elvington Primary School. The situation is like those situations highlighted above where the boundary has been drawn tightly around the school buildings but would, in our view, better follow the curtilage of the school. The (2021) modification proposed to include the curtilage in the Green Belt<sup>58</sup> should not be pursued.

275. There is a similar situation in relation to the Stockton-on-the-Forest Primary School. The Council's proposed (2021) modification would draw the boundary relatively tightly around the school buildings. In our view, the correct line to take, bearing in mind our comments above about school curtilages, would be that shown on the (2018) Policies Map<sup>59</sup>.

276. For similar reasons, in Upper/Nether Poppleton, as neither serves any Green Belt purpose, the Poppleton Centre needs to be taken out of the Green Belt and the boundary around the Poppleton Ousebank Primary School needs to follow the line of the school curtilage<sup>60</sup>.

277. There is an issue too with the Queen Elizabeth II Barracks in Strensall. In the Plan as submitted this was one of the strategic sites identified for housing (ST35). We have dealt elsewhere with the issues raised with this allocation and the circumstances behind why the allocation is to be omitted from the Plan. However, the Green Belt boundary around the barracks still needs to be dealt with. In our view, the original boundary proposed is too tightly drawn around buildings, when the obstacle course and associated facilities to the east are built up, with strong boundary treatments, to the extent that they do not fulfil a Green belt purpose. As such, the boundary needs to be changed here to take these parts of the barracks site out of the Green Belt<sup>61</sup>.

278. That brings us to the significant exception referred to above. That relates to Askham Bryan College. We have dealt with the expansion needs of the college elsewhere in this report, in dealing with Policy ED7, and there is no need to repeat them here. However, those needs do have a bearing on the way the Green Belt is treated around it. Originally, the Green Belt was to have washed over the college but following discussion at the Hearings, the Council proposed an inset in the February 2023 Main Modifications consultation.

279. However, this inset is in our view too tightly drawn and pays too little attention to the need of the college to develop and expand – an expansion explicitly supported in Policy ED7 that we refer to below. Too tight a Green Belt boundary is very likely to inhibit the very clear intentions of the policy. To that end, and having spent some time at the site, we are of the view that the boundary should

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<sup>58</sup> Shown in EX/CYC/120b

<sup>59</sup> Shown in EX/CYC/120b

<sup>60</sup> As shown in EX/CYC/120b

<sup>61</sup> As shown in the proposed modification (December 2022) in EX/CYC/120b

be drawn more widely, taking in some of the open areas around the existing buildings, and running up to what are existing strong boundaries. This change<sup>62</sup> is a necessary one for soundness in relation to Policy ED7.

280. Other insets are proposed around other non-residential strategic sites. These are Land South of Airfield Business Park, Elvington (Strategic Site ST26), and Land at Northminster Business Park (Strategic Site ST19). These extensions to existing employment sites are intended to house large buildings providing employment floor-space so the insets are clearly justified given that if the sites are not so inset, those buildings would be inappropriate development in the Green Belt, which would frustrate the intentions behind Policies SS21 and SS23 respectively. On our analysis, the insets proposed are based on established boundaries that are readily defensible and likely to endure.

### **Freestanding (New) Settlements**

281. The Plan proposes three freestanding satellite settlements as part of the overall group of strategic sites. These are dealt with elsewhere in this report, in terms of the specific policies that apply to them, and here it suffices to address the manner in which they are proposed to be inset from the Green Belt.

282. The first of these is Strategic Site ST7 (Land to the East of Metcalfe Lane) which is located to the east of the built-up area of the city and is expected to deliver over 800 houses. We consider that there is no real purpose served by 'washing over' a new settlement of this scale, so it does need to be inset from the Green Belt. However, bearing in mind the requirements of paragraph 85 of the Framework, it is important that the inset follows clearly defined, identifiable boundaries. As the Council's analysis shows<sup>63</sup>, the northern boundary of the inset follows Tang Hall Beck, and the others, historic field boundaries.

283. The second is Strategic Site ST14 (Land to the West of Wigginton Road) which lies to the north-west of the city bringing forward over 1,300 dwellings. Again, a new settlement of this size must be inset from the Green Belt. The proposed inset boundaries follow historic field boundaries, and the line of the Nova Scotia Plantation which together offer easily recognisable borders that can endure.

284. The third and final inset relates to Strategic Site ST15 (Land West of Elvington Lane) which is proposed as a Garden Village covering 339 Ha and delivering nearly 3,500 dwellings. The site covers part of the former Elvington Airfield. It is our view that a new Garden Village of this scale needs to be inset from the Green Belt. The boundaries proposed follow the alignment of the Minster Way,

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<sup>62</sup> Shown as PMM31(i) in EX/CYC/125

<sup>63</sup> EX/CYC/59g

historic field boundaries, and the extent of part of the runway. In our view, they are well-defined boundaries that offer proper containment.

285. Bringing those points together, the approach taken to these insets is well-founded and no changes are needed to the Policies Map in this respect.

## Conclusion

286. On that overall basis, we are content that with some adjustments as set out above, the various Green Belt boundaries have been properly justified, and the policy (or policies) for bringing them about, are thereby sound. These boundaries will need to be reflected in the Policies Map that eventually accompanies and informs the Plan.

## Issue 10: Is the approach of the Plan to housing delivery, density, mix, tenure type, and specialist housing sound?

287. As set out above, Policy SS1 sets out an annual housing target of 822 dwellings a year, over the Plan period, amongst other things. Section 5 of the Plan deals with the manner in which this is to be brought forward<sup>64</sup>.

288. As originally drafted, Policy H1 deals with and lists the various housing allocations in the Plan whether these are Housing Sites (H1, H2, H3 and so on), or Strategic Sites (ST1, ST2, ST3 and so on). We deal with these sites in detail above and below, but dealing with the preamble to the list, the policy, as drafted, sets out that planning permissions for housing on these allocated sites will be supported if it accords with the phasing programme set out in the list that follows. It goes on to say that a proposal promulgated in advance of its phasing will be approved if: its early release does not prejudice the delivery of other, earlier-phased allocated sites; the early release of the site is required to maintain a five-year supply of deliverable housing sites; and the infrastructure requirements of the proposal can be satisfactorily met. The policy then lists the various housing allocations, their size, and estimated yield, and classifies them in terms of whether they are expected to come forward in the short to medium terms (Years 1-10 of the Plan), medium to long terms (Years 6-15), the lifetime of the Plan (Years 1-21) or post-Plan (Years 16-21).

289. On reflection, the Council took the view that the phasing programme served no real purpose. Given the nature of what was proposed, with significant crossover between short-medium, medium to long, and lifetime classifications, we agree that the device has no utility. The attempt to control through policy the pace at which housing comes forward is unnecessary given that the aim and strategy of

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<sup>64</sup> It also deals with affordable housing (Policy H10), Gypsies and Travellers (Policy H5), Travelling Showpeople (H6) and Student Housing (Policy H7) but we have dealt with these under separate headings.

the Plan is aimed at encouraging growth in the employment, and housing sectors. Further, it could stifle early delivery unnecessarily. The device is not, therefore, justified.

290. That means the references to phasing need to be removed and the policy can become much simpler, taking a permissive approach to housing on the various allocations. That said, some additional controls are required, in relation to the approach to existing open space, and to sites located within 5.5km of the Strensall Common SAC that we deal with elsewhere in the report. Moreover, a specific point needs to be made about Housing Site H39 where a new, defensible Green Belt boundary needs to be produced. A main modification **[MM5.1]** is required to bring all that about and properly justify the policy.
291. In terms of the list of the various Housing and Strategic Sites, the 'Estimated Phasing' column needs to be removed to accord with the first part of the policy. Moreover, some of the sites in the original list have been built out; these need to be removed. More information has become available about the potential yield of dwellings on various sites so corrections need to be made in this regard. Student Housing Site SH1 has been included in the list as it makes a contribution to housing supply.
292. We have dealt with the issues elsewhere in this report but there are also the two sites - Strategic Site ST35 (Queen Elizabeth Barracks, Strensall) and Housing Site H59 (Queen Elizabeth Barracks – Howard Road, Strensall) – that need to be deleted on account of their potential to have adverse effects on the Strensall Common SAC. In any event, the former is no longer available.
293. In terms of the other Housing Sites (H1, H2, H3 and so on), save for a few sites, that we cover above and below, no significant difficulties have been identified in relation to them. Some have been overtaken by events in that they have been built out (H1 in part, H22, H23 and H56). These need to be deleted from the list of sites because their contribution has already been secured.
294. A main modification **[MM5.2]** is required to bring all that about and make the policy effective.
295. Those changes bring about a need to adjust the explanatory text to suit **[MM5.3]** and on top of that, housing trajectory diagram, and associated table, need to be replaced to reflect the change in approach. Main modifications **[MM5.4 MM5.5]** are required to facilitate this and to insert a new table entitled Housing Requirement and Housing Supply 2017-2033 which shows the way that housing is expected to come forward over the Plan period. This table shows that upon adoption of the Plan, the Council will be able to demonstrate a five year supply of deliverable housing sites, with an appropriate buffer, as required by the Framework.

296. Policy H2 concerns itself with the density of residential development and in simple terms seeks to ensure the efficient use of land and assist in the maintenance of local services and public transport provision. While the Framework does not include such a requirement, we consider that it is needed for soundness. There is no purpose served in using land wastefully. The policy then seeks to suggest densities: 100 units/Ha in the city centre; 50 units/Ha in the York urban area; 40 units/Ha in the suburban area and Haxby/Wigginton; and 35 units/Ha in the rural areas and villages. This is done by reference to Figure 5.2 which shows various Density Zones, and Figure 5.3 which sets out the High Frequency Public Transport Corridors.
297. All that is broadly sound but as drafted it is rather prescriptive and inhibits the ability of developers of Strategic Sites to adjust density upwards or downwards to suit the constraints and/or opportunities presented by particular site conditions. To that end, the policy needs to be adjusted through a main modification **[MM5.6]** to allow for that flexibility and achieve effectiveness. Figure 5.2 also needs to be adjusted to better reflect the various zones referred to in the policy itself. Again, this main modification **[MM5.7]** is needed to ensure the policy and the associated figures are effective.
298. Policy H3 talks of balancing the housing market and as drafted, seeks to achieve a mix of housing that reflects that highlighted as being required in the SHMA. However, matters moved on during the examination and the latest evidence is in the LHNA. To that end, the policy needs to be changed, through a main modification **[MM5.8]** to say that the Council will expect developers to provide a housing mix that accords with that identified as needed by the LHNA, and in any other appropriate local evidence. It needs to make clear that the aim is to create mixed, balanced and inclusive communities. All this is required to make the policy accord with national policy in the Framework.
299. On top of that, the final part of the policy needs to be extended through a main modification **[MM5.9]** to ensure that new housing that is brought forward is built so that changing circumstances over the occupiers' lifetimes can be accommodated, with a requirement that a proportion of housing is built to meet the higher access standards of Part M of the Building Regulations. That is necessary to ensure the policy accords with the Framework.
300. The promotion of self- and custom-house building is the subject of Policy H4. In accordance with national policy, Policy H4 requires developers of Strategic Sites to supply at least 5% of dwelling plots to self-builders or small/custom house builders at competitive rates, subject to appropriate demand being identified. Some changes are necessary through a main modification **[MM5.10]** to make it clear that it is for the Council to identify any such demand. That is needed to make the policy effective.

301. Policy H9 covers older persons' specialist housing and born of the reference in the Framework to mixed and balanced communities it is clearly correct that this sort of housing has its own bespoke policy. In simple terms, the policy requires this housing type to be included on proposals for Strategic Sites but a main modification [MM5.19] is required to make sure that there is a cross-reference to Policy H3 in terms of housing mix, and Policy H10 in relation to the provision of an affordable element. These changes, along with associated adjustments to the explanatory text [MM5.20] are needed to secure an effective policy.

## Conclusion

302. As a result of all of that, we are satisfied that the approach of the Plan to housing delivery, density, mix, tenure type, and specialist housing is sound.

## Issue 11: Is the approach the Plan takes to the provision of affordable housing a reasonable one?

303. Based on the methodology in the relevant PPG<sup>65</sup>, the Council calculated that York has a net affordable housing requirement of 573 affordable dwellings a year<sup>66</sup>. During the examination, this figure was updated<sup>67</sup> to 592. Taking account of the affordable housing likely to come forward from the sites proposed in the Plan, and any other potential sources of supply, it is clear that affordable housing delivery will not be at anything like this level. The Council's evidence is that at best, the Plan will deliver, on average, 204 affordable homes a year<sup>68</sup>, or alternatively 3,265 over the Plan period, which is around 35% of the total requirement. That brings out the question of whether that level of provision is reasonable in the context of the significant level of need that has been identified.

304. First of all, it must be acknowledged that there is no absolute requirement on the Council to meet this need in full<sup>69</sup>. The second, and perhaps more important, point is to consider how that level of need might be delivered? The relevant PPG<sup>70</sup> tells us that: *The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing development, given the probable percentage of affordable housing to be delivered by market housing led developments.*

305. The amount of market housing the Plan aims to deliver – the figure used to calculate the 204 affordable homes a year referred to above, is acknowledged

<sup>65</sup> Paragraph ID 2a-022-20140306

<sup>66</sup> The figure in the City of York SHMA (June 2016) (Table 34)

<sup>67</sup> By the City of York LHNA (July 2022) (Table 4.9) (EX/CYC/92) and Affordable Housing Note of August 2022 (EX/CYC/107/2)

<sup>68</sup> EX/CYC/107/2 refers

<sup>69</sup> *Kings Lynn & West Norfolk v SSCLG & Elm Park Holdings* [2015] EWHC 2464 (Admin)

<sup>70</sup> Paragraph ID 2a-029-20140306

to be ambitious. As we have rehearsed above, based on economic factors, the figure is greater than the various population/housing projections. In theory, to deliver the affordable housing need in full, that employment-led figure would need to be almost trebled. To our minds, that would be to propose an amount of housing (and employment-based development) that would be all but impossible to deliver without destroying the setting of York as an historic city. Moreover, it would be unworkable economically – the market is very unlikely to deliver housing for which there is no identified need.

306. It might then be argued that the Plan could seek to deliver more market housing in order to meet more of the affordable housing need. However, as we have set out, the Plan is already setting ambitious targets for the delivery of housing. The figure it proposes is already stretching the bounds of what the setting of the historic city can accommodate, and what the market will tolerate. In a similar way, the amount of affordable housing sought as a percentage of market housing is as much as viability considerations will tolerate<sup>71</sup>.

307. In our judgment, the Council has got this overall balance right and while it is disappointing that the Plan will not deliver more of its affordable housing requirement, when the only mechanism by which affordable housing can be brought forward is as an adjunct of market housing, it is impractical to think that this need/shortfall can be fully addressed in one Plan period.

308. That all leads us to conclude that the amount of affordable housing that the Plan seeks to deliver is reasonable and has been justified. In any event, the main modification to Policy SS1, that we refer to above **[MM3.1]**, commits the Council to delivering at least 45% of the 9,396 affordable dwellings<sup>72</sup> that are required to meet the needs of residents unable to compete on the open market. That gives additional comfort.

309. The question then is whether the policy mechanism by which that delivery is to be secured is soundly based? Policy H10 deals with the provision of affordable housing. In the Plan as submitted, the policy applied different 'targets' for affordable housing, as a percentage of market housing, based on many different site characteristics, and the numbers of dwellings proposed, with provision for an off-site financial contribution instead, where it could be justified. This led to far too complex a policy with inherent effectiveness issues and the Council put forward modifications to simplify the approach.

310. The revised Policy H10 sets a target of 20% affordable on brownfield sites with 15 or more dwellings proposed, and 30% on greenfield sites where 15 or more dwellings are proposed. The provision is expected to be on-site. On sites where 5-14 dwellings are proposed, an off-site financial contribution will be required,

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<sup>71</sup> CD056, CD057 and CD018 and subsequent technical updates

<sup>72</sup> As identified in EX/CYC/107/2



calculated in accordance with a property-price based formula. This overall approach is all in line with the viability evidence referred to above.

311. Such simplification will make the policy more effective and remove much of the scope for argument in the policy as originally drafted. A main modification to secure these changes is necessary to make the policy approach effective [MM5.21]. Associated changes [MM5.22] are needed to the explanatory text and to remove the commuted sum calculator, which no longer serves any purpose.

## Conclusion

312. On that overall basis, we accept that the Plan, as modified, takes a reasonable approach to the provision of affordable housing, both in terms of the amount produced, and the mechanisms for securing it. On that basis, the Plan is sound, in this respect.

## Issue 12: Has the approach of the Plan to Gypsies and Travellers and Travelling Showpeople been properly justified?

313. As set out above, Policy SS1 as drafted, makes no reference to provision for Gypsies and Travellers or Travelling Showpeople, or affordable housing. As modified, it says that it will deliver 12 new permanent pitches for Gypsies and Travellers and 4 permanent plots for Travelling Showpeople (who meet the PPTS definition) and a further 26 new permanent pitches for those Gypsies and Travellers who do not meet the definition, over the Plan period.
314. These figures are derived from the Council's June 2022 GTAA<sup>73</sup>, prepared by Opinion Research Services that revised and updated a previous GTAA. Pragmatically, in our view, this document (and Policy SS1 as modified) anticipated the outcome of the *Lisa Smith* judgment<sup>74</sup> and the eventual changes made to the Government's PPTS in response and assessed the needs of those who met the Government's 'definition' and those who did not.
315. This revised GTAA came in for some criticism and we appreciate the basis for the points that were raised. However, the production of a GTAA is not an exact science and it is inevitable that one is a 'snapshot in time' that can under-estimate, or perhaps even over-estimate need at a given point in time. On our analysis, the revised GTAA has used a reasonable methodology, and it has taken a proportionate approach to the calculation of need. Its overall assessment can be relied upon to underpin the approach the Plan takes to the needs of Gypsies and Travellers and Travelling Showpeople.

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<sup>73</sup> EX/CYC/88

<sup>74</sup> *Lisa Smith v SoS for Levelling Up, Housing and Communities* [2022] EWCA Civ 1391

316. Having set out the 'need' in Policy SS1 (as modified), the Plan deals with Gypsies and Travellers in Policy H5 and Travelling Showpeople in Policy H6. We deal with each in turn.
317. As drafted, Policy H5 opens by dealing with the safeguarding of existing sites. That is obviously a necessity because if those existing sites cannot be considered likely to endure, then those occupying them might well be counted as being in need. Reference is made to the provision of 3 additional pitches on the existing Council-managed sites at James Street, Layerthorpe, which is near the city centre, Water Lane, Clifton, in the north-west of the city, and Outgang Lane, Osbaldwick, which is on the eastern fringes of the city. Reference needs to be made to these sites on the Policies Map.
318. The policy then goes on to address the ways in which future needs, that is the needs identified in Policy SS1 (as modified), will be provided for. The first way is to provide additional pitches within, or as extensions of, the existing Council-managed sites referred to above. The Layerthorpe site is very clearly full, and constrained by adjoining development, so the policy as proposed to be modified seeks to provide 10 additional pitches, as opposed to the 3 originally proposed, spread between the Water Lane, Clifton, and Outgang Lane, Osbaldwick sites.
319. Dealing with the former first, the Water Lane site is well-established and appears full, but the Council is of the view that it could be re-arranged to provide additional pitches. From what we saw of the site, that appears possible, with proper planning. As drafted, Policy H5 does not reflect the programming and physical works needed and makes no reference to how the provision of additional pitches on the site might be achieved.
320. To address that, Policy H5 needs additional text to require the production of a Master-Plan for the rearrangement of the site (by or on behalf of the Council) that will be required to meet the various criteria that are set out later in the policy. Further, the rearrangement of the site and the provision of the new pitches will be required to be completed in accordance with this Master-Plan and no further accommodation is to be occupied until the measures within it have been carried out to completion. This is necessary to make this part of the policy effective and for the purposes of clarity, we expect the Master-Plan to include proper liaison with existing occupiers of the site, and arrangements for temporary re-location, should this prove necessary.
321. The Council also proposes the expansion of the existing site at Outgang Lane, Osbaldwick. This proposal has its issues too. A visit to the site showed up considerable difficulties with the access to it, and the relationship of the accommodation upon it with the adjoining waste processing operation, and the concrete plant. If more accommodation is to be provided at the Outgang Lane site, in an acceptable manner, then intervention on the part of the Council (as

site owners and operators) is required. To that end, as with the Clifton site, Policy H5 needs to be modified to require a Master-Plan for the rearrangement and/or expansion of the site (by or on behalf of the Council) that will be required to meet the various criteria that are set out later in the policy. Further, the rearrangement and/or expansion of the site will be required to be completed in accordance with this Master-Plan and no new accommodation is to be occupied until the measures within it have been carried out to completion.

322. In addition, for the site-specific reasons set out, the policy must meet two further requirements. The first relates to access; the existing access must be brought up to an acceptable standard with the carriageway properly surfaced, and pavements and street-lighting provided. Further, before occupation of the new plots, a connection should be provided<sup>75</sup> to the new road that will connect Strategic Site ST7 (Land East of Metcalfe Lane) to Murton Way. This, it seems to us, would give residents of the Outgang Lane site an alternative route to facilities and services that did not involve walking or cycling through an industrial site, fed by HGVs and other traffic.

323. We appreciate the concerns that have been expressed about this approach. The Outgang Lane site has been in place for some time, and it seems that little has been done to address these problems in the past. That has led to the suggestion from some quarters that these requirements will not be met in future, whatever the policy might say. However, we are prepared to accept in good faith what the Council have said about their intentions for the site. But, there is more to it than that; if the Council fail to act on what the policy says in relation to this site, and for that matter, the Clifton site, then it will very likely fail to meet its acknowledged needs. If the Council does not address those needs, then that will leave it vulnerable, on appeal, to proposals, whether they are retrospective or not, on other sites in and around York, including those within the Green Belt. There is a significant incentive, therefore, for the Council to act swiftly on what Policy H5 as modified sets out in relation to existing sites.

324. Policy H5 then moves on to deal with the provision of 28 new pitches for Gypsies and Travellers on the various Strategic Sites. As originally drafted, the policy required developers of these sites (where they cover 5Ha or more) to provide 44 pitches on-site in line with the calculator contained within the policy; provide suitable alternative land to accommodate these pitches off-site; or provide a financial contribution towards the development of pitches elsewhere. The calculator requires 2 pitches to be provided for 100-499 dwellings; 3 for 500-999 dwellings; 4 for 1000-1499 dwellings; 5 for 1500 to 1999 dwellings; and 6 for 2000 or more dwellings.

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<sup>75</sup> And for the sake of clarity we mean a pedestrian/cycle connection NOT a road designed to take vehicular traffic

325. In the first instance, the figure of 44 pitches needs to be revised to 28 pitches to take account of the 10 pitches to be provided on existing sites, and the latest GTAA. The difficulty with the policy as originally drafted is that there is no preference expressed between providing pitches on-site, or off-site, or through a financial contribution. We can see little to choose between actual provision on-site or off-site, though we accept that the latter might be problematic given the nature of the Green Belt boundaries set as part of the Plan. However, the policy needs to make clear that financial contributions are a last resort, when on-site or off-site provision is demonstrably not possible.
326. A main modification **[MM5.23]** is necessary to secure those changes to the first three parts of the policy and allow a conclusion that it has been justified and is likely to be effective.
327. We recognise that in dealing with applications on some of these Strategic Sites in advance of the eventual adoption of the Plan, the Council might have accepted arguments that the 'financial contributions' route is acceptable on the basis that these contributions can be directed towards the expansion of the existing sites that we have referred to above. We see no real difficulty with this so long as in the longer term, the identified needs of Gypsies and Travellers are met somewhere, whether on the existing, established sites, Strategic Sites, or alternative sites. As we have set out above, if those needs are not met, and they do not have proper regard to their own policy, then the Council is clearly going to be vulnerable at appeal. We are sure the Council would want to avoid that.
328. Policy H5 as drafted then goes on to set out a list of criteria that any new (or extended) site for Gypsies and Travellers will need to comply with. The list is comprehensive and, in our view, fully justified. However, criterion vii needs to be adjusted to make clear that the size and density of pitches/plots 'have regard to' best practice guidance rather than 'adhere to' it. The latter is too strict, takes away from the ability of the Council to approach matters flexibly, and would in effect give development plan status to guidance that forms no part of the Plan. A main modification **[MM5.24]** is therefore needed for the sake of effectiveness.
329. Before moving on to Policy H6 and Travelling Showpeople, there are a number of other matters relating to Gypsies and Travellers and the Green Belt that need to be addressed. First, and we have touched on this above, is the suggestion that in drawing the Green Belt boundary tightly around the city, and outlying settlements, opportunities for sites for Gypsies and Travellers to come forward on the city, and/or other settlement, fringes, outside the Green Belt, have been unduly restricted. In response, we would say that the boundary has been drawn so tightly for very good, heritage-based, reasons. Moreover, we would observe that if the boundaries had been drawn more loosely, economic considerations would surely dictate that the fringe sites so created would be far more likely to come forward for (open market) housing than as sites for Gypsies and Travellers.

330. The second relates to the provision of what paragraph 89 of the Framework terms 'limited affordable housing for local community needs under policies set out in the Local Plan' not being seen as an inappropriate form of development in the Green Belt, and the purported failure of the (2012 or subsequent iterations of the) Framework, alongside the PPTS, to make similar provision for Gypsies and Travellers. The PPTS is very clear that traveller sites (temporary or permanent) in the Green Belt are inappropriate development<sup>76</sup>. One can draw one's own conclusions about the reasons behind the difference of approach, but the central question is how it is to be approached in an examination of this type?
331. Our attention has been drawn to Policy H3: Rural Exception Homes in the Guildford Borough Local Plan<sup>77</sup> that was adopted in April 2019. This policy allows, subject to certain criteria, pitches for Gypsies and Travellers not meeting the PPTS (as it stood then) definition, in the Green Belt, as small-scale affordable housing development. We are not aware of the background to this policy, but I would note that it pre-dates the *Lisa Smith* judgment referred to above, and the latest version of the PPTS.
332. We appreciate the reasons why this question has been raised but such a policy would clearly fall foul of Government policy in the Framework and the PPTS, read alongside one another. On top of that, such a policy would not be justified in a situation where the Plan addresses identified needs through other means.
333. That brings us on to the approach of the Plan to Travelling Showpeople. This is dealt with in Policy H6 which follows a similar format, to Policy H5. First, it deals with safeguarding existing supply with reference to the existing site at The Stables, Elvington. This needs to be shown on the Policies Map. The GTAA identifies a need for 4 plots over the Plan period rather than the 3 originally identified. A main modification **[MM5.13]** is necessary to address that and to ensure the policy is satisfactorily justified.
334. The third part of the policy sets out a range of criteria for any applications for sites for Travelling Showpeople that might come forward. As with Policy H5, criterion (vii) needs to be adjusted through a main modification **[MM5.14]** so that the size and density of plots 'have regard to' best practice. This is necessary for effectiveness.
335. The Plan then continues in the supporting text to explain the Council's approach but Table 5.3 that sets out needs has been overtaken by events and in particular the *Lisa Smith* case and the subsequent changes to the PPTS. The table and the text that informs it need to be updated to reflect the latest national policy position and the findings of the updated GTAA. Moreover, the text of

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<sup>76</sup> And the importance of the PPTS in this regard has been underlined by the Courts in the *Kingston* case (EX/CYC/134)

<sup>77</sup> EX/CYC/133

paragraph 5.42 needs to be replaced in its entirety to properly reflect the changes in Policy H5 relating to the process to be followed in terms of the Strategic Sites and the approach, in particular, to on-site and/or off-site provision, and/or financial contributions. This is necessary to ensure the policy and the text dovetail to give an effective Plan. A main modification **[MM5.25]** is necessary to secure all that.

## Conclusion

336. With all those changes, we are of the view that the approach of the Plan to Gypsies and Travellers and Travelling Showpeople been properly justified.

## Issue 13: Is the approach of the Plan to education in general, and the Universities in particular, justified?

337. Section 7 of the Plan deals with 'Education' with Policies ED1 to ED3 aimed at the University of York; Policies ED4 and ED5 dealing with the York St. John University; Policy ED6 directed towards pre-school, primary and secondary education; Policy ED7 covering York College and Askham Bryan College; and finally, Policy ED8 addressing community access to sports and cultural facilities on education sites.

338. As we have touched on elsewhere, this part of the Plan was the subject of a good deal of discussion during the examination that culminated in the production of a series of very helpful SoCGs that we refer to further below.

339. Policy ED1 in the submitted version of the Plan acted as a general policy for the University of York, with Policy ED2 addressing Campus West and ED3 Campus East. As drafted, Policy ED1 sought to ensure the continued development of the university by allowing a range of uses to be brought forward on the campuses. These uses included academic, teaching, research and continuing professional development uses; housing for staff and students; arts, cultural and social facilities ancillary to higher education uses; conferences; knowledge based businesses including research led science park(s); and any other uses ancillary to the university, including support services for the other uses identified.

340. The policy then continues with a reference to student housing the need for which is to be addressed on campus in the first instance. In assessing need, consideration will be given to the capacity of independent providers of bespoke student housing in the city and whether it is economically prudent to provide additional student accommodation.

341. Policy ED2 in the initial draft of the Plan deals with Campus West. We saw from our site visit that this campus is of a very high standard of design with an attractive fusion of high-quality modern architecture in an attractive landscape

setting. With that in mind, the initial version of Policy ED2 sought to maintain the character of the campus by restricting proposals for extension and/or redevelopment of existing buildings, and the provision of new buildings, through a set of parameters including a restriction of the developed footprint of the site to 23%; building heights; the conservation and enhancement of the landscape; a limit on car parking; retention of the cycle and pedestrian network and access to buses; and a restriction on student housing to no less than 3,586 bed spaces, unless the spaces are re-provided on Campus East.

342. Policy ED3 in the Plan as drafted then refers to Campus East. This is a relatively new expansion of the university which is subject to a grant of outline planning permission and a Design Brief. Again, we saw that it has resulted in a developing campus of high architectural and parkland landscape quality. As drafted, Policy ED3 supported this developing campus alongside further expansion on to Strategic Site ST27, that we have referred to elsewhere.
343. It permitted development for the uses in Policy ED1 within set parameters. These parameters include a limit on the developed footprint to 23% of the 65Ha allocated for development; a total of 1,500 car parking spaces; maintenance of a parkland setting; additional student housing as shown to be necessary; and an annual student accommodation survey. The policy then continued with reference to Strategic Site ST27 being aimed at delivering up to 25 Ha of B1b (as was) knowledge-based businesses including research led science park uses with an appropriate landscaped buffer between the site and the A64 to mitigate heritage impacts on the city as a whole, and to maintain key views. All this was to be covered by a development brief.
344. The essential issue with this overall approach is that having set the start point Policy ED1 as drafted was seeking to ensure the continuing development of the university, which is clearly going to benefit the city economically and socially. The remainder of that policy, and Policies ED2 and ED3 that follow, place such restrictions on that continuing development that the economic and social benefits would be stunted, at best. Moreover, the 23% footprint restriction is/was a very blunt tool that could serve to stifle good design and lead to the inefficient use of land. This inefficiency would be especially problematic on Strategic Site ST27 which, in effect, is being taken out of the Green Belt. This land needs to be used efficiently or else there is likely to be increased pressure to take more land out of the Green Belt in the future to deal with the needs of the university. We deal with this and the subject of 'safeguarding land' below.
345. In response to the concerns expressed about this suite of policies, the Council engaged with the university and a fruitful exchange took place that culminated in the production of a SoCG<sup>78</sup> that we have already referred to above. This SoCG contains an agreement that the future success of the university is very important

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<sup>78</sup> EX/SOCG/23

to the future economic and cultural life of the city; and that the Plan should provide an appropriate policy context to facilitate the reasonable growth requirements of the university in the Plan period, including the need for student accommodation. With those points in mind, and at our behest, the Council undertook to revisit Policies ED1, ED2 and ED3<sup>79</sup> and remove the 23% built footprint limitation. This resulted in these three policies being rewritten.

346. The revised Policy ED1 sets out the sorts of uses that will be permitted on the University campuses. Broadly, these repeat those in the previous iteration of the policy but importantly, the approach to businesses is widened with research/knowledge-based businesses, including university-led collaboration projects with industry being permitted. The redrafted policy goes on to say that the university must address the need for additional student housing that arises from the expansion on campus in the first instance and if that is not possible off campus in line with Policy H7 (that we deal with below).
347. Further, the redrafted policy sets out some principles for the development of Strategic Site ST27 that include the need for a development brief; a heritage impact assessment; integration with the existing campuses in character and open space terms; landscaping; student housing capacity; the need to make efficient use of land; and appropriate transport connections.
348. Finally, the redrafted policy makes clear that facilities for sport and essential supporting operations may be located in the surrounding Green Belt, if they can be found to be not inappropriate. We recognise that the university is concerned that this might be somewhat limiting but the approach accords with the Framework. For our part, we consider that the provision of appropriate facilities for outdoor sport and/or recreation could include small-scale changing facilities and external lighting but, in any event, these facilities would need to be considered through planning applications that would be considered against Policy GB1, that we deal with below.
349. Unlike its predecessor, this rewritten version of Policy ED1 is positively prepared in striking an appropriate balance between the needs of the university against the need to protect the campus environments, while allowing the contribution the university makes to the economic and social well-being of the city to flourish. These main modifications to the policy **[MM7.1]** are necessary for its justification and effectiveness, and to make the Plan overall sound.
350. The supporting text to Policy ED1 needs to be augmented to reflect the changes set out above. In particular, more clarity is needed about the role of the University of York in the city with reference to national growth strategies; the priorities of the Local Enterprise Partnership; the York Economic Strategy; and the contribution expansion will make to the overall vision of the Plan which is

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<sup>79</sup> Alongside Policy SS22 that deals with Strategic Site ST27 covered elsewhere in this report



based around securing economic growth. A main modification **[MM7.2]** is necessary to secure this additional text.

351. Further, additional text is required to explain (in brief) the heritage significance of Campus West, the way in which the development of Campus East has been approached in design terms, and the areas that future development briefs will need to cover. In terms of student housing new text is required to address the annual student housing survey that forms part of the policy, and to make clear that if the survey demonstrates unmet need in excess of 50 bedspaces, then the university will be required to bring forward plans to provide additional accommodation on-site as a priority, or off-site in line with Policy H7. This all requires a main modification **[MM7.3]**.
352. The revised Policy ED2 takes a permissive approach to development at Campus West, subject to the strictures of Policy ED1, and some additional requirements relating to the need to retain the overall parkland setting and design integrity of the campus; the need for care in relation to building heights; the maintenance and expansion of cycle and pedestrian links; and a limit on general car parking to 1520 spaces. Alongside Policy ED1 as modified, this revised policy ED2 is positively prepared in reaching a sensible balance between the needs of the university and the importance of Campus West as a heritage asset. A main modification **[MM7.4]** is necessary to secure these changes to the policy. Moreover, additions are required in the explanatory text to reflect the change in approach **[MM7.5]**.
353. In a similar vein, the proposed modification of Policy ED3 takes a broadly similar permissive approach to development at Campus East, subject to the overarching Policy ED1. It requires the delivery of research/knowledge-based uses on the campus and its extension (Strategic Site ST27) in line with Policy EC1; an appropriate approach to transport facilities, including pedestrian/cycle facilities in and around the sites; and a limit on car parking spaces of 1500. All this is necessary in order to allow a reasonable balance to be reached between economic and environmental considerations and requires a main modification **[MM7.7]**. Further text needs to be added in support of the policy to refer to the knowledge-based cluster, a development brief, and Policy SS22 (that relates to Strategic Site ST27), and to explain the limit on car parking. Again, a main modification **[MM7.8]** is needed to secure these additions.
354. The original draft of the Plan included as Figure 7.1 a map of the University of York showing Campus East, Campus West, and what it terms a 'proposed extension'. This latter reference is to Strategic Site ST27. This map lacks the detail necessary to properly support Policies ED1, ED2 and ED3 as modified, and it needs to be replaced **[MM7.6]** with a more appropriate Figure 7.1 based around an aerial photograph that shows the confines of the University of York and Strategic Site ST27 more clearly.

355. That leads us on to one final point in relation to the University of York which relates to the potential need to safeguard land. In the SoCG with the Council<sup>80</sup>, the university proposes that an area of land to the west of Strategic Site ST27, amounting to 9.9Ha be identified as safeguarded land so as to enable the inner boundary of the Green Belt to endure well beyond the Plan period. The Council does not accept that this is required. We agree with the Council on this point.
356. Elsewhere in the SoCG the university accepts that Strategic Site ST27, together with the prospect of further development on the existing campuses, is sufficient to accommodate the probable future development needs on the university in the Plan period. The end of the Plan period (2033) is some way off and on that basis, we consider that it would be somewhat premature to safeguard land beyond what has already been allocated. Moreover, there would be a concern that the 'comfort' offered by the safeguarded land might lead to less efficient use being made of the allocated site than might be achieved.
357. It would be far better, in our view, to wait and see how Strategic Site ST27 proceeds before making decisions of this type. After all, the Council is under an obligation to review its Plan before 2033 and if Strategic Site ST27, alongside other opportunities, turn out to be insufficient for the needs of the University, then a further allocation to the west of Strategic Site ST27, and a change to the Green Belt boundary, could be considered at that time.
358. As we have alluded to above, Policies ED4 and ED5 in the Plan as submitted deals with York St. John University and its potential expansion. The main teaching campus of York St. John University is at Lord Mayor's Walk, on the northern edge of the city centre. It also has a sport campus at Haxby Road Sport Park, north of the city centre.
359. Policy ED4 in the Plan as drafted deals with the Lord Mayor's Walk campus. In the first instance the policy takes a permissive approach to development and redevelopment on the campus provided that it is limited to higher education and related uses, and that its design is contextually appropriate. The policy then goes on to address student housing needs. The university is expected to address any needs and to meet any shortfall off campus but in locations near to the campus.
360. The Council and York St. John University had productive discussions that resulted in the production of a SoCG<sup>81</sup>. No concerns were raised about the approach of Policy ED4 as originally drafted and we agree that the policy is sound. The university did however express some concern about the approach of Policy ED5.

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<sup>80</sup> EX/SOCG/23

<sup>81</sup> EX/SOCG/14

361. Policy ED5 is concerned with the further expansion of York St. John University. As drafted, the policy allocates land for sports uses on land at Northfield, on Haxby Road, near to the Sports Campus, and student housing at Heworth Croft but contains little in the way of detail – this having been relegated to the supporting text. Following discussion with the University, the Council proposed the expansion of the policy to bring these parts of the supporting text into the policy thereby giving more clarity. In principle, this change is necessary to give the policy its proper effect.
362. Dealing with the Northfield site first of all, it is proposed for inclusion in the Green Belt. However, the expanded Policy ED5 allows for a range of sports and related uses where they are consistent with Policy GI5 (that we deal with elsewhere in this report) and relevant Green Belt policies. This range includes outdoor sports facilities; together with associated car and cycle parking; appropriate indoor sports facilities; and other outdoor recreational activity.
363. Paragraph 89 of the Framework treats the provision of appropriate facilities for outdoor sport and recreation in the Green Belt as not inappropriate so long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Even bearing in mind that there are sports fields at Northfield at present, these are largely open, so it is difficult to see how outdoor sports facilities, with associated car and cycle parking, and in particular, indoor sports facilities, which might well involve a large building, could be found to preserve openness. Moreover, they would conflict with the purposes of including land in the Green Belt notably checking the unrestricted sprawl of large built-up areas; and safeguarding the countryside from encroachment.
364. These facilities, allowed for by Policy ED5 as expanded, would almost certainly be found to be inappropriate development in the Green Belt. If then the Northfield site remains in the Green Belt, as the Council proposes, then it seems to us that if Policy ED5 as rewritten is to have any effect, then the university would need to show very special circumstances to justify the expansion the policy allows for. That, it seems to us, is not a policy that can be said to be positively prepared, justified, or effective.
365. In the SoCG agreed with the Council, York St. John University raise concerns about this situation, and they are concerns that we share. If Policy ED5 whether in its original form or as rewritten is to have any effect, then the inner Green Belt boundary needs to exclude the Northfield site from the Green Belt. We cover this matter earlier in my report in dealing with the inner Green Belt boundaries. If this adjustment is made, then the approach taken to the Northfield site in the rewritten Policy ED5 can be said to be positively prepared, justified, and effective. The reference in the policy to 'and relevant Green Belt policies' would also have to be removed but that is a consequence of what we set out above.

366. The second strand of Policy ED5 as redrafted refers to land at Heworth Croft allocated as Site SH1. There is no issue with the allocation in principle but the policy needs to make clear that it will be permitted subject to the requirements of other policies in the Plan, notably Policies H7, ENV4 and GI6 (all as amended), and provided that the layout ensures that residential uses are placed on the areas of the site at the least risk of flooding, and the associated open space is positioned on the flood plain. Moreover, account needs to be taken of the potential impact of development on the setting of the adjacent Heworth Green/East Parade Conservation Area. These additions are necessary to ensure that the policy overall is justified and effective.
367. Bringing these points together, a main modification **[MM7.9]** is necessary to secure these additions to the policy, and others are needed **[MM7.10 MM7.11]** to ensure that the supporting text properly reflects the policy it underpins. In particular, there needs to be a reference to the number of bedspaces that might be accommodated on Site SH1.
368. As set out, Policy ED6 then deals with pre-school, primary and secondary education provision while Policy ED7 refers to York College and Askham Bryan College. As drafted, the policy supports the continued success of these colleges, including any further expansion of their teaching, administration, research operations, and student accommodation. We heard that Askham Bryan has particular pressures, with students being forced to travel long distances to reach the campus. We have no issue with any of that here, because the continued success of these establishments will be an integral part of the economic development of the city that the Plan seeks, but it does have implications in terms of the setting of Green Belt boundaries. We deal with those implications above.

## Conclusion

369. With the changes set out, and consequent adjustments to Green Belt boundaries that we have already referred to, we find that the approach of the Plan to education in general, and the Universities in particular, is justified.

## Issue 14: Is student housing dealt with effectively by the Plan?

370. Following on from that is the need to address student housing. Before we address Policies H7 and H8 directly, there are some general points to be made. The Council rightly acknowledges the significant contribution York's universities and colleges make to the economic and cultural well-being of the city. That significant contribution brings with it an attendant student population.
371. As with other university towns and cities, we are sure there are occasions where the exuberance of that student population causes issues for others. In simple terms, the massive contribution universities and colleges make to the city

comes with some inherent consequences. It is the role of policy to seek to control those consequences, as far as is possible, but a careful balance needs to be struck between providing some control while allowing, at the same time, the universities and colleges to thrive.

372. In the Plan as submitted, Policy H7 deals with student housing in general terms with a reference to allocation SH1 that we cover in detail above, and a series of criteria that proposals for new student accommodation would be considered against, including matters around need, location, accessibility, the living conditions of adjacent occupiers, design and access. Reference is also made to the use of planning conditions to ensure proper management of the accommodation in the interests of those who live nearby, and to ensure that the accommodation is actually occupied by students.
373. Matters moved on during the examination in a number of ways. In the first instance, the policies relating to the University of York, that we have covered above (Policies ED1 to ED5) bring forward a preference for provision to be made on campus, with off campus accommodation only to come forward in certain circumstances. In view of its city centre location, York St. John University is only able to provide accommodation off campus and Site SH1 has been allocated for that purpose.
374. Accommodation for the University of York on campus can be dealt with through the specific policies directed at that institution. Similarly, SH1 is dealt with under Policy ED5. In that context, it is clear that Policy H7 needs to direct itself towards purpose-built student housing, off-campus. That needs to be reflected in the title of the policy and the first part of the policy needs to include an approach to its provision that is consistent with the ED suite of policies.
375. A reference can be made to the SH1 allocation but the criteria for other schemes that might come forward need attention. First, criterion (i) must make clear that a need must be demonstrated for any student housing proposed that cannot be met on campus. Criterion (ii) can deal with locational and accessibility points but then a new criterion (iia) is necessary, for reasons that we deal with below, to ensure that the rooms in the development are secured through a nomination agreement for occupation by students of the University of York and/or York St. John University. Criterion (iii) should then deal with the need to consider the living conditions of adjoining residents, and design and access arrangements and then a new criterion (iv) is needed to make clear that the accommodation can only be occupied by full-time students enrolled in courses of one year or more and that this will be dealt with through conditions and/or obligations, alongside proper management of the properties.
376. That then brings us on to the main difficulty with Policy H7 as drafted. We have recorded elsewhere in this report the disappointing situation the city finds itself

in relation to the provision of affordable housing. We heard that there has been a glut of speculative student housing provided in the city in recent times. This student housing has been brought forward without having to make provision for affordable housing, whether directly, or through financial contributions, and as a result of that, student housing has proved much more viable on many sites in the city than a combination of market and affordable housing.

377. In the situation the city finds itself in, and our own findings about the length of time addressing the enormous shortfall in affordable housing will take, that economic advantage that has been enjoyed by student housing simply has to be removed. If it is not taken away, then the delivery of affordable housing will continue to be avoidably stifled and it would be difficult to find the Plan overall sound in that situation.

378. On top of that, we have heard that occupation of this student housing has proved difficult to control, and has, at times, been used by people who cannot genuinely be described as students. It is for that reason that Policy H7, if it is to prove effective, needs to include provision for nomination agreements so that occupation by students of the universities can be assured.

379. More than that though, Policy H7 needs to remove the economic advantage enjoyed by PBSA providers thereby ensuring a 'level playing field' with providers of market and affordable housing in and around the city. To that end, the policy needs to be modified by the addition of a mechanism by which new student accommodation must provide a per student bedroom financial contribution towards the provision of affordable housing elsewhere in the city, based on a formula related to average York property prices, and a multiplier of the average York Retail Price Index.

380. The policy as modified can then include provision for no contribution to be paid where the site is university owned and is to be used by the same university. Such a proposal would not be a speculative one. Moreover, the policy can provide for an open-book financial appraisal where a developer considers that the full contribution cannot be paid. Finally, wording is needed to address the potential for circumventing the policy by artificially subdividing sites, or by making inefficient use of land.

381. Unsurprisingly perhaps, these changes to Policy H7 have drawn some comment. In the first instance, if an institution has to demonstrate a 'need' to develop student housing off-campus, then we see no difficulty with a nomination agreement, especially when the purpose of that requirement, in part at least, relates to the need to inhibit the supply of speculative student housing in order to maximise, as far as possible, the amount of affordable housing that the Plan can deliver.

382. Similarly, we see no difficulty with the restriction in the policy to occupation by full-time students. A part-time student would be in a different economic situation that might well provide access to different forms of housing. Control over those who occupy the student accommodation that comes forward is necessary to ensure that it only comes forward when it is needed. Otherwise, it may have a tendency to suppress affordable housing.
383. That tendency is the reason why the policy must include provision for financial contributions. If that restricts the ability of PBSA providers, and levels the playing field between housebuilders and PBSA providers, then we regard that as a benefit. Moreover, it is a benefit that is needed for a finding of soundness in relation to the Plan overall. In any event, the Council's evidence<sup>82</sup> is that these financial contributions are unlikely to have an undue impact on the development viability of off-campus student housing, and ought to have no direct effect on the rental charges for eventual occupiers.
384. Put very simply, if the policy as modified makes it more difficult to bring forward student housing off-campus, on sites that might otherwise provide housing and/or affordable housing, then the modification will have achieved its aim.
385. Bringing those points together, a main modification **[MM5.17]** is necessary to make this policy effective, and the Plan overall sound. Attendant changes **[MM5.18]** are needed too to the explanatory text.
386. Policy H8 addresses houses in multiple occupation (HMOs) and sets out a series of criteria against which applications for a change of use from a dwelling to a HMO will be assessed. We understand that, like in many university towns and cities, some HMOs are prone to cause problems for adjoining residents, particularly where an area has a surfeit of them. That said the policy and the supporting text sets out very clearly the Council's approach, with reference to Article 4 Directions and the Council's 'Controlling the Concentration of HMOs' SPD. We are content that, alongside the approach to student accommodation off- and on-campus rehearsed above, this provides the Council with the necessary tools to control HMOs.

## Conclusion

387. With those changes we are able to conclude that the Plan deals with student housing in a way that will be effective.

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<sup>82</sup> EX/CYC/107/3

## **Issue 15: Does the Plan address transport and traffic and the implications of development in an effective way?**

388. Section 14 of the Plan deals with transport<sup>83</sup>. Before we move on to the specific policies, there are a number of principles that need to be set out to provide a context for what follows.
389. Paragraph 15.15 and Table 15.1 in the Plan as submitted, include details of likely trip generation as a result of the Plan's development ambitions but more recent modelling, carried out during the course of the examination, means that these figures need to be adjusted downward – the predicted volume of traffic on the highway network overall could increase by 15% (rather than 20%) meaning an extra 6,500 trips (rather than 7,000 trips) in each peak. Those changes do not lead to any consequential change to the predicted increase in travel time across the network (30%) and the increase in network delay (55%).
390. However, it is very important that this increased delay projected on the network should not be considered against 2019 base values, as shown in Table 15.1 of the Plan as submitted, but against the traffic impacts of alternative development scenarios for the city, on the basis that some development and population growth will happen in future with or without an adopted Plan. A main modification **[MM15.3]** that we cover below is necessary to address the consequential replacement of Table 15.1. It is of fundamental importance that the transport-related policies that we deal with here, and indeed the whole Plan, is understood in this way.
391. It is fair to say that the way the city has approached its Strategic Sites will place more demands on existing arterial routes into and out of the city. However, the approach of the Plan is to reduce the impact of additional traffic, as far as possible, by providing real choice in transport modes. It is surely better that development is planned in a way where these impacts can be managed and mitigated.
392. Section 14 introduces the approach of the Plan to transport and paragraph 14.2 notes the important role transport policies play in contributing to development that is sustainable. It also notes the importance of giving people proper choices in relation to transport modes, but this could be augmented to reflect that such choices can enable development to come forward in a way that reduces environmental impact.
393. Further, events have moved on during the examination and the Council is preparing a new Local Transport Strategy, informed by the Local Plan, that seeks to maximise sustainable transport use in and around York. It is intended

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<sup>83</sup> It also deals with communications (in the sense of the mobile 'phone network and broadband) but we have covered this elsewhere in the report



to act as a bidding document to secure further funding from Government. We heard that the city has been successful in securing funding for electrifying a good part of its bus fleet and this is a clear signal of intent. This Local Transport Strategy is to be supported by a number of implementation documents including a Bus Service Improvement Plan, designed to achieve an even better service, and a Local Cycling and Walking Infrastructure Plan aimed at providing effective walking and cycle routes further widening the choice for residents.

394. It is necessary for these various matters to be referenced in the Plan in order to provide an accurate background to the policies, and to assist in effectiveness terms. A main modification **[MM14.1]** is required to bolster paragraph 14.2 and to add in new paragraphs 14.3a and 14.3b.
395. Policy T1 that follows is entitled 'Sustainable Access'. It says that development will be 'supported' where it minimises the need to travel and provides safe, suitable, and attractive access for all transport users, including those with impaired mobility, such that it maximises the use of more sustainable transport modes. In the first instance, the term 'supported' is ambiguous and for clarity, needs to be replaced with 'permitted'.
396. A series of criteria are then set out how this is to be achieved. These are broadly well derived, but criterion b(i) needs to ensure that there is safe and appropriate access to the adjacent adopted highway for motor vehicles, and pedestrians and cyclists. This addition is needed to make the requirement plainer and to achieve effectiveness thereby.
397. The next part of the policy deals with public transport and its relationship with development. As drafted the policy says that for all development, public transport services should be within reasonable safe walking distance of all parts of the development.
398. The last part of the policy recognises that some forms of development will not be able to meet these criteria, and that some larger developments – the Strategic Sites for example – might need to go further. These provisos are necessary, but it seems to be they would find a better home in the explanatory text, as an addition to paragraph 14.4, as opposed to forming part of the policy itself. Main modifications **[MM14.2 MM14.3]** are required to address those points and give Policy T1 an effective basis.
399. Policy T2 is aimed at strategic public transport improvements. As drafted, this policy sets out the Council's short-term, medium-term, and long-term ambitions for various improvements to the public transport network in and around the city. This approach has been superseded by the Council's Infrastructure Delivery Plan, and the Bus Service Improvement Plan. As such, the policy needs an alteration in order to bring it up-to-date and make it effective. It needs to make

direct reference to the Infrastructure Delivery Plan and the Bus Service Improvement Plan and the programmed electrification of up to two-thirds of York's bus network.

400. The policy then needs to make clear that the Council will enable, and where appropriate require development proposals to contribute to a series of projects, included in the Infrastructure Delivery Plan, and linked to the overall spatial strategy enshrined in the Plan. These include: expanded and improved bus services across the city including elements of Bus Rapid Transit services to connect Strategic Sites ST15 and ST14 to the city centre; the expansion and improvement of Park and Ride services to reduce pressure on the road network; highway enhancements and traffic restraint measures in the city centre to assist with the reliability of public transport services; and rail and accessibility improvements including improvements to the interchange at York Station, and the provision of a new station at Haxby. These updates to the policy itself then need to be reflected in the supporting text.
401. Main modifications **[MM14.4 MM14.5]** are necessary to bring the policy up-to-date and to ensure it is effective.
402. Policy T3 is directed at York Railway Station and associated operational facilities. Broadly, this policy is soundly based but a number of changes are needed within the policy for the purposes of clarity. A main modification **[MM14.6]** is required to secure these adjustments and to give the policy a properly effective basis.
403. Capacity improvements to the strategic highway network in the short-term, medium-term, and long-term are the subject of Policy T4. Changes in circumstances during the course of the examination have made necessary updates to the timescales set out in the policy. In particular, the long-term projects that the Council is requiring developers to support, need to be expanded to take in the new access from the A64, including a grade separated junction, to serve Strategic Site ST15 (previously a medium-term project). The dualling of the A1237 referred to needs to be expanded to make clear that this is between the A64 Askham Bryan junction and the A19 Shipton Road junction. Finally, reference needs to be made to improvements necessary to the A64 to mitigate and accommodate trip growth.
404. On top of that, the policy needs to make direct reference to the Council's Infrastructure Delivery Plan and indicate that this will be kept under review during the Plan period.
405. A main modification **[MM14.7]** is necessary to bring this policy up-to-date and give it an accurate, and thereby effective, basis.

406. Following on from that, Policy T5 deals with strategic cycle and pedestrian network links and improvements. Like the preceding policies, as drafted, this policy sets out a series of short-term, medium-term, and long-term projects that the Council envisages. This approach has been superseded by the new context for cycling schemes, notably LTN1/20: Cycle Infrastructure Design and the need for Councils to produce Local Cycling and Walking Infrastructure Plans. With that in mind, the policy should be simplified so that it refers to the Council's emerging Local Cycling and Walking Infrastructure Plan, and to set out that the Council will enable and require development to contribute to the improvement and expansion of the strategic cycle network across the city; improvements to the pedestrian network including public realm enhancements and where possible, widened pavements; and new pedestrian/cycle bridges across waterways, including the River Foss. A main modification **[MM14.8]** is required to make those changes and give the policy an effective basis.
407. That is followed by Policy T6 which addresses development at or near public transport corridors, interchanges, and facilities. The policy is permissive of development close to existing or proposed public transport interchanges subject to a range of criteria aimed at ensuring the operation of the interchange remains efficient. First the policy needs to be expanded to refer to high-frequency public transport routes as well as public transport interchanges and the various criteria need to be adjusted to reflect that some considerations, like the historic or natural environment, or the Green Belt, are addressed elsewhere in the Plan.
408. The policy also refers to the need to protect disused public transport corridors for potential future use, but this part of the policy needs to be adjusted to make it clearer in terms of the sort of facilities it is aimed at – former railway lines.
409. A main modification **[MM14.9]** is needed to address those adjustments and make the policy effective.
410. Policy T7 covers the minimisation and accommodation of trips generated by development and the policy itself is sound as drafted. However, the explanatory text is rather loose in the way it covers the need for Transport Statements or Transport Assessments accompanying planning applications. It needs to be made clear that a Transport Statement will be required alongside proposals for major development, and a Transport Assessment will be required for any development projected to generate 30 or more peak hour trips. The text needs to make it plain too that there might be situations (for example sites that are sensitive in heritage terms or where there is already high congestion) where proposals that fall below those thresholds will generate the need for a statement or assessment. A main modification **[MM14.10]** is needed to address all that and to ensure that the policy is properly supported.

411. Demand management is the subject of Policy T8. This needs to be altered to remove the reference to the Council's Parking Standards and 'Sustainable Transport for Development' SPD which have been superseded. The policy needs instead to set out that development proposals should have regard to the Council's latest parking standards, and incorporate demand management measures that reduce congestion, improve public transport journeys, and ease pedestrian and cycle access. That gives the policy a more effective basis and a main modification **[MM14.11]** is needed to bring the change about.

## Conclusion

412. As modified, the Plan will address transport and traffic, and the implications of development, in an effective way.

## Issue 16: Is the approach of the Plan to retail-linked development in accordance with national policy and likely to be effective?

413. The retail policies of the Plan are dealt with in Section 4 which deals with 'Economy and Retail'. To allow this report to follow a logical structure, we have dealt with the policies relating to the economy element of that (Policies EC1 to EC5) elsewhere in this report.
414. Policy R1 sets out the retail hierarchy and the sequential approach to that. As drafted, it is broadly in accordance with national policy as expressed in the Framework but some adjustments are necessary. The policy opens by expressing the need to ensure that the vitality and viability of the city centre, district and local centres, and neighbourhood parades are maintained and (where possible) enhanced. The existing network of centres is to form the focal point for uses, services, and facilities serving the surrounding population with the scale, character, and role of centres defining their position in the hierarchy overall. That hierarchy is then set out as York City Centre; District Centres; Local Centres; and Neighbourhood Parades. The policy then goes on, following the path of national policy, to set out that any (retail) proposals outside the City Centre, or District and Local Centres will be subject to Policy R4 that we come on to below.
415. All that closely follows national policy but the suggestion in the policy that main town centre uses will be directed to the City Centre and District and Local Centres, and in accordance with other Local Plan policies in relation to specific uses is problematic. The latter part of that sentence, after Local Centres, needs to be removed because it instils some ambiguity that is not present in national policy.
416. Moreover, to bring the policy properly into line with the national policy approach, an addition is needed to make clear that proposals for main town centre uses

outside an identified centre should be subject to a sequential test to identify why it cannot be accommodated in a sequentially preferable location.

417. The policy then goes on to say that proposals for main town centre uses outside a defined centre must be subject to an impact assessment where the floorspace of the proposals exceeds certain thresholds – 1500 square metres gross outside the city centre; 500 square metres gross outside a District Centre and greater than 200 square metres gross outside a local centre. Those thresholds are reasonable, subject to the way they bear on the Strategic Sites, but the policy requires additional text to make it clear that these thresholds will be applied to applications for the variation of conditions.
418. In relation to the Strategic Sites, it would be a clear benefit in terms of minimising trip generation if some retail development came forward upon them. To that end, additional text is required to make it abundantly clear that where new retail development is proposed as part of the development of a Strategic Site, then this will not be subject to an impact assessment, providing the provision is of a scale designed to meet the day-to-day shopping needs of residents on the site.
419. A main modification **[MM4.9]** is needed to address all that and make the policy consistent with national policy, and effective.
420. Policy R2 then deals with proposals in District and Local Centres and Neighbourhood Parades. The policy as drafted is broadly in accordance with national policy but contains text that says that development proposals for main town centre uses outside defined District and Local Centres that would have a significant impact on the continued or future viability of a centre, will be refused. That is unnecessary because it is covered by Policy R1. A main modification **[MM4.10]** is required to remove that text.
421. Policy R3 deals with York City Centre retail in a manner that is consistent with national policy. However, the policy as drafted contains references to use classes that have changed in the course of the examination. These need to be corrected. Moreover, in relation to secondary frontages, the policy maintains that changes to non-retail use at ground floor level will be 'considered favourably' subject to a range of criteria. This phrase is rather ambiguous and must be replaced with 'permitted'. A similar situation arises in the part of the policy that deals with Primary Shopping Areas where the term 'supported' needs to be replaced with 'permitted'. A main modification **[MM4.11]** is required to bring these changes about and make the policy effective.
422. Policy R4 then deals with what it terms 'Out of Centre Retailing' in a way that properly reflects the sequential approach in national policy.

## Conclusion

423. With those changes, we conclude that the approach of the Plan to retail development is in accordance with national policy and likely to be effective.

## **Issue 17: Does the Plan deal with Health and Wellbeing in a fashion that is reflective of national policy and effective?**

424. Section 6 of the Plan relates to Health and Wellbeing. The Council says, laudably, that it is their ambition for all residents to have the best possible physical and mental health throughout the course of their lives. The various policies in Section 6 are designed to ensure access to good healthcare and leisure facilities through the built environment and to make the most of the opportunities the planning system provides to influence residents' outcomes, alongside other policies in the Plan.

425. Against that background, Policy HW1 is directed towards the protection of existing community facilities. These are defined in the supporting text as the buildings, facilities and services that meet the day-to-day needs of communities and may include libraries, post offices, community meeting places, places of worship, and parish and village halls. The text makes clear that the list is not intended to be exhaustive, but it seems to us that it would be most appropriate, in the interests of clarity, to ensure that public houses are considered to be community facilities. A change to the supporting text is required to make that point and a main modification **[MM6.2]** is so required.

426. Turning to the policy itself, as drafted it lacks clarity in a number of areas. Given the direction of the policy it does not need to say, at the outset, that the Council will work with local communities and voluntary sector organisations to help preserve and re-use existing community assets. That part of the policy should be deleted. As drafted the policy says that development proposals involving the loss of community facilities will not be supported unless it can be demonstrated that certain conditions are met. Given the Council's starting point, that is the wrong way around; the policy needs to set out the situations where the loss of such a facility would be tolerated, with a reference to exceptional circumstances. In that way, it would be positively prepared.

427. The policy then goes on to list those exceptional situations where the loss of such a facility will be accepted. First is where facilities of similar capacity and quality are provided elsewhere on the site in question. The second refers to replacement provision off-site, in broad terms, but it needs to make clear that this will only be acceptable if on-site provision is not possible, and that the replacement, off-site provision must be equally accessible, well served by public transport, and easy to reach by walking or cycling. The third qualification relates to whether the facility in question still serves a community function and cannot be adapted to meet other community needs. This needs to be strengthened to

ensure that robust evidence is required to demonstrate redundancy, and further adjusted to deal with the situation where a facility might be surplus to requirements. The fourth criterion refers to commercial facilities and the question of financial viability. A reference is needed to deal with marketing and the lack of any market interest. The final part of the policy deals with consultation between developers and the local community, and the need to demonstrate how replacement provision might be secured. This latter part of the policy needs to be strengthened with a reference to planning obligations.

428. A main modification **[MM6.1]** is required to put all that in place and on top of that, others **[MM6.3 and MM6.4]** are needed to ensure that the explanatory text properly reflects the terms of the revised policy.
429. Policy HW2 covers new community facilities. It is directed at strategic residential developments in the first instance but covers any development that places additional demands on existing services, expecting those demands to be met through the proposal. As drafted the policy is a little ambiguous on whether those demands are to be met on- or off-site and additions are required to make plain the circumstances where off-site provision might be accepted. Further to that, the policy also deals with the provision of new community facilities that are not linked to other forms of development. This needs to be clarified to ensure that the policy covers new or expanded community facilities. All these changes are required to ensure the policy functions effectively and are the subject of a main modification **[MM6.5]**. On top of that, an element of the policy as drafted, that relates to population growth and demographic change, and the need for new facilities, is best moved to the supporting text. A main modification **[MM6.6]** is needed to facilitate this.
430. Existing and new built sport facilities come under the ambit of Policy HW3. The policy, as drafted, begins with a statement of the supportive stance taken to built sport facilities in general and then explains that additional demands on existing facilities resulting from development will need to be addressed. In terms of strategic sites, those additional needs are expected to be met on-site where possible. In terms of off-site provision, the policy requires adjustment to deal with the situation where off-site provision might be the better solution, and to deal with accessibility. Moreover, the policy needs to explain that applications for strategic residential development should include an audit of existing built sports facilities and their capacity.
431. The policy then goes on to deal with the potential loss of existing built sports facilities and the exceptional circumstances where such a loss might be tolerated. The three criteria in the policy as drafted need to be expanded in the interests of clarity and a further criterion is necessary to deal with the situation where the proposal that would lead to the loss of an existing facility is a new built sports facility. Finally, the policy directs itself to new or expanded built

sports facilities. The draft needs to be adjusted to express strong support for such proposals and to deal with the nature of uses proposed.

432. A main modification **[MM6.7]** is needed to put all that in place and a further one **[MM6.8]** becomes necessary to reflect the changes to the policy in the supporting text.
433. The Plan then goes on to address childcare provision which is the subject of Policy HW4. The policy begins with a broadly supportive statement, but it is somewhat ambiguous in its drafting and needs to be adjusted to make clear that proposals for new or expanded childcare provision where that helps to meet the city's needs, will be supported. Like the preceding policies, Policy HW4 then goes on to deal with strategic sites and the need to address the additional demand created, if it is not already catered for. To that end, references are required in the policy to the potential for new provision on-site, or to meeting needs through planning obligations. The policy then goes on to deal with existing childcare facilities and the manner in which their potential loss will be dealt with. Adjustment is required to make sure the policy approaches the question in a positive manner, that is setting out where such a proposal will be supported. Also, changes are needed to address the potential for alternative provision and the means of securing that replacement provision. All that, alongside the deletion of some unnecessary text dealing with understanding needs can be achieved through a main modification **[MM6.9]**.
434. Policy HW5 is aimed at healthcare services and as drafted deals with Primary Care and Secondary Care separately. That is unnecessarily complex, and the policy should be reconfigured to deal with these two aspects, and the need to address increased demands, as well as protect existing facilities, together. A main modification is necessary to achieve that **[MM6.10]**. Reference is also made in the policy to York Teaching Hospital NHS Foundation Trust, and the Tees, Esk and Wear Valley NHS Foundation Trust and the Council's support for the redevelopment and expansion of the former, and the relocation of the latter. Some adjustments are required to the policy to address the Travel Plan needed for the former, and some more minor wording corrections. A main modification is necessary **[MM6.11]** to deal with those points and the supporting text requires adjustment **[MM6.12]** to provide more clarity on the question of catchment areas.
435. The Plan addresses emergency services through Policy HW6. As drafted, alongside support for the development of new facilities, the policy adopted the 'Hub and Spoke' model used by the Yorkshire Ambulance Service NHS Foundation Trust. The idea of this model is that ambulance services would be stationed closer to areas of demand. To that end, the policy, as drafted, directs provision to those strategic housing sites that would lead to the required level of demand, alongside details of what the facilities might be, and where they would need to be located. However, further discussion with the Yorkshire Ambulance



Service has confirmed that this model is no longer favoured and, on that basis, areas of the policy as drafted need to be deleted. A main modification [MM6.13] is necessary to achieve that.

436. The final policy in Section 7 of the Plan is Policy HW7 that talks about 'Healthy Places'. It includes a series of principles that aim to ensure that new residential developments are designed in a way that support healthy lifestyles; something strongly supported in the Framework. These principles need to be expanded to include the incorporation of formal and informal play spaces and outdoor gyms to encourage all age groups, to ensure that people with different degrees of mobility are properly catered for, and to address the need for public facilities to be properly lit. All those points, alongside some adjustments to address how planning applications should deal with these matters, are achieved through a main modification [MM6.14].

## Conclusion

437. Bringing those points together, as proposed to be modified, the Plan deals with health and wellbeing in a fashion that is properly reflective of national policy, and effective.

## Issue 18: Is the manner in which the Plan approaches placemaking, heritage, design and culture likely to be effective?

438. This very important aspect of the Plan is dealt with in Section 8. As the Plan sets out, York is a special place, and reflective of its history, the built environment of the city, especially that part of it contained within the walls, is (generally) of outstanding quality. It is no surprise to hear that the possibility of designation as a World Heritage Site is being explored. That said, as the Plan explains, the past has never been a barrier to innovation; it has always been a central part of York's economic success and it must continue to act in that way. In that context, the manner in which the Plan approaches the design of proposals, large and small, in and around the city, heritage assets, both designated and non-designated, and their settings, is a key element.
439. The Council's Heritage Topic Paper Update (2014)<sup>84</sup> explores the characteristics that are of strategic importance to the significance of York. These must be key considerations in controlling the way in which the city grows. Derived from the Heritage Topic Paper Update, Table 8.1 of the Plan sets out these key characteristics: strong urban form; compactness; landmark monuments; architectural character; archaeological complexity; and landscape and setting. This then acts as the framing device for the policies that follow.

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<sup>84</sup> SD103

440. Section 8 begins with Policy D1: Placemaking which is an overarching design policy. It begins by explaining the general approach – that proposals that improve poor existing urban and natural environments, of which there are examples in and around the city, will be supported, along with schemes that enhance the special qualities of the city, and better reveal the significance of the historic environment. On the other hand, development proposals that fail to take account of York's special qualities, and/or fail to make a positive design contribution to the city, and/or cause damage to the character and quality of an area will be resisted. That is a sound basis for what follows.
441. The policy then segues into more detailed considerations and as submitted, suggests that all development proposals should adhere to the detailed design points that follow. We consider that to be too prescriptive because situations may arise where, for very good reasons, some or all of the detailed requirements might need to be relaxed or set aside. With that in mind, the policy needs to be modified to say that 'where appropriate' development proposals should adhere to the detailed design points. This modification **[MM8.1]** is required to ensure the policy is positively prepared.
442. The detailed headings: Urban Structure and Grain; Density and Massing; Streets and Spaces; Building Heights and Views; and Character and Design Standards then follow. In terms of the first heading – Urban Structure and Grain – proposals are expected to enhance, respect and complement the historic arrangement of street blocks, plots and buildings, restoring old patterns where these have been damaged or obscured; and enhance and complement the character and appearance of the landscape, city parks, landforms, open space, planting and boundary treatment.
443. Turning to the second heading – Density and Massing – as drafted this seeks to ensure that development densities are appropriate to, and not dominant in, the context of the site proposed. However, tighter drafting is required to make clear that it is not only the density but also the massing of any development that needs to be appropriate contextually, and also that development should not only avoid a dominating impact on buildings and spaces, but also the wider setting of a site, with particular regard to any building or space of historic significance.
444. The fourth heading – Building Heights and Views – requires development to respect York's skyline by ensuring that development does not challenge the visual dominance of the Minster or the city centre roofscape. The term 'challenge' is rather ambiguous in our view and the wording would be clearer if development was required not to detract from the visual dominance of the Minster or harm the city centre roofscape.
445. The fifth heading refers to Character and Design Standards and sets out a series of requirements. All are perfectly reasonable, but the criterion suffers

from the lack of any reference to the living conditions of adjoining users or residents and the need to avoid any undue noise, disturbance, overlooking or overshadowing. A new bullet point is required to address this requirement.

446. Bringing those points together, a modification **[MM8.2]** is required to ensure that criteria ii, iv and v of Policy D1 function correctly and are thereby effective in ensuring high standards of placemaking.
447. Policy D2: Landscape and Setting sets out to protect some very important characteristics of the city, notably the Strays and Ings, and alongside that, the setting of the city in the surrounding landscape – a matter that bears heavily on other considerations referred to elsewhere in this report. It seeks to achieve that protection through the encouragement of development proposals that accord with nine criteria that cover various aspects. All nine criteria are justified, and important, but some need adjustment to ensure that they would operate in an effective manner.
448. Criterion ii as drafted requires development proposals to conserve and enhance landscape quality and character. The term 'conserve' as it is used in this context is perhaps a little too strong and the criterion would function better if it was replaced with 'protect'.
449. Criterion iv as originally composed requires development to create opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces. However, this wording fails to appreciate that those opportunities might already exist and do not need to be created. An addition so that the criterion reads 'create or utilise opportunities' is necessary to ensure that it is positively prepared. Other more minor changes are needed to the wording of criteria v and viii to ensure that they read properly.
450. With all that in mind, a modification **[MM8.3]** is necessary to ensure that Policy D2 functions correctly and is thereby positively prepared, and effective.
451. Policy D3 covers cultural provision. It needs a small change **[MM8.4]** in the second bullet point of criterion i to clear up any confusion that might arise where *and* has been drafted as *an*.
452. Of greater import perhaps, Policy D4 deals with conservation areas and their settings. As drafted, the policy while well intentioned uses wording that is at variance with the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the provisions of the Framework, and is somewhat too limited in its scope.

453. In order to address that, criterion i needs to be adjusted so that it includes a reference to development proposals preserving or enhancing the character or appearance of the conservation area concerned. A new criterion ii is needed to address the situation where a new use is proposed for an existing building in a conservation area. The previous criterion ii which referred to the need to 'respect important views' would become criterion iii, adjusted and amplified to require important views to be safeguarded in a way that is informed by evidence notably that within the York Central Historic Core Conservation Area Appraisal. The previous criterion iii which refers to evidence-based assessments of the special qualities of conservation areas can be dealt with separately.
454. The second part of the policy, as drafted, sets out situations where outline planning applications for development within or affecting the setting of conservation areas will be supported. This needs to be amended because in such situations, applications for outline planning permission should not be accepted. This part of the policy must be adjusted to make clear that planning applications for development within or affecting the setting of a conservation area, must include details sufficient to show the likely impact of the proposal on the character and appearance of the conservation area affected, or its setting.
455. The third part of the policy refers to the change of use of buildings. This should be adjusted to complement the new criterion ii referred to above and make clear that changes of use will be supported where current beneficial use of the building cannot be sustained and where the proposed new use would not cause significant harm to the prevailing character of an area. This strikes us as a properly flexible approach.
456. The next part of the policy deals with situations where harm to various aspects of a conservation area, including plot form, can be permitted. This brings the policy into line with the approach of the Framework whether the harm is less than substantial, or substantial.
457. As referred to above, the policy needs to be adjusted so that the final part of the policy sets out what an application for development in a conservation area should include – an appropriate evidence-based assessment of the special qualities of the area, proportionate to the size and likely impact of the development, and sufficient to ensure that any impacts can be clearly understood.
458. A modification **[MM8.5]** is required to ensure that Policy D4, as drafted, covers all necessary aspects, accords with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Framework.
459. Alongside that, a modification **[MM8.6]** is necessary to insert a new paragraph (8.26a) which properly reflects paragraph 132 of the Framework setting out

clearly the approach that will be taken to decision-making in relation to development proposals in conservation areas.

460. Policy D5: Listed Buildings, as drafted, suffers from some of the same difficulties as the preceding policy in terms of accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Framework. As drafted, the policy sets out a series of situations where proposals affecting a listed building, or its setting will be supported. However, the policy would function more effectively if at the outset, it explained that this support will be forthcoming where those proposals preserve, enhance, or better reveal those elements that contribute to the significance of the building, or its setting. There is no need for the policy to say that the more important the building the greater the weight that will be given to its consideration because the 1990 Act does not differentiate in that way, and in any event, the Framework makes that point.
461. Other considerations that might be in play when proposals affecting a listed building or its setting are considered would be better dealt with as an adjunct to that fundamental starting point and on that basis, criterion iii in the initial part of the policy should be removed. It is however important that reference is made to the way in which changes of use of listed buildings will be approached. It is right to say that these will be viewed favourably where the proposed new use would not be harmful to significance, and it would help secure a sustainable future for a building that might be otherwise at risk.
462. The last part of the policy refers to situations where harm to the significance of a listed building might be permitted. This is necessary to bring the policy into line with the Framework. However, to ensure that this situation is covered effectively, it needs to be consistent with the approach set out in the Framework to harm, whether that is substantial or less than substantial, and the situations, with reference to public benefits, where such harm might be tolerated.
463. A modification **[MM8.7]** is necessary to give effect to all that and ensure that the approach properly accords with statute, and national policy.
464. Allied to that, there is a need for new paragraphs in the explanatory text to deal with recording (a new paragraph 8.30a) and, as with conservation areas above, to explain the approach to decision-making (a new paragraph 8.30b). A modification **[MM8.8]** is needed to secure these inserts.
465. Policy D6 is concerned with archaeology and as drafted sets out the situations where development proposals that affect archaeological features and deposits will be supported. This is done through four criteria. The second of those is where proposals would not result in harm to the significance of the site or its setting. That is rather narrow in its compass because there might well be situations where harm can be tolerated (or mitigated – as per criterion iv) to

secure a development that has wide public benefits. Criterion ii needs to be expanded to make clear that it is aimed at Scheduled Monuments, or other nationally important remains, and to explain, with reference to the Framework when harm might be acceptable.

466. Criterion iv as drafted says that where harm to archaeological deposits is unavoidable, and detailed mitigation measures have been agreed, development could be supported. This needs to be adjusted to better explain the situation where support can be granted – that ‘the impact is acceptable in principle’ seems to be a far better way of expressing it.

467. A main modification **[MM8.9]** is necessary to make these changes. Further, the supporting text needs to be amended to better reflect the approach required, and supplemented with new paragraphs (8.31a, 8.31b and 8.34b) to address the balancing exercise required by the Framework, and to address the potential impact of piled foundations. A further main modification **[MM8.10]** is required to make these changes and additions.

468. As one might expect, alongside lots of designated heritage assets, York is home to many non-designated heritage assets too. Policy D7 is directed towards them and the different forms they might take. As with the other policies relating to the historic environment, Policy D7 is prepared in a positive way, setting out what is required for proposals to be supported. However, the first part of the policy is rather too wide in its coverage, and it needs to be amended to ensure that it is directed at non-designated heritage assets specifically. The last part of the policy covers recording and needs to be adjusted to ensure that it refers to non-designated heritage assets only. A main modification **[MM8.11]** is necessary to deal with these changes. The supporting text needs to be adjusted to reflect those changes and a main modification **[MM8.12]** is needed to achieve that.

469. Policy D8 of the Plan as submitted deals with historic parks and gardens. Broadly the policy is well drafted but there are elements, notably where the balance between any harm to significance that might be caused, and any public benefits, is dealt with that required some adjustment to bring the policy into line with the Framework. A main modification **[MM8.13]** is required to secure those changes alongside another **[MM8.14]** to ensure those changes are properly reflected in the explanatory text.

470. York was/is historically a walled city. As the York City Walls Conservation Plan and Access and Implementation Plan (2005) sets out ‘the York city walls are of exceptional significance on account of their long and unique history and their historic and continuing relevance to, and impact on, the culture, society, economy and environment of York and its wider, universal context’. York City Walls and St Marys Abbey Walls (York Walls) are designated SAMs and Grade I listed buildings. In that context, one might question whether Policy D10, which

is directed towards the walls specifically, is justified, because SAMs and listed buildings generally are protected by other policies in the Plan.

471. However, York Walls have a particular quality and sensitivity that is peculiar to them and, it seems to us that more general policies relating to SAMs and listed buildings might be insufficient to allow a proper appreciation of their significance and their sensitivity to changes in their settings. To that end, we consider that Policy D10 is justified. Having said that, as drafted, there is something of a lack of clarity about when the policy will apply and further, there are aspects of the policy, as drafted, that are not quite in accordance with the Framework. In relation to the former, the policy needs to make clear that it bears on development proposals that are likely to affect the setting of the City Walls, and that it is the contribution setting makes to their significance that is to be protected. The policy needs to make provision too for the situation where public benefits might outweigh any harm to significance. A main modification **[MM8.15]** is needed to bring all that about.

472. Section 8 of the Plan deals with other aspects too including the City of York Historic Environment Record (Policy D9), extensions and alterations to existing buildings (Policy D11), shopfronts (Policy D12), advertisements (Policy D13), and Security Shutters (Policy D14). All these policies are justified and in accord with national policy in the form drafted save for Policy D13 which needs an adjustment to make it clear, and to accord with the Framework. A main modification is necessary **[MM8.16]** to secure that adjustment.

473. A final point that needs to be made in relation to Section 8 is that policies have been adjusted, where necessary, to bring them into accord with the Framework. We have taken that approach here, conscious that a different approach has been taken in relation to other policies in the Plan, because there is little meaningful difference between the way the Framework approaches the historic environment, and later iterations.

## **Conclusion**

474. With the modifications set out, the approach of the Plan to Placemaking, Heritage, Design and Culture will be effective, offering protection for the special characteristics of the City, without stifling the scope for it to develop.

## **Issue 19: Is the way in which the Plan deals with Green Infrastructure sufficient in its scope, in line with national policy, and effective?**

475. This part of the Plan, as submitted, is contained in Section 9. This section opens with a statement that in planning positively for York's network of green infrastructure, it is essential that landscapes, geodiversity, biodiversity, and the

natural environment are conserved and/or enhanced. That accords with the general approach to the natural environment set out in Chapter 11 of the Framework.

476. Policy GI1 that follows gives voice to the general approach that will be taken to ensuring that takes place. In general terms the policy as drafted is consistent with national policy, as are the various criteria set out. However, the reference to the Leeds City Region Green Infrastructure Strategy in part i needs to be updated to reflect the latest (2018) version. More substantially, the final part of the policy deals with how the policy will be implemented. As drafted, it states that development proposals will be expected to demonstrate that green infrastructure considerations have been taken into account, in line with the various criteria. In order to be effective, that needs strengthening to ensure that where appropriate, development proposals must demonstrate that they are consistent with the objectives in the policy criteria, but also subsequent policies in this part of the Plan. A main modification **[MM9.1]** is required to bring that about and thereby make the policy effective.

477. Policy GI2 of the Plan as submitted deals with biodiversity and access to nature and requires development to accord with a range of criteria, where appropriate. In their consultation response, Natural England made some observations on the policy as drafted noting that it should make appropriate distinctions between different elements in the hierarchy of international, national, and locally designated sites as required by paragraph 113 of the Framework. That is correct and to that end, three new criteria need to be added at the outset to make reference to International Sites, and National Sites, and the manner in which decisions on proposals that have effects upon them should be dealt with. Further reference needs to be made, in what becomes criterion iv, to Local Nature Reserves. A new criterion v is then required to refer to irreplaceable habitats, including ancient woodland and veteran trees, and the manner in which they must be approached in decision-making terms.

478. Finally, an adjustment is needed to what was, as drafted, criterion iv which refers to net gain and improvement to biodiversity. This has to be expanded to make clear that net gain to biodiversity is expected to accord with the Environment Act 2021 (when enacted) and national policy. We recognise that this latter legislation post-dates the version of the Framework that the Plan is being assessed against, but we consider this justified in order that the considerable amount of new development in the Plan is brought forward in a way that is responsive to biodiversity.

479. Main modifications **[MM9.2 MM9.3]** are necessary to bring those changes about. Further main modifications **[MM9.4 MM9.5]** are required to bring the supporting text into line with the policy as revised.



480. Moving on from that, as a result of the conclusions of the HRA (2020), which we have touched on in terms of its impact on Strategic Sites, and other Housing Sites, a new policy is then required to deal with Strensall Common. This is designated as a Special Area for Conservation (SAC) and Site of Special Scientific Interest (SSSI). The common supports one of the largest areas of lowland heath in northern England and has a biodiversity value that is greater than its features as listed in the designations. Extensive areas of both wet and dry heath are present, and these form a complex habitat mosaic which supports a diverse flora and fauna, including vulnerable species like nightjar, woodlark, marsh gentian, pillwort, pond mud snail, and it is the only site in England where the dark bordered beauty moth is found.
481. Strensall Common is managed by the Yorkshire Wildlife Trust and the MoD which operates an extensive training facility and firing range within and adjacent to the European Site. It is also subject to considerable recreational pressure from visitors, especially those with dogs. In 2021, Natural England considered the Strensall Common SSSI to be in favourable condition. However, the Site Improvement Plan identified a range of threats including public pressure, and air pollution.
482. The HRA (2020) sets out that residential allocations proposed in the Plan, within 5.5 kms of the common, are likely to lead to an increase in recreational pressure that will need to be mitigated through the provision of suitable natural greenspace and other such measures. The HRA (2020) also envisages potential difficulties with windfall sites that might come forward. To ensure that there is no adverse effect on the integrity of the SAC, the HRA (2020) recommends that no net additional dwellings should be permitted within 400m of the SAC as it is not considered possible to mitigate adverse impacts from recreational pressure from additional dwellings so close to the SAC. Moreover, according to the HRA (2020), windfall development proposed between 400m and 5.5km of the SAC will only be permitted if it can be demonstrated that the development will not have an adverse effect on the integrity of the SAC, in themselves, and in combination with other developments. Any necessary mitigation would of course need to be provided before occupation, and be subject to Policy GI6, that we deal with below.
483. Bringing those points together, a new Policy GI2a is necessary to ensure that the Strensall Common SAC is effectively protected. As rehearsed above, the policy says that development, other than that directly connected with or necessary to the management of the SAC, will only be permitted where it will not adversely affect the integrity of the SAC either alone or in combination with other projects. Two principles are then set out. The first sets up an 'exclusion zone' within 400m of the boundary of the SAC where permission will not be granted for anything that results in a net increase in homes. Proposals for non-residential development will need to undertake a HRA to demonstrate that no harm would be caused to the integrity of the SAC. The second principle

imposes a 'zone of influence' between 400m and 5.5km of the SAC boundary. Where new residential development is proposed within that zone on allocated sites (SS9/ST7, SS10/ST8, SS11/ST9, and SS12/ST14), provision of open space must include or secure access to areas of suitable natural green space secured by way of mitigation prior to the occupation of any dwellings. Proposals for other housing development in the zone will not be permitted unless it can be demonstrated that there would be no adverse impact on the SAC, either alone or in combination. Any greenspace required as mitigation must be provided before occupation and accord with Policy GI6.

484. In our view, this policy is justified, clearly necessary to ensure the Plan is compliant with national policy, and necessary to ensure that it operates in an effective way. A main modification **[MM9.6]** is needed to insert the policy and to explain the approach in the explanatory text, with a map of the exclusion zone so formed.

485. Policy GI4 relates to trees and hedgerows and broadly speaking, seeks to protect them from the potential effects of development. The policy is broadly effective as drafted, save for some minor adjustments but a new criterion vi is required to secure suitable replacement planting if and when the loss of trees and/or hedgerows worthy of retention can be justified. Those corrections and additions **[MM9.7]** need a main modification.

486. The protection of existing open space and playing fields is covered by Policy GI5. There is a difficulty in the policy as drafted because it seeks to protect open space of environmental and recreational importance. That cuts across other policies and it is important, for the sake of effectiveness, that the policy is directed towards sites of recreational importance only. The broad approach is that any loss of open space of recreational importance will not be permitted unless it is replaced in a suitable location that meets an identified need. The wording of the policy needs to be adjusted through a main modification **[MM9.8]** to make all that clear. Moreover, this needs to be accurately reflected in the explanatory text **[MM9.9]**.

487. As indicated above, the Plan as submitted includes Policy GI6 that covers the provision of new open space. The policy as originally drafted requires all residential development proposals to contribute to the provision of open space for recreation and amenity. That is in accordance with national policy, but some additional text is needed to make clear that the amount of open space to be provided must be in accordance with local standards using the Council open space assessment. That addition and the removal of some text made superfluous by the addition is the subject of a main modification **[MM9.10]**.

488. The policy then goes on to express a preference for on-site provision but allows for off-site provision in some circumstances that are the subject of three criteria.

That seems to us to be a suitably flexible approach, but the criteria need to be made clearer in order to function effectively. A main modification [MM9.11] is needed to achieve that.

489. After that, some areas of new open space are identified, and on top of that, indications of new areas of open space relating to strategic sites are alluded to. One of these – OS12: Land to the East of ST35 – referred to above (Queen Elizabeth Barracks), needs to be removed as a result of the conclusions of the (2020) HRA. Furthermore, a reference to these areas as shown on the proposals (policies) map being indicative can be deleted. A main modification [MM9.12] is needed to pick those matters up and allow the policy to be considered justified.

## Conclusion

490. With the modifications set out, the Plan will deal with Green Infrastructure in a way that is sufficient in its scope, in line with national policy, and effective.

## Issue 20: Does the approach of the Plan to managing development in the Green Belt accord with national policy and will it be effective?

491. Section 10 of the Plan deals with the general approach to development proposals in the Green Belt. In the Plan as submitted, Policy GB1 was intended to act as the overarching policy while Policy GB2 dealt with development in settlements, Policy GB3 the re-use of buildings, and Policy GB4 exception sites for affordable housing.
492. It became clear however, that this approach was not only repetitive, with requirements in Policies GB2, GB3, and GB4 overlaying much the same requirements in Policy GB1 but aspects of all four policies were at odds with national policy in the Framework. Notably, Policy GB1 required all forms of development, including those deemed not inappropriate, to not detract from the openness of the Green Belt; not conflict with the purposes of including land in the Green Belt; and not prejudice or harm those elements that contribute to the special character and setting of the city.
493. Those requirements go well beyond the approach of national policy in the 2012 Framework where forms of development that are not inappropriate do not have to pass a test of that sort. The approach, if followed literally, would mean that hardly any development at all, even those forms of development deemed not inappropriate, would be able to come forward in the Green Belt. That is not justified, and clearly inconsistent with national policy.

494. It became clear in the course of the examination that while a separate policy would be required to deal with specific requirements for exception sites, Policies GB1, GB2, and GB3 in the Plan as submitted could be streamlined into a new Policy GB1 that deals with all forms development in the Green Belt. The question then whether the wording of that new policy should follow the 2012 Framework, or the July 2021 version. Given that the 2021 Framework will be a material consideration when proposals are before the Council for decision, it seems to us more practical for the precise wording of the new policy to follow the 2021 Framework, notwithstanding the transitional arrangements.
495. MMs are required to facilitate this streamlining **[MM10.1 MM10.4 MM10.5]** and further MMs **[MM10.2 MM10.3]** to properly define the approach to domestic extensions and infilling respectively.
496. Given the complications involved, a separate policy (renumbered Policy GB2) would still be required to deal with exception sites for affordable housing in the Green Belt. However, changes are required to the policy as submitted to ensure that it is positively prepared and in accordance with national policy. In particular, the policy needs to make clear that exception sites are intended to address the needs of a local community, with a requirement for evidence of that particular need, rather than wider needs. An amendment is also necessary to ensure that the housing that comes forward is 'limited' in terms of the number of units, as set out in the Framework. Without those safeguards, the policy could be used to justify larger developments in the Green Belt, designed to meet wider needs. That is not the intention of this, or national policy, in relation to exception sites.
497. Further, the policy as submitted stipulated that the exception site should be within 800m of a defined settlement limit or well related to existing residential development and amenities in or adjacent to a clearly identified settlement. Given that there are other policies in the Plan aimed at ensuring development is properly accessible, the 800m requirement is unnecessary.
498. Main modifications are required to renumber the policy on exception sites and to ensure it is positively prepared and in accord with national policy **[MM10.6 MM10.7]**.

## Conclusion

499. With these MMs, the approach of the Plan to managing development in the Green Belt would properly accord with national policy, and be effective.

**Issue 21: Is the stance taken by the Plan to environmental quality and flood risk consistent with national policy and positively prepared?**

500. Put very simply, Section 12 of the Plan concerns itself with air quality, the quality of the environment for occupiers generally, land contamination, flood risk, and linked to that, sustainable drainage.
501. As the Plan explains, there are a number of areas in York where the national air quality objectives are being exceeded. The main source of air pollution is traffic and despite the introduction of three AQAPs, the annual average Nitrogen Dioxide objective continues to be exceeded at many locations, particularly within the inner ring road and city centre. Nevertheless, the city has developed a Low Emissions Strategy<sup>85</sup> which aims to reduce exhaust emissions from individual vehicles and encourage alternative fuels and low emission vehicle technologies. The Council's AQAP3<sup>86</sup> explains the way in which this pioneering approach to low emissions will develop with the aim of making York an internationally recognised ultra-low emission city. Key points will be the delivery of low emission infrastructure, such as vehicle charging points and electric buses, but also the reduction of emissions from new development.
502. That leads on to the essential question of how York can accommodate its ambitious targets for growth without undermining this strategy? We have dealt with that point elsewhere in this report but here, Policy ENV1 addresses air quality. Its essential premise is that development will only be allowed to proceed if it has an impact on air quality that is acceptable, and there are mitigation mechanisms in place to deal with any adverse impacts and prevent further exposure to poor air quality. It goes on to require all minor and major planning applications to identify potential sources of emissions and explain how they might be minimised and mitigated against. In broad terms, that approach accords with the approach of the Framework, and especially paragraph 30, and the promotion of sustainable modes of transport.
503. However, the policy as drafted lacks proper focus and would be unwieldy in use and thereby ineffective. To address that difficulty, the Council has proposed a complete rewrite of the policy which shortens it considerably, and would make it much easier to understand, and apply. In short, the revised Policy ENV1 sets out that development will only be permitted if it has an acceptable impact on air quality, taking into account any mitigation proposed. That is an effective starting point.
504. The policy as amended then goes on to require applications that are major; or within AQMAs; or with the potential to generate significant air quality impacts; or include uses sensitive to air quality to be accompanied by an Air Quality Assessment that identifies the likely sources of emissions, and how they can be minimised and mitigated against. Finally, the revised policy sets out that where an Air Quality Assessment identifies the potential for new occupiers to be

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<sup>85</sup> SD093

<sup>86</sup> SD096 and EX/CYC/106

exposed to unacceptable levels of pollutants, an exposure mitigation strategy will be required.

505. Altogether, the revised policy would be an effective approach to air quality that accords with national policy. It needs to be secured through a main modification **[MM12.1]**. The rewriting of the policy has some consequent simplifying effects on the explanatory text. A further main modification **[MM12.2]** is necessary to put those changes in place.

506. Policy ENV2 as drafted is aimed at managing environmental quality. However, in that it sets out situations where development will not be permitted, it is not positively prepared. Moreover, as with the preceding policy, it lacks focus, and strays into areas covered by other policies. To address those issues, the policy has to be reworded so that it explains that development will be permitted where it does not unacceptably harm the living conditions of existing and future residents. That makes the policy positive in its approach. Moreover, text has been adjusted and removed to ensure that the policy directs itself towards light and/or glare, noise and/or vibration, and air quality given that other aspects of residents' living conditions are protected elsewhere in the Plan. A main modification **[MM12.3]** is required to bring about those changes.

507. Land contamination is the subject of Policy ENV3. Again, this policy has been framed in a way that is not positively prepared. It must be adjusted to be phrased in a positive way so that development of a site known, or with the potential, to be contaminated will be permitted where acceptable remedial measures are forthcoming. Moreover, the policy needs a further change to ensure that applications are accompanied by an appropriate contamination *risk* assessment. All that is the subject of a main modification **[MM12.4]**.

508. Policy ENV4 addresses flood risk. As drafted, it does not follow unambiguously the approach of the Framework to the Sequential and Exception Tests, or the approach to site-specific flood risk assessments. To make the policy effective, it has been amended to set the approach out in a way that more clearly reflects the Framework and this in turn will ensure the policy can be effectively applied. A main modification **[MM12.5]** is required to secure those changes. No corresponding change is required to the explanatory text.

## Conclusion

509. With the main modifications set out, we are content that the stance taken by the Plan to environmental quality and flood risk is consistent with national policy and positively prepared.

## Issue 22: Is climate change, and the issues around it, given its due importance in the Plan?

510. Section 11 rightly accepts that the Plan has an important role in tackling climate change and delivering on the ambitious aspirations it contains without undermining the environment of York for future generations. In that context it is key that the suite of policies in this part of the Plan, encourage renewable energy projects, and alongside that, provide a policy context where the environmental impact (or carbon footprint) of new development is minimised as far as possible.
511. Policy CC1 as drafted is aimed at renewable and low carbon energy generation and storage facilities in the context of advice in the Framework and the PPG. The policy as drafted starts off by saying that new buildings must achieve a reasonable reduction in carbon emissions of at least 28%, subject to viability, and requires energy statements to show how this is to be achieved. This matter, however, is not one that Policy CC1 in its totality seeks to address, and it is better dealt with in Policy CC2 that covers the design and construction of new buildings. A main modification **[MM11.1]** is necessary to delete this aspect of the policy in order to render it effective, as a whole. Allied to that, a substantial part of the explanatory text under the heading Carbon Reduction Targets, which refers to the 28% reduction, and its source, needs to be removed through a main modification **[MM11.3]**.
512. The rest of the policy as drafted is properly aimed at renewable and low carbon energy proposals that might come forward. It is rightly positive in its approach setting out that such schemes will be supported when judged against a range of criteria. That said, the policy as drafted does not properly reflect paragraphs 97 and 98 of the Framework and the approach therein. To address that, the policy should be modified to say that projects of this type will be permitted where their impacts are acceptable with reference to a range of aspects including the historic environment of the city, residential amenity, nature conservation interests, grid connections, and so on. The criterion directed at the road network needs to be adjusted to make clear that it is concerned with capacity and safety.
513. All that is reflective of national policy in the Framework and associated PPG but conscious of changes in the national policy pipeline, and the need to be more positively prepared, some wording is needed to make clear that applications will be determined in accordance with any further considerations that apply to renewable or low carbon energy that come forward in national policy and guidance.
514. The reference to strategic sites and energy masterplans needs to be deleted because this is best dealt with in the policies specifically directed at those strategic sites.

515. Finally, the policy makes reference to renewable and low carbon energy storage developments. A number of these have come forward around the city in recent times and more will likely be forthcoming in the light of the encouragement offered in the policy to renewable and low carbon energy schemes. It is right that the policy approaches these forms of development in a positive way, with reference to impacts being acceptable in relation to the same criteria set out above. It is correct too that this part of the policy makes reference to fire suppression procedures.
516. Bringing those points together, a main modification **[MM11.2]** is required to bring the policy into line with national policy, from the Framework, but also reflecting subsequent changes, and to make it both positively prepared and effective.
517. Policy CC2 as drafted is intended to cover sustainable design and the construction of new development. After a general statement encouraging high standards of sustainable design and construction, and reference to the energy hierarchy and water efficiency, it sets out requirements for the construction of all new development generally, before dealing with conversions and changes of use, and improvements to existing dwellings. There are clear issues with these classifications because of the different ways in which different forms of development are assessed in relation to the Building Regulations, and other standards such as BREEAM. In order to achieve a better focussed policy, substantial changes are required.
518. Before dealing with those changes, there is a fundamental issue to deal with and that is whether a policy of this sort can be justified in the light of what the Government has said in the WMS: Planning – Local Energy Efficiency Standards Update of 13 December 2023. This says: *The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government's commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned building regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that proposed local energy efficiency standards for buildings that go beyond current or planned building regulations should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures: the development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework; and the additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).*



519. It is clear from the WMS that the principal concerns expressed therein relate to the potential impact of local energy efficiency standards that go beyond current or planned building regulations on the viability, supply, and affordability of housing. Here, there is no strong suggestion that what the Council proposes in its modified policy, that we turn to below, will have any such effect. The Council's evidence shows that it will not but, in any event, the policy in relation to housing includes a viability clause so that if the uplifted standards are shown to act as a block, they could be relaxed.
520. The WMS also says that any additional requirement is expressed as a percentage uplift of a dwelling's TER. The policy as originally drafted was so expressed but as modified it refers instead to uplift requirements expressed in terms of the Building Regulations. The WMS is obviously attempting to ensure that developers are not confronted by a range of different standards that might prove confusing. We do not believe that expressing uplifts in relation to the Building Regulations, standards that developers could be reasonably expected to be properly familiar with, will lead to any such confusion. In any event, the Council has proposed to include a reference to TER and SAP in the amended policy.
521. With all that in mind, we are content that the principle of the policy is soundly based. It should not be forgotten either that the Framework, in paragraph 95, encouraged local planning authorities to set any requirement for a building's sustainability to do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
522. Turning then to the workings of the policy, the context set in the opening lacks focus and fails to set out clearly the purpose of the policy particularly in relation to the importance of the energy hierarchy. It needs to make clear that developments should achieve high standards of sustainable design by demonstrating energy and carbon dioxide savings in accordance with the energy hierarchy; water efficiency; and good practice adaptation principles for climate resilience. Further, the opening part of the policy needs to express the need for planning applications for development covered by the policy to include a Sustainability and Energy Statement to demonstrate how the proposal meets the requirements of the policy, and how the energy hierarchy has been followed. A main modification **[MM11.4]** is necessary to achieve all that.
523. The policy, as amended, then splits to cover different categories. The first is residential development. The principal requirement is that all new residential development should achieve on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Part L of the (2013) Building Regulations, of which at least 19% should come from energy efficiency measures; and a water consumption rate of 110 litres per person per day. Those requirements reflect changes since the Plan was submitted in the (2022) Building Regulations and a 'fabric first' approach.

524. The amended policy goes on to say that pending anticipated changes to the Building Regulations, (residential) developments should further aim to achieve up to a 75% reduction over and above the requirements of Part L of the (2013) Building Regulations unless it can be demonstrated that such reductions would not be feasible or viable. It goes on to say that the TER for proposed new dwellings should be calculated using version 10 of SAP. Finally, the approach is 'future proofed' given that further changes to the Building Regulations are on the way, through a clause making clear that these figures will be superseded by any higher levels required by the Building Regulations in future. That will add some clarity. All that is in our view justified, and reflective of Government policy. A main modification **[MM11.5]** is required to bring those changes about.
525. The policy, as proposed to be amended by the Council, then moves to non-residential development. Notwithstanding previous suggested modifications, that simply repeated the requirements of the (2022) Building Regulations, alongside BREEAM, the Council has reconsidered this matter in the light of the WMS and now proposes that it requires all new non-residential development with a total internal floor area of 1,000 square metres or more to achieve a BREEAM rating of 'Excellent', where feasible and viable. With the safeguards included, that seems to us to accord with Government policy as expressed in the WMS, and elsewhere. A main modification **[MM11.6]** is needed to deliver that.
526. The policy as amended, goes on to deal with the conversion of existing buildings and changes of use. The requirements in the policy as originally drafted – BREEAM Domestic Refurbishment 'Very Good' for conversion to residential use and BREEAM Non-Domestic Refurbishment and Fit-Out 'Excellent' for non-residential are not proposed to be changed but amendments have been proposed to make clear that these are minimum requirements. Further changes are proposed to allow for the use of discretion where the building to be converted is a heritage asset. That is all necessary to make the policy effective and a main modification **[MM11.7]** is necessary to secure the adjustments.
527. A new heading is then introduced relating to Strategic Sites. Notwithstanding that these sites have their own specific policies, a requirement is introduced requiring development proposals on these sites to undertake a BREEAM Communities Assessment or equivalent. Bearing in mind the nature of the Strategic Sites, and their importance to the Plan overall, this is justified. The area of the policy as originally drafted aimed at improvements to existing dwellings is not however justified because these changes are unlikely to come within the ambit of the planning system. These changes need a main modification **[MM11.8]**.
528. Attendant main modifications **[MM11.10 MM11.11 MM11.12]** are required to ensure that the accompanying text reflects the changes made to Policy CC2

itself. Notably, there needs to be a reference to the energy hierarchy, in the interests of clarity, and to explain the stance in relation to the Building Regulations and the changes thereto. Paragraph 11.15 needs to be deleted because the text is superfluous and has been overtaken by events [MM11.9].

529. Policy CC3 as originally proposed referred to District Heating and Combined Heat and Power Networks and not unexpectedly is strongly supportive. There are, however, some issues with the policy as initially proposed. First it needs a clearer title – it should refer to Decentralised Energy Networks. On top of that, the policy needs to make it abundantly clear that the strong support offered by the Council will be conditional on the power source being a non-fossil fuel.
530. Rather than the criteria-based approach originally included in relation to heat priority areas, and Strategic Sites, where the main opportunities lie, the policy would be more effective if all major developments were required to assess the feasibility and viability of connection to an existing or proposed decentralised energy network through the Sustainability and Energy Statement required by Policy CC2. Further the policy needs to make plain that the aim is to maximise the potential for carbon reduction. These changes [MM11.13] are necessary to ensure the policy is effective. Attendant adjustments are needed to the explanatory text [MM11.14] to set out in particular the various options open to developers – connect immediately; connect in immediate future; or where these are not feasible, provide a site-wide low carbon network, and to delete text rendered superfluous.

## Conclusion

531. On that overall basis, it is plain that the Plan deals with climate change and the issues around it with its due importance enabling the Plan to bring forward a significant amount of development without any undue impact in climate change terms.

## Issue 23: Is the way in which the Plan deals with communications infrastructure soundly based?

532. Section 14 of the Plan as submitted also addresses communications. Not unexpectedly, given the importance of high capacity, reliable, resilient, secure, affordable, and fast communications infrastructure, the general approach is supportive, though reference is made to the limitations that might arise given the special character of the city.
533. With that in mind, the general approach of Policy C1 is positive setting out that proposals will be improved unless adverse impacts on the special character of York significantly outweigh the benefits. Bearing in mind that most masts, antennae, and the like are functional and utilitarian, and will have something of

a visual impact, that is the correct approach given the importance of effective communications network to the economic well-being of the city.

534. In that context, the requirements of the policy for infrastructure to be shared, wherever possible, for new installations to be of appropriate scale and design, and capable of being shared, with particular consideration necessary in areas of sensitivity (like the Green Belt, the strays, conservation areas, and so on) are perfectly justified and in accord with the approach of the Framework.

535. However, Policy C1, in the form submitted, also sets out that the Council will seek the removal and relocation of existing, visually intrusive masts, particularly in the city centre, where opportunities arise, and notes that planning conditions will be used to ensure the removal of redundant masts. The removal of redundant masts is something that can take place outside the development control process and there is no need to 'flag' conditions that might be attached to any grant of approval of telecommunications infrastructure in the policy. This part of Policy C1 is not justified, therefore.

536. On top of that, the policy sets out a requirement for the new development to enable Next Generation Access (NGA) broadband connections, where viability allows and suggests that developers of strategic sites liaise with communications providers to explore how NGA can be provided and integrated with active existing networks. This is an unnecessary inclusion in the policy because the provision of this type of infrastructure is best left between site developers, the relevant provider, and incoming residents.

537. An MM [MM14.12] is necessary to secure these changes to Policy C1.

## Conclusion

538. With this MM, I find the way in which the Plan deals with communications infrastructure soundly based.

## Issue 24: Does the Plan properly provide for delivery and monitoring?

539. Delivery and monitoring are the subject of the final section of the Plan (Section 15). The sole policy in this part of the Plan is Policy DM1 that covers Infrastructure and Developer Contributions. The intention behind the policy is to ensure that new development is supported by appropriate physical, social, and economic infrastructure provision setting out that new development will not be permitted unless the infrastructure required to service the development is available; and the necessary infrastructure to meet the local and wider (strategic) demand generated by the development can be provided and co-

ordinated. Given the scale of development envisaged in the Plan, that is a justified approach.

540. However, the policy goes on to say that the Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. Contributions will be sought to fund strategic infrastructure that helps to deliver the Vision, Spatial Strategy and Objectives of the Plan, as well as specific infrastructure that is necessary to deliver an individual site.
541. That is reasonable as far as it goes but the approach is a rigid one and the policy as drafted allows no flexibility to deal with the situation where for wider economic, or site-specific, reasons, the contributions sought towards strategic and/or specific infrastructure affect the viability of a development, and thereby threaten delivery. To that end, an additional clause is needed that allows the Council to consider a viability assessment, and if a development can be shown not to be viable, then the Council can consider the phasing of obligations, and /or include a review mechanism in any legal agreement. That seems to us to be a practical approach and a main modification **[MM15.1]** is necessary to insert such a clause into the policy.
542. Linked to that, the supporting text where it deals with contributions requires adjustment to reflect changes that have been made to the CIL Regulations 2010, and 'pooled' contributions in particular. This makes necessary a further main modification **[MM15.2]**. Paragraph 15.21 has to be expanded to deal with review mechanisms to reflect the addition made to Policy DM1 itself. This needs a main modification **[MM15.4]** too.
543. Unsurprisingly, this part of the Plan also addresses the various types of infrastructure that the Plan seeks to bring forward in parallel with its development aspirations. Part of this is to ensure efficient and affordable transport links across the Plan area.
544. Paragraph 15.15 and Table 15.1 in the Plan as submitted, include details of trip generation but more recent modelling, carried out during the course of the examination, means that these figures need to be adjusted downward to reflect that modelling – the predicted volume of traffic on the highway network overall could increase by 15% (rather than 20%) meaning an extra 6,500 trips (rather than 7,000 trips) in each peak. Those changes do not lead to any consequential change to the predicted increase in travel time across the network (30%) and the increase in network delay (55%).
545. Discussions around that point, that have been rehearsed above, made it apparent that this increased delay projected on the network should not be considered against 2019 base values, as shown in Table 15.1 of the Plan as

submitted, but against the traffic impacts of alternative development scenarios for the city, on the basis that some development and population growth will happen with or without an adopted Plan. On that basis Table 15.1 needs to be replaced. A main modification **[MM15.3]** is required to facilitate those necessary changes.

## **Conclusion**

546. So long as these changes to Policy DM1 and the supporting text are made, we are content that the Plan would include proper provision for delivery and monitoring and would therefore operate in an effective manner.

## **Overall Conclusion and Recommendation**

547. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

548. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the City of York Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

*Simon Berkeley and Paul Griffiths*

## **INSPECTORS**

This report is accompanied by an Appendix containing the Main Modifications.

## Appendix – Main Modifications

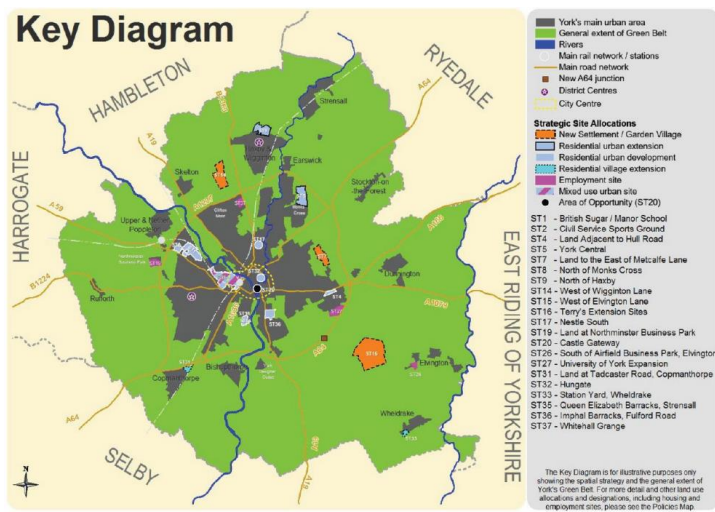
The modifications below are expressed either in the conventional form of ~~strikethrough~~ for deletions and underlining for additions of text, or by specifying the modification in words in *italics*.

The page numbers and paragraph numbering below refer to the submission local plan, and do not take account of the deletion or addition of text.

Ref	Page	Policy/ Paragraph	Main Modification
MM2.1	16	Paragraph 2.5	This will require the provision of sufficient land for <u>minimum average annual net provision of 822 dwellings over the plan period to 2032/33</u> <del>867 dwellings per annum</del> and will include...
MM2.2	23	DP2	<p>iii. Development will help <b>Conserve, <u>Maintain</u> and Enhance the Environment</b> through:</p> <p>...</p> <ul style="list-style-type: none"> <li>• <u>Maintaining the natural geomorphology of watercourses, water quality and the ecological value of the water environment including in the River Ouse, River Derwent and River Foss water corridors;</u></li> <li>• <u>Ensuring that there is no deterioration in the status of any surface or ground water body;</u></li> <li>• <u>Making positive progress towards achieving 'good' status or higher in surface and groundwater bodies, in line with the Water Framework Directive; remediation of polluted land/ groundwater or the protection of groundwater;</u></li> </ul> <p>...</p>
MM2.3	23	DP2	<p><i>New clause added:</i></p> <p><u>Mitigate and adapt to climate change through designing new communities and buildings, transport networks and services that support each community to be energy and resource efficient and reduce carbon emissions.</u></p>
MM2.4	24	DP2 explanation paragraphs 2.19a and 2.19b	<p><i>New paragraphs added:</i></p> <p>2.19a <u>The Water Framework Directive (WFD) establishes a legislative framework for the protection of surface waters (including rivers, lakes and coastal waters) and ground waters.</u></p> <p>2.19b <u>The Water Environment (WFD)(E&amp;W) Regulations 2017 place a duty on each public body, including Local Planning Authorities to 'have regard to' River Basin Management Plans (RBMP), and so the City of York Council must ensure that new development is compliant with the requirements of the WFD and Humber RBMP. York's water resources are a crucial part of the district's environment which provide important wildlife habitats and encourage biodiversity, provide opportunities for recreation and form an important element to alleviate flood risk to the city. Many of York's watercourses have been physically changed over time for example by land drainage, culverting or being run through artificial channels, which can reduce their amenity value and harm their ecology. Opportunities to re-naturalise watercourses should be supported, for example by removing existing artificial engineering works. Any new physical changes to watercourses in the district should be avoided unless there are compelling grounds for doing so and all alternative options have been considered.</u></p>
MM2.5	25	DP4	<i>Delete Policy DP4 and explanation at paragraph 2.21.</i>



Ref	Page	Policy/ Paragraph	Main Modification
MM3.1	26	SS1	<p>Development during the plan period (2017 - 2032/33) will be consistent with the priorities below. <u>To ensure Green Belt permanence beyond the plan period, sufficient land is allocated for development to meet a further, minimum, period of 5 years to 2038.</u></p> <ul style="list-style-type: none"> <li>• Provide sufficient land to accommodate an annual provision of around 650 new jobs that will support sustainable economic growth, improve prosperity and ensure that York fulfils its role as a key economic driver within both the Leeds City Region and the York, North Yorkshire and East Riding Local Enterprise Partnership area.</li> <li>• Deliver a minimum <u>average annual net</u> provision of <del>867 new</del> <u>822</u> dwellings over the plan period <del>to 2032/33 and post plan period to 2037/38</del> <u>that will support an overall housing requirement of at least 13,152 new homes.</u> This will enable the building of strong, sustainable communities through addressing the housing and community needs of York's current and future population.</li> <li>• <u>Deliver 15-12 new permanent pitches for Gypsies and Travellers and 4 permanent plots for Showpeople (as defined by Planning Policy for Traveller Sites) over the plan period. Whilst the needs of Gypsies, Travellers and Travelling Showpeople who do not meet the planning definition fall outside this allocation, in order to meet their assessed needs the Plan makes provision for 25 26 permanent pitches for Gypsies and Travellers who do not meet the definition.</u></li> <li>• <u>Deliver at least 45% of the 9,396 affordable dwellings that are needed to meet the needs of residents unable to compete on the open market</u></li> </ul> <p>The location of development through the plan will be guided by the following five spatial principles.</p> <ul style="list-style-type: none"> <li>• Conserving and enhancing York's historic and natural environment. This includes the city's character and setting and internationally, nationally and locally significant nature conservation sites, green corridors and areas with an important recreation function.</li> <li>• <u>Prioritise making the best use of previously developed land.</u></li> <li>• <u>Directing development to the most sustainable locations. Ensuring</u> accessibility to sustainable modes of transport and a range of services.</li> <li>• Preventing unacceptable levels of congestion, pollution and/or air quality.</li> <li>• Ensuring flood risk is appropriately managed.</li> <li>• <del>Where viable and deliverable, the re-use of previously developed land will be phased first.</del></li> </ul> <p>York City Centre, as defined on the <del>Proposals</del> <u>Policies</u> Map, will remain the focus for main town centre uses<sup>1</sup>...</p>
MM3.2	26	SS1	<p><i>New paragraphs added:</i></p> <p><u>3.1a The Plan's strategic policies set out an overall strategy for the pattern, scale and quality of development over the Plan period.</u></p> <p><u>3.1b The Plan focusses on identifying sufficient land to meet housing and economic growth (spatial drivers) in a pattern of development aligned to the factors which shape growth (spatial shapers) set out in SS1. Development is</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>directed to the most sustainable locations, making as much use as possible of suitable previously developed land (with some release of Green Belt land). As is set out in SS1, sustainable growth for York emphasises conserving and enhancing York's historic environment. The scale and pattern of development is guided by the need to safeguard a number of key elements identified as contributing to the special character and setting of the historic City. These include the City's size and compact nature, the perception of York being a free-standing historic city set within a rural hinterland, key views towards the City from the ring road and the relationship of the City to its surrounding settlements.</p> <p>3.1c Development is focussed on the main urban area of York and in new free-standing settlements with some urban and village extensions. The development strategy limits the amount of growth proposed around the periphery of the built-up area of York. While new settlements will clearly affect the openness of Green Belt in those locations, their impact is considered to be less harmful to the elements which contribute to the special character and setting of York. Their size and location has taken into account the potential impact on those elements, and on the identity and rural setting of neighbouring villages.</p> <p>3.1d There will also be opportunities for rural exception sites, these small-scale developments provide affordable homes in locations where new homes would not usually be appropriate.</p> <p>3.1e The proposed distribution of development identified in the Plan's allocations and deliverable unimplemented consents is described in the following table (Table 1). The anticipated pattern of development as identified in the Plan's strategic allocations is shown on the Key Diagram.</p>
MM3.3	26	Key Diagram	<p><i>New Key Diagram added, replacing submission version:</i></p>  <p>The Key Diagram is for illustrative purposes only showing the spatial design and the general extent of York's Green Belt. For more detail and other land use allocations and designations, including housing and employment sites, please see the Policies Map.</p>
MM3.4	26	Table 1a and 1b	<i>New tables added:</i>

Ref	Page	Policy/ Paragraph	Main Modification																																												
			<p><b>Table 1a Sources of supply over the Plan period 2017-2032/33</b></p> <table><tr><td>Total Target (requirement)*</td><td>13,152</td></tr><tr><td>Net Completions (2017 – 2022)</td><td>3,767</td></tr><tr><td>Commitments (extant permissions at 1st April 2022)</td><td>2,149</td></tr><tr><td>Strategic Housing Allocations (ST sites)</td><td>8,160</td></tr><tr><td>Housing Allocations (H sites)</td><td>1,733</td></tr><tr><td>Windfall allowance (from 2025/26 @199 dpa)</td><td>1,592</td></tr><tr><td>Total</td><td>17,401</td></tr></table> <p>*Requirement = annual requirement (822dpa) x 16 years. Includes housing requirement for Gypsies and Travellers who do not meet the Planning definition.</p> <table><tr><td>Defined Gypsy and Traveller housing requirement (Gypsies/Travelling Showpeople)</td><td>49 16 (4512/4)</td></tr><tr><td>Site allocations</td><td>49 16 (4512/4)</td></tr><tr><td>Total</td><td>49 16</td></tr></table> <p>Informed by our spatial development strategy, the anticipated distribution of allocated sites is reflected in Table 1b below.</p> <p><b>Table 1b: Spatial Strategy: Distribution of Housing allocations</b></p> <table><tr><th>Spatial Locations*</th><th>Residential Strategic Allocations (ST sites)</th><th>Housing Allocations (H sites)</th><th>Total Homes**</th></tr><tr><td>Residential urban development</td><td>6155</td><td>1501</td><td>7656</td></tr><tr><td>Residential urban extensions</td><td>1705</td><td>0</td><td>1705</td></tr><tr><td>Residential village extensions</td><td>305</td><td>232</td><td>537</td></tr><tr><td>New Settlements/ Garden Villages</td><td>5532</td><td>0</td><td>5,532</td></tr><tr><td>Total</td><td>13,697</td><td>1,733</td><td>15,430</td></tr></table> <p>*Note: in the first instance, provision is made within larger allocations for those Gypsies and Travellers not meeting the Planning definition. Alternative provision in line with policy H5 may alter the overall stated spatial distribution.</p> <p>** Note: the figures in Table 1b include delivery of whole allocations which may extend beyond 2032/33 and for a minimum of 5 years to define a permanent Green Belt.</p>	Total Target (requirement)*	13,152	Net Completions (2017 – 2022)	3,767	Commitments (extant permissions at 1st April 2022)	2,149	Strategic Housing Allocations (ST sites)	8,160	Housing Allocations (H sites)	1,733	Windfall allowance (from 2025/26 @199 dpa)	1,592	Total	17,401	Defined Gypsy and Traveller housing requirement (Gypsies/Travelling Showpeople)	49 16 (4512/4)	Site allocations	49 16 (4512/4)	Total	49 16	Spatial Locations*	Residential Strategic Allocations (ST sites)	Housing Allocations (H sites)	Total Homes**	Residential urban development	6155	1501	7656	Residential urban extensions	1705	0	1705	Residential village extensions	305	232	537	New Settlements/ Garden Villages	5532	0	5,532	Total	13,697	1,733	15,430
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MM3.5	27	SS1 paragraph 3.3	<p><u>Housing Growth</u></p> <p>3.3 Technical work has been carried out by GL Hearn in the Strategic Housing Market Assessment Update (2017). This work has updated the demographic baseline for York based on the July 2016 household</p>																																												

Ref	Page	Policy/ Paragraph	Main Modification
			<p>projections. <del>to 867 per annum</del>. Following consideration of the outcomes of this work, the Council aims to <del>meet</del> <u>address</u> an objectively assessed housing need of <del>867 new dwellings</del> <u>790 homes per annum for the plan period to 2032/33</u>. This produces a housing requirement amounting to a minimum <u>average annual net provision of 822 dwellings over the plan period to 2032/33</u>, including <u>an allowance for any a shortfall in housing provision against this need from the period 2012 to 2017, and for the post plan period to 2037/38</u>.</p> <p><u>Evidence suggests that there is a need for 9,396 affordable homes in York between 2017-2033. To help meet this need it is important that a reasonable, but viable, proportion of all new housing developments are affordable.</u></p> <p><u>Policies H7 and H10 set out the Plan's policy approach to this, and at least 2,360 affordable homes are expected to be delivered within the plan period through the operation of these policies. Combined with recorded completions (to 1<sup>st</sup> April 2022), other sources of forecast supply on windfall sites and known provision secured through the Council's Housing Delivery Programme, it is estimated that around 3,265 affordable homes will be delivered in the plan period.</u></p> <p><u>To help increase the proportion of need being met to more than 35%, the Council has set a target of providing at least 45% of its affordable housing need. Through its annual monitoring (in accordance with the delivery and monitoring framework at table 15.2), the Council will review progress on meeting the target and take appropriate action and intervention should delivery rates fall short.</u></p>
MM3.6	31	SS2	<p>...</p> <p><del>The general extent of the Green Belt is shown on the Key Diagram. Detailed Green Belt boundaries are shown on the proposals Policies Map. follow readily recognisable physical features that are likely to endure such as streams, hedgerows and highways.</del></p> <p>To ensure that there is <del>a degree of</del> permanence beyond the plan period sufficient land is allocated for development to meet the needs identified in the plan and for a further minimum period of five years to 2038.</p>
MM3.7	32	SS3	<p>...</p> <p>Within the city centre, as defined on the <del>Proposals</del> <u>Policies</u> Map, the following development types are acceptable in principle:</p> <p>Retail (A4 <del>E</del>) – 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 (<del>B1a</del> <u>E</u>);</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>Food and Drink (A3/A4/A5 <u>E</u> and sui generis pubs/ drinking establishments and hot food takeaways).</p> <p>...</p> <p>Finance and Professional Services (A2 <u>E</u>).</p> <p>As shown on the <del>Proposals</del> <u>Policies</u> Map, the following city centre sites have been allocated:</p> <p>ST32: Hungate (<del>328 dwellings</del> residential development);</p> <p>ST20: Castle Gateway (mixed use); and</p> <p>Elements of ST5: York Central falling within the city centre boundary (mixed use).</p> <p>The city centre will remain the focus for main town centre uses (unless identified on the <del>Proposals</del> <u>Policies</u> Map). Proposals for main town centre uses for non city centre locations will only be considered acceptable in accordance with Policy R1 where it can be demonstrated that they would not have a detrimental impact on the city centre's vitality and viability and that the sustainable transport principles of the Plan can be met. Change of use of existing <u>retail (use class E)</u>, <u>office (Use Class E)</u> <del>Use Class A, B1(a)</del> and town centre leisure, entertainment, and culture uses will be resisted.</p> <p>...</p> <p>York Minster Cathedral Precinct is approximately 8 hectares in size (as shown on the <del>proposals</del> <u>Policies</u> Map).</p> <p>...</p>
<b>MM3.8</b>	35	SS4	York Central (ST5), <u>as identified on the Policies Map</u> , will enable the creation of a new piece of the city...
<b>MM3.9</b>	35	SS4	<p>The following mix of uses will be permitted within York Central:</p> <ul style="list-style-type: none"> <li>• Offices (<del>B1a</del> <u>E</u>);</li> <li>• Financial and Professional Services (A2 <u>E</u>);</li> <li>• Residential;</li> <li>• Hotels (C1)</li> <li>• Culture, leisure, tourism and niche/ancillary retail facilities;</li> <li>• Open space, high quality public realm and supporting social infrastructure;</li> <li>• Rail uses, <del>and</del>;</li> <li>• <u>Ancillary retail appropriate to serve the day to day needs of local residents and other site users, subject to a sequential assessment, and;</u></li> <li>• Non-ancillary retail, subject to an impact and sequential assessment.</li> </ul>
<b>MM3.10</b>	35	SS4	Land within York Central is allocated for 1,700 – 2,500 dwellings, <del>of which a minimum of 1,500</del> (around 950 dwellings will be delivered in the plan period), and <u>approximately</u> 100,000 sq m of Office ( <u>E</u> <del>B1a</del> ).

Ref	Page	Policy/ Paragraph	Main Modification
MM3.11	38	SS5	Castle Gateway (ST20) is allocated as an Area of Opportunity, as indicated on the <del>Proposals</del> <u>Policies</u> Map...
MM3.12	38	SS5	<p>...</p> <p>The purpose of the regeneration is to:</p> <ul style="list-style-type: none"> <li>Radically enhance the setting of Clifford's Tower and other features within the Eye of York to recognise the significance of these historic assets and interpret their importance in York's history.</li> <li><u>Promote opportunities for the significance of other historic assets in the wider Castle Gateway area to be better revealed or enhanced.</u></li> </ul> <p>...</p> <p><del>To achieve these aims development in the Castle Gateway will be delivered through the following:</del></p> <ul style="list-style-type: none"> <li><del>Removing the Castle Car Park to create new public space and high quality development opportunities.</del></li> <li><del>Provision of a replacement car park within the Castle Gateway area.</del></li> <li><del>The addition of a new landmark River Foss pedestrian cycle bridge.</del></li> <li><del>Where possible, the opening up of both frontages of the River Foss with riverside walkways.</del></li> <li><del>Engagement with stakeholders in the development of masterplan and public realm proposals.</del></li> <li><del>Securing public realm, transport and infrastructure investment as a catalyst for wider social and economic improvement.</del></li> <li><del>Funding the implementation of public space, transport improvements and infrastructure through developer contributions and commercial uplift from development sites across the area.</del></li> </ul>
MM3.13	38	SS5	Development within the five Castle Gateway sub-areas will be <u>permitted delivered having regard to the above regeneration objectives and in accordance with</u> the following principles, <u>as appropriate</u> :
MM3.14	41	SS5 explanation	<p><i>New paragraph added:</i></p> <p><u>3.33a To achieve these aims development in the Castle Gateway will be delivered through the following:</u></p> <ul style="list-style-type: none"> <li><u>Removing the Castle Car Park to create new public space and high quality development opportunities.</u></li> <li><u>Provision of a replacement car park within the Castle Gateway area.</u></li> <li><u>The addition of a new landmark River Foss pedestrian cycle bridge.</u></li> <li><u>Where possible, the opening up of both frontages of the River Foss with riverside walkways.</u></li> </ul>

Ref	Page	Policy/ Paragraph	Main Modification
			<ul style="list-style-type: none"> <li>• <u>Engagement with stakeholders in the development of masterplan and public realm proposals.</u></li> <li>• <u>Securing public realm, transport and infrastructure investment as a catalyst for wider social and economic improvement.</u></li> <li>• <u>Funding the implementation of public space, transport improvements and infrastructure through developer contributions and commercial uplift from development sites across the area.</u></li> </ul>
MM3.15	42	SS6	i. <del>Create a sustainable balanced community with an appropriate mix of housing informed by the Council's Strategic Housing Market Assessment.</del>
MM3.16	44	SS7	<p>i. <del>Create a sustainable balanced community with an appropriate mix of housing informed by the Council's Strategic Housing Market Assessment.</del></p> <p>ii. <del>Be of a high design standard to give a sense of place and distinctive character.</del></p>
MM3.17	45	SS8	<p>ii. Provide access to the site from <del>a new roundabout created for the Heslington East development</del> <u>Kimberlow Rise</u> via Field Lane, subject to detailed transport analysis. Other access (e.g. via Hull Road) is not preferred.</p> <p>iii. <del>Deliver a sustainable housing mix in accordance with the Council's Strategic Housing Market Assessment</del></p> <p>...</p> <p>v. Maintain and enhance existing trees and hedgerows <del>behind to the south of</del> <u>the site</u> which act as a gateway for biodiversity</p> <p>vi. <del>Provide appropriate contributions to expand existing education facilities, given that primary and secondary school facilities have limited existing capacity to accommodate the projected demand arising from the site.</del> <u>Secure developer contributions for education provision, including primary and secondary, which meet the needs generated by the development</u></p> <p>vii. Undertake an air quality assessment as there is potential for increased traffic flows which may present new opportunities for exposure if not designed carefully. The assessment should also consider the impact of the University of York boiler stacks. <u>Identified adverse impacts should be appropriately mitigated.</u></p> <p>viii. Undertake a noise survey given the site's proximity to the A1079 and the Grimston Bar Park &amp; Ride. <u>Identified adverse impacts should be appropriately mitigated.</u></p> <p>...</p>
MM3.18	46	SS9	ii. <del>Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment and affordable</del>

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			<del>housing policy.</del> <u>Protect and, where appropriate, strengthen existing boundary features that are recognisable and likely to remain permanent. Where the site's boundary is not defined by recognisable or permanent features it should be addressed through the masterplan and design process in order for strong and defensible Green Belt boundaries to be created and secured.</u>
MM3.19	46	SS9	iv. <del>Deliver Secure developer contributions for education and community provision, including primary and secondary, which meet the needs generated by the development early in the scheme's phasing, in order to allow the establishment of a new sustainable community. A new primary facility and secondary provision (potentially in combination with Site ST8 – North of Monks Cross) may be required to serve the development as there is limited capacity available in existing schools. Further detailed assessments and associated viability work will be required.</del>
MM3.20	46	SS9	v. <del>Demonstrate that all transport issues have been addressed, in consultation with the Council and Highways England, as necessary, to ensure sustainable transport provision at the site is achievable. The transport and highways impacts of the site development should be assessed individually and cumulatively with sites ST8, ST9, ST14 and ST15 should be addressed. Where necessary, proportionate mitigation will be required</del>
MM3.21	46	SS9	vi. Provide vehicular access from Stockton Lane to the north of the site and/or Murton Way to the south of the site (as shown <u>indicatively</u> on the <del>proposals Policies</del> Map), with a small proportion of <del>public transport</del> traffic potentially served off Bad Bargain Lane. Access between Stockton Lane and Murton Way will be limited to <del>public transport and</del> walking/ cycling links <del>only</del> , <u>and, if necessary and feasible, public transport.</u>
MM3.22	47	SS9	vii. Deliver high quality, frequent and accessible public transport services through the whole site, to provide attractive links to York City Centre. <del>It is envisaged such measures will enable upwards of 15% of trips to be undertaken using public transport.</del> Public transport links through the adjacent urban area will be sought, as well as public transport upgrades to either the Derwent Valley Light Rail Sustrans route, or bus priority measures on Hull Rd and/or Stockton lane, subject to feasibility and viability. <u>All measures proposed to support public transport use should be identified and agreed as part of a Sustainable Travel Plan which has an overall aim to achieve upwards of 15% of trips by public transport.</u>
MM3.23	47	SS9	ix. <u>Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning. This must include:</u> <ul style="list-style-type: none"> <li><del>Create</del> <u>Creation of new open space</u> (as shown on the <del>proposals Policies</del> Map <u>as allocation OS7</u>) to protect the setting of the</li> </ul>



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			<p>Millennium Way that runs through the site. Millennium Way is an historic footpath which follows Bad Bargain Lane and is a footpath linking York's strays and should be kept open. A 50m green buffer has been included along the route of the Millennium Way that runs through the site to provide protection to this Public Right of Way and a suitable setting for the new development.</p> <ul style="list-style-type: none"> <li>○ <u>Open space provision that satisfies policies GI2a and GI6</u></li> </ul>
MM3.24	47	SS9	<p>x. Minimise impacts of access from Murton Way to the south on 'Osbalwick Meadows' <u>Candidate</u> Site of Importance for Nature Conservation and provide compensatory provision for any loss.</p>
MM3.25	47	SS9 Para 3.48	<p><i>Paragraph deleted:</i>  <del>Education and community provision should be made early in the scheme's phasing, in order to allow the establishment of a new sustainable community. A new primary facility and secondary provision may be required to serve the development as there is limited capacity available in existing schools. Contributions towards secondary provision will be sought with a new facility provided in association with ST8 (Land North of Monks Cross). Further detailed assessments and associated viability work will be required.</del></p>
MM3.26	48	SS10	<p>i. <del>Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment.</del>  <u>Protect and, where appropriate, strengthen existing boundary features that are recognisable and likely to remain permanent. Where the site's boundary is not defined by recognisable or permanent features it should be addressed through the masterplan and design process in order for strong and defensible Green Belt boundaries to be created and secured.</u></p>
MM3.27	48	SS10	<p>iv. <del>Explore the creation of</del> <u>Provide</u> a new green wedge to the west of the site <del>south of the Garth Road link</del> 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 Huntingdon. It should be linked into the <del>adjacent new housing scheme currently under construction</del> <u>development</u> at Windy Ridge/Brecks Lane...</p>
MM3.28	49	SS10	<p>vi. <u>Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning. This must include:</u></p> <ul style="list-style-type: none"> <li>○ <del>Create</del> <u>Creation of a</u> new open space on additional land to the east of the Monks Cross Link Road (as shown on the <del>proposals</del> <u>Policies Map as allocation OS8</u>). This land remains in the Green Belt. <del>Open space provision should still be provided to the required quantum within the main allocation boundary and t</del> <u>Traffic calming measures should be provided along Monks Cross Link Road alongside the</u></li> </ul>

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			<p>provision of pedestrian footways and safe crossing points. Ecological mitigation is also required on land to the east of the Link Road.</p> <ul style="list-style-type: none"> <li>○ <u>Open space provision that satisfies policies GI2a and GI6</u></li> </ul>
MM3.29	49	SS10	<p>x. <del>Demonstrate that all transport issues have been addressed, in consultation with the Council and Highways England, as necessary, to ensure sustainable transport provision at the site is achievable. The site will exacerbate congestion in the area, particularly at peak times given its scale and the capacity of the existing road network.</del> The <u>transport and highway impacts of the site development should be assessed individually and cumulatively with sites ST7, ST9, and ST14, and ST35</u> Where <u>necessary proportionate mitigation will be required</u> <del>should be addressed.</del></p>
MM3.30	49	SS10	<p>xi. Deliver high quality, frequent and accessible public transport services through the whole site including facilitation of links to local employment centres and York City Centre. <del>It is envisaged such measures will enable 15% of trips to be undertaken using public transport. All measures proposed to support public transport use should be identified and agreed as part of a Sustainable Travel Plan which has an overall aim to achieve upwards of 15% of trips by public transport.</del></p>
MM3.31	50	SS11	Land North of Haxby (ST9) will deliver <u>approximately 735 dwellings...</u>
MM3.32	50	SS11	<p>i. <del>Be of a high design standard which will provide an appropriate new extension to the settlement of Haxby.</del></p> <p>ii. <del>Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment and affordable housing policy, addressing local need for smaller family homes and bungalows/sheltered housing.</del></p>
MM3.33	50	SS11	<p>iii. <u>Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning. This must include:</u></p> <ul style="list-style-type: none"> <li>• <del>Create</del> <u>Creation of</u> new open space to the south of the site <del>(in accordance with policy GI6 shown on the proposals map)</del> to reflect the needs of the Haxby and Wigginton ward. <u>This may include including</u> formal pitch provisions, informal amenity greenspace, play provision, cemeteries and allotments. The open space needs of the area should be assessed in detail, liaising with Haxby Town Council and Wigginton Parish Council, the neighbourhood plan group and local residents.</li> <li>• <u>Open space provision that satisfies policies GI2a and GI6.</u></li> </ul>
MM3.34	51	SS11	<p>i. Create new local facilities <del>as required</del>, <u>subject to viability</u>, to provide an appropriate range of shops, services and facilities to meet the needs of future occupiers of the development.</p>
MM3.35	51	SS11	<p>viii. <del>Demonstrate that all transport issues have been addressed, in consultation with the Council as necessary, to ensure sustainable</del></p>

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			<del>transport provision at the site is achievable. The</del> <u>transport and highway impacts of the site development should be assessed individually and cumulatively with sites ST7, ST8, ST14 and ST15. Where necessary proportionate mitigation will be required</u> <del>should be addressed.</del>
MM3.36	52	SS11 paragraph 3.56	The new open space shown on the <del>proposals</del> <u>Policies Map</u> ...
MM3.37	52	SS12	... It will deliver approximately 1,348 dwellings, approximately <del>1200</del> <u>1000</u> units of which will be delivered within the plan period....
MM3.38	52	SS12	<del>ii. Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment and affordable housing policy.</del>
MM3.39	52	SS12	iv. Deliver on site, <del>accessible</del> combined nursery and primary education facilities, which <u>meet the needs generated by the development, and</u> are well connected to housing by dedicated pedestrian/ cycleways. v. Secure developer contributions for secondary school places as necessary to meet the need <del>for new places generated by the</del> <u>development</u>
MM3.40	53	SS12	vi. Ensure provision of new all purpose access roads to the east/south from A1237 Outer Ring Road/ <del>Wigginton Road roundabout</del> <u>Clifton Moor Gate</u> and off the Wigginton Road/B1363 (as <u>indicatively</u> shown on the <del>proposals</del> <u>Policies Map</u> ). <del>The internal layout of any future development on the site could be such that it creates discrete sectors, each with a specific access.</del>
MM3.41	53	SS12	vii. <del>Demonstrate that all transport issues have been addressed, in consultation with the Council as necessary, to ensure sustainable transport provision at the site is achievable. The</del> <u>transport and highways impacts of the site development individually and cumulatively should be assessed with sites ST7, ST8, ST9, and ST15. and ST35 should be addressed. Where necessary, proportionate mitigation will be required.</u>
MM3.42	53	SS12	viii. <del>Deliver local capacity upgrades to the outer ring road in the vicinity of the site, to include associated infrastructure to protect public transport journey times on junction approaches. Opportunities to provide grade separated, dedicated public transport routes across the A1237 should be explored in feasibility, viability and cost-benefit terms.</del> <u>Phased development which reflects the delivery of dualling works to the A1237 outer ring road, upgrades and creation of a 4th arm to the Clifton Moor Gate roundabout and pedestrian/cycle underpass to connect Clifton Moor to the site.</u>
MM3.43	53	SS12	ix. Deliver high quality, frequent and accessible public transport services throughout the development site, which provide links to other local rural communities where feasible, as well as to main employment centres. <del>It is envisaged such measures will enable upwards of 15% of trips to be undertaken using public transport. All measures proposed to support</del>

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			<p><u>public transport use should be identified and agreed as part of a Sustainable Transport Strategy which has an overall aim to achieve upwards of 15% of trips by public transport.</u></p> <p>x. To encourage the maximum take-up of more active forms of transport (walking and cycling), ensure the provision of high quality, safe, direct and accessible pedestrian and cycle links which create well-connected internal streets and walkable neighbourhoods <u>including that provide connectivity</u> to:</p> <p>a) the community, retail and employment facilities immediately to the south, <del>(likely to take the form of an overbridge);</del> <u>via pedestrian/cycle underpass</u></p> <p>b) the surrounding green infrastructure network (with particular regard to public rights of way immediately west of the site) <del>and improvements to A1237 crossing facilities;</del> and</p> <p>c) existing pedestrian and cycle networks across the city <u>via pedestrian/cycle underpass that will connect Clifton Moor to the site.</u></p>
MM3.44	53	SS12	<p>xii. <del>Protect and enhance local green assets, trees and hedge lines and enhance existing landscape character.</del> <u>Protect and, where appropriate, strengthen existing boundary features that are recognisable and likely to remain permanent. Where the site's boundary is not defined by recognisable or permanent features it should be addressed through the masterplan and design process in order for strong and defensible Green Belt boundaries to be created and secured.</u></p>
MM3.45	53	SS12	<p><i>New clause added:</i></p> <p>xiv. <u>Provide a detailed site wide recreation and open space strategy and demonstrate its application in site masterplanning. Open space provision must satisfy policies GI2a and GI6.</u></p>
MM3.46	54	SS12 paragraph 3.61	<p>...to provide the required transport mitigation measures. <u>The design and layout of the road should minimise the impact upon the openness of the Green Belt and demonstrate how it would safeguard those elements which contribute to the special character and setting of the historic City.</u></p>
MM3.47	54	SS13	<p>...It will deliver approximately 3,339 dwellings, <del>around 2,200 of which it is expected that 560 units of which will be delivered within the plan period...</del></p>
MM3.48	54	SS13	<p>ii. <del>Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment and affordable housing policy</del></p>
MM3.49	54	SS13	<p>iii. <del>...The south eastern and south western boundaries of the site are less well contained than to the north so it will be important for the site to establish its own landscape setting.</del> <u>Protect and, where appropriate, strengthen existing boundary features that are recognisable and likely to remain permanent. Where the site's boundary is not defined by recognisable or permanent features it should be addressed through the</u></p>

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			<u>masterplan and design process in order for strong and defensible Green Belt boundaries to be created and secured.</u>
MM3.50	54	SS13	iv. Create new open space ( <del>as shown on the proposals map</del> ) within the site to maintain views of the Minster and existing woodland.
MM3.51	54	SS13	<p>v. Impacts to <u>Elvington Airfield SINC and on biodiversity</u> within the site and zone of influence will be addressed by following the mitigation hierarchy with the overall aim to prevent harm to existing biodiversity assets, delivering no net loss for biodiversity and maximise further benefits for biodiversity. <del>Where required</del> <u>Compensatory measures should take full account of the extent and quality of the asset being lost or damaged and equivalent or enhanced habitats should be provided within the development site of ST15, on the compensatory habitat of OS10 as provided for in Policy GI6 and on the western part of the existing runway shown on the Policies Map.</u></p> <p><i>New clause added:</i></p> <p><u>va. Securing a minimum of 10% provision of biodiversity net gain in relation to ST15.</u></p> <p>vi. Follow a mitigation hierarchy to first seek to avoid impacts, then to mitigate unavoidable impacts or compensate unavoidable residual impacts on Heslington Tillmire SSSI and the Lower Derwent Valley SPA/Ramsar through the:</p> <ul style="list-style-type: none"> <li>incorporation of a new nature conservation area (as shown on the <del>proposals</del> <u>Policies Map as allocation OS10 and included within Policy GI6</u>) including a buffer of wetland habitats, a barrier to the movement of people and domestic pets on to the SSSI and deliver further benefits for biodiversity. A buffer of at least 400m from the SSSI will be required in order to adequately mitigate impacts unless evidence demonstrates otherwise; and</li> <li>provision of a detailed site wide recreation and access strategy to minimise indirect recreational disturbance resulting from development and complement the wetland habitat buffer area which will be retained and monitored in perpetuity. A full understanding of the proposed recreational routes is required at an early stage.</li> </ul> <p>vii. Deliver ecological mitigation and compensation measures <del>5 years</del> prior to <del>pre</del>-commencement of any development. They must be supported by a long-term management plan (<u>30 year minimum</u>), and be retained and monitored in perpetuity.</p>
MM3.52	55	SS13	<p>viii. Protect the character, setting and enjoyment of Minster Way, <u>otherwise referred to as Langwith Stray, within ST15.</u></p> <p>ix. Provide an appropriate range of shops, services and facilities <u>for including social infrastructure such as</u> health, social, leisure, cultural and community uses to meet the needs of future residents. <u>Provision should be made early in the scheme's phasing in order to allow the</u></p>

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			establishment of a new sustainable community. This should be principally focused around a new local centre
MM3.53	55	SS13	x. <del>Deliver new on-site education provision to meet</del> nursery and primary education facilities, which meet the needs generated by the <u>development</u> . <del>and potentially secondary demand, to be assessed based on generated need. New nursery, primary and potentially secondary provision will be required to serve the earliest phases of development.</del> <u>Secondary school facilities should be provided on land identified on the Policies Map if there is evidence that the need generated by the development justifies this provision. If not, appropriate contributions to off-site provision will be secured.</u>
MM3.54	55	SS13	xi. Demonstrate that all transport issues have been addressed, in consultation with the Council and Highways England as necessary, to ensure sustainable transport provision at the site is achievable. The <u>transport and highway impacts of the site should be assessed individually and cumulatively with site's ST7, ST8, ST9, ST14, ST27, ST35 and ST36 should be addressed. Where necessary proportionate mitigation will be required.</u> xii. Ensure <u>phased</u> provision of necessary transport infrastructure <u>at the right time to access the site</u> with primary access via the A64 (as shown <u>indicatively</u> on the <del>proposals</del> Policies Map) and a <del>potential</del> secondary access via Elvington Lane. <del>The capacity of the local highway network including Elvington Lane and junctions is limited. Elvington Lane can service the early phase of the development, subject to delivering a new link road between Elvington Lane and Hull Road, as well as works to the south of Grimston Bar Interchange/Elvington Lane Junction. This is subject to detailed assessment at the application stage and is to be agreed through an approved phasing strategy.</del>
MM3.55	55	SS13	xiii. <del>Retain Common Lane/Long Lane/Langwith Stray as cycle/pedestrian routes only to ensure protection of the character of Heslington Village. These routes are very lightly trafficked roads, and could provide pleasant cycle and pedestrian routes from the site to Heslington. It is essential that there is no vehicular transport access to Heslington village along these routes to ensure the setting of Heslington village is maintained.</del> <u>Create cycle and pedestrian routes along Common Lane/Long Lane/Langwith Stray from ST15 to Heslington, ensuring no vehicular access from ST15 to Heslington village along these routes to ensure the setting of Heslington village is maintained.</u> xiv. <u>Deliver improvements to</u> <del>Explore the potential for</del> local bridleways (e.g. Fordlands Road/ Forest Lane) running through or near the site to be used as <u>year round</u> cycle routes.
MM3.56	55	SS13	xv. <del>Provide dedicated secure access for existing local residents and landowners to be agreed with the community of Heslington. Appropriate solutions would need to ensure access is preserved for existing residents and landowners developed in consultation with the community of Heslington. Ensure that vehicular access to connect premises along</del>

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			<p><u>Common Lane/Long Lane to Heslington is retained as part of the wider ST15 access arrangements.</u></p> <p>xvi. Deliver high quality, frequent and accessible public transport services through the whole site which provide links to <u>and between new the on-site local centre and</u> community facilities, as well as to York city centre and other appropriate service hubs, including <u>the</u> University of York. A public transport hub <del>at the local centre</del> should provide appropriate local interchange and waiting facilities for new residents. <u>All measures proposed to support public transport use should be identified and agreed as part of a Sustainable Transport Strategy, with the overall aim to achieve upwards of 15% of trips to be undertaken by public transport. It is envisaged such measures will enable upwards of 15% of trips to be undertaken using public transport.</u></p> <p>...</p> <p>xviii. <del>Exploit</del> <u>Optimise</u> synergies with the <u>existing university campus and</u> proposed university expansion in terms of site servicing including transport, energy and waste.</p>
MM3.57	56	SS13 paragraph 3.64	<p>...Any large-scale development solely relying on Elvington Lane would not be supported. <u>Initial modelling work suggests that the Elvington Lane access can accommodate around 1,000 units (approximately 30% of final development at 3,339 units). Public transport improvements, as well as pedestrian and cycle connections, between ST15, ST26 and ST27 should be considered in order to maximise opportunities to secure non car travel between these three sites.</u></p>
MM3.58	57	SS13 paragraph 3.67	<p>A joined-up transport approach would need to be taken to consider the site in combination with other potential developments in the city including the University Expansion Site (ST27) <u>and Elvington Airfield Business Park (ST26).</u> The provision of a new <u>grade separated</u> junction onto the A64 would <del>remain</del> <u>form part of the essential infrastructure for any development in this location. In the interest of sustainability, opportunities should be explored to reuse the aggregates arising from the runway in ST15 in the construction of the new junction or other new highway infrastructure.</u> The viability of delivering significant new or improved transport infrastructure <u>has been must be considered and should be kept under review with evidence provided to demonstrate its robustness. Equally, detailed analysis would will be required to confirm that sustainable travel options (to avoid the site being heavily car dependent) were are realistic and financially sound. The site will require high frequency public transport services based on the overall a minimum target of 15% journeys by public transport bus. In order to minimise car use the development would need a robust transport strategy will be required documenting alternative routes including proposals for buses, walking and cycling.</u></p>
MM3.59	57	SS14	<p>Terry's Extension Sites (ST16) will deliver <del>411 dwellings in total at these urban development sites,</del> 22 dwellings on Terry's Clock Tower and approximately 33 dwellings on Terry's Car Park <del>and approximately 56 dwellings on Land to the rear of Terry's Factory...</del></p>

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			<p>...</p> <p><b><del>Terry's Extension Site (Phase 3) – Land to the rear of Terry's Factory</del></b></p> <p>i. <del>Retain and enhance the formal gardens area adjacent to the site.</del></p> <p>ii. <del>Achieve high quality urban design which respects the character and fabric of the wider Terry's factory site and buildings of architectural merit. This includes conserving and enhancing the special character and/or appearance of the Tadcaster Road and the Racecourse and Terry's Factory Conservation Areas.</del></p> <p>iii. <del>Development should complement existing views to the factory and clock tower.</del></p>
MM3.60	59	SS15	<p>Nestle South (ST17) will deliver <del>863</del> <u>approximately 581</u> dwellings in total, <del>263</del> <u>279</u> in Phase 1 and <u>around up to 600</u> <del>302</del> dwellings in Phase 2 at this urban development site.</p> <p>...</p> <p>iii. <del>Provide a mix of housing in line with the Council's most up to date Strategic Housing Market Assessment.</del></p>
MM3.61	60	SS16	Land at Tadcaster Road, Copmanthorpe (ST31) will deliver <u>approximately</u> 158 dwellings
MM3.62	60	SS16	i. <del>Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment</del>
MM3.63	60	SS16	ii. Create new open space (as shown on the <del>proposals</del> Policies Map) within the site which should be delivered prior to <del>the first phase of development</del> <u>occupation</u> to ensure, in particular, the protection of the adjacent SSSI.
MM3.64	60	SS16	<p>v. Provide <del>site</del> access via Tadcaster Road, <del>with no secondary vehicle access from Learmans Way.</del></p> <p>...</p> <p>vii. <del>Provide required financial contributions to existing local primary and secondary facilities to enable the expansion to accommodate pupil yield. Secure developer contributions for primary and secondary school provision as necessary to meet the need generated by the development.</del></p>
MM3.65	61	SS17	<p>Hungate (ST32) – Phases 5+ <u>as identified on the Policies Map</u> will deliver approximately <del>328</del> <u>570</u> dwellings at this urban development site. In addition to complying with the policies within this Local Plan, <del>the site must be delivered in accordance with the agreed site masterplan through existing outline and full planning consents</del> <u>development proposals should have regard to</u></p> <p><del>In line with</del> the Hungate Development Brief vision, <u>where appropriate</u>. ST32 must be of the highest quality which adds to the vitality and viability of the city centre, is safe and secure, and which promotes sustainable development. Priority should be given to pedestrians, people with mobility impairments, cyclists and public transport. Design should respect local amenity and</p>



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			character whilst being imaginative and energy-efficient. The special character and/or appearance of the adjacent Central Historic Core Conservation Area should be conserved and enhanced.
MM3.66	62	SS18	i. <del>Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment and affordable housing policy, addressing local need for smaller family homes and bungalows/sheltered housing.</del>
MM3.67	62	SS18	ii. <del>Be of a high design standard to which will p</del> Provide an appropriate new extension to Wheldrake whilst maintaining the character of the village.
MM3.68	62	SS18	iv. Undertake a comprehensive evidence-based approach in relation to biodiversity to address potential impacts of recreational disturbance on the Lower Derwent Valley Special Protection Area (SPA)/Ramsar/SSSI. <u>This will require the developer to publicise and facilitate the use of other, less sensitive countryside destinations nearby (e.g. Wheldrake Woods) and provide educational material to new homeowners to promote good behaviours when visiting the European site. The former could be supported by enhancing the local footpath network and improving signage.</u>
MM3.69	62	SS18	viii. <del>Provide required financial contributions to existing nursery, primary and secondary facilities to enable the expansion to accommodate demand arising from the development.</del> <u>Secure developer contributions for primary and secondary school provision as necessary to meet the need generated by the development.</u>
MM3.70	63	SS19	<i>Policy SS19 and explanatory text at paragraphs 3.82 – 3.88 deleted.</i>
MM3.71	67	SS20	Following the Defence Infrastructure Organisation's <del>disposure</del> <u>disposal</u> of the site by 2031 Imphal Barracks (ST36) will deliver <u>approximately</u> 769 dwellings at this urban development site. <del>Development is not anticipated to commence until the end of the plan period....</del>
MM3.72	67	SS20	i. Demonstrate that all transport issues have been addressed, <del>in consultation with the Council and Highways England as necessary,</del> to ensure <u>appropriate provision is made for sustainable transport provision at the site is achievable.</u> There are existing issues with traffic congestion in this area. The base traffic situation on the A19 is that it is at or exceeding capacity in the vicinity of <del>Heslington Lane/Broadway.</del> The potential transport implications <u>transport and highway impacts</u> of the site development must be fully assessed both individually and cumulatively with sites ST5 and ST15. <u>Where necessary proportionate mitigation will be required.</u>
MM3.73	67	SS20	ii. <del>Deliver a sustainable housing mix in accordance with the Council's most up to date Strategic Housing Market Assessment.</del>

Ref	Page	Policy/ Paragraph	Main Modification
MM3.74	67	SS20	<p>iii. <u>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:</u></p> <ul style="list-style-type: none"> <li>○ <u>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,</u></li> <li>○ <u>the impact of development on the Fulford Road Conservation Area</u></li> </ul> <p><del>The development of this area must be informed by an assessment of architectural and historic interest of the site and its buildings. Those buildings which are considered to be of historic interest should be retained and reused.</del></p> <p><del>iv. The parade ground and other open area which are important to the understanding of the site and its buildings should be retained as open spaces in any development.</del></p> <p><del>v. If, following the City Council's review of the architectural and historic interest of this site, Imphal Barracks is included within the Fulford Road Conservation Area, development proposals would be required to preserve or enhance those elements which have been identified as making a positive contribution to its significance.</del></p> <p><del>vi. Regardless of the outcome of the paragraph above, the significance of the site's historic environment should be addressed. This includes conserving and enhancing the special character and/or appearance of the adjacent Fulford Road Conservation Area.</del></p> <p><del>vii. Be of a high design standard, ensuring the development reflects the history of the site and its previous military use. This site does not exist as an army barracks in isolation and has linkages to other military sites across the city and is linked to the development of York as a garrison town and this history should be reflected in the design of any scheme.</del></p> <p><del>viii. Undertake an archaeological evaluation consisting of survey and excavation of trenches to identify the presence and assess the significances of archaeological deposits.</del></p>
MM3.75	68	SS20	<p>x. Consider in detail the proximity and relationship of the site with Walmgate Stray, including undertaking further hydrological work to assess the potential impact of development on the Stray and to the value of the grassland, and to explore any waterlogged archaeological deposits. Recreational disturbance/pressure on the Stray and the Tillmire SSSI (individual and cumulative effects) should be <del>considered</del> <u>assessed and, where necessary, mitigated.</u></p> <p>xii. Create new local facilities as <del>required</del> <u>appropriate</u> to meet the needs of future occupiers of the development.</p> <p><del>xiii. Retain and enhance recreation and open space for community use to mitigate any potential impacts on the adjacent Walmgate Stray.</del></p>
MM3.76	70	SS21	<p>Land South of Airfield Business Park, Elvington (ST26) will provide <u>approximately</u> 25,080sqm of <del>B1b, B1c, B2/B8</del> employment floorspace for research and development, light industrial/storage and distribution. In addition to complying with the policies within this Local Plan, the site must be</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>delivered in accordance with the following key principles, having regard to the following issues:</p> <p>...</p> <p>ii. <del>Retain and enhance historic field boundaries where possible and reflect in the masterplanning of the site.</del></p> <p>...</p> <p>iv. <del>Demonstrate that all transport issues have been addressed, in consultation with the Council as necessary, to ensure sustainable transport provision at the site is achievable. Impacts on Elvington Lane and Elvington Lane/A1079 and A1079/A64 Grimston Bar junctions will need to be mitigated. Demonstrate that all transport issues have been addressed including consideration of the provision of sustainable modes of transport.</del></p> <p>v. <del>Further explore air quality, noise and light pollution and contamination issues.</del></p> <p>vi. <del>Investigate further archaeological deposits on and around the site.</del></p> <p>...</p>
MM3.77	71	SS22	<p><i>New policy SS22, wholly replacing submission policy.</i></p> <p><b><u>Policy SS22: University of York Expansion</u></b></p> <p><u>As shown on the Policies Map as ST27, 21.2 ha of land to the south of the existing Campus East site is allocated for the future expansion of the university during the plan period. It will provide university uses consistent with Policy ED3 having regard to the following considerations together with those in ED1:</u></p> <ul style="list-style-type: none"> <li><u>Create an appropriate buffer between the site and the A64 where the boundary is adjacent to the A64 in order to mitigate heritage and noise impacts and address landscape and visual impacts.</u></li> <li><u>Assess cumulative transport impacts with other sites including ST5 and ST15 and in relation to the University's impacts provide appropriate mitigation.</u></li> <li><u>Explore feasibility of a junction on the A64 to the south of the site with delivery in conjunction with ST15.</u></li> <li><u>Identify any opportunities with ST15 for managing development impacts in terms of site servicing including transport, energy and waste.</u></li> <li><u>Deliver high quality, frequent and accessible public transport services to York City Centre. It is envisaged such measures will enable upwards of 15% of trips to be undertaken using public transport.</u></li> <li><u>Optimise pedestrian and cycle integration, with access networks for a range of non-car uses to be accommodated.</u></li> </ul>
MM3.78 Policy	72	SS22 explanation	<p><i>New text, wholly replacing submission explanation:</i></p>

Ref	Page	Policy/ Paragraph	Main Modification
SS22 Explana tion			<p><b><u>Explanation</u></b></p> <p><u>3.97a The University of York retains a high profile in both the UK and in the rest of the world. The university's status is reflected in the high demand for student places, excellence in research and demand for research co-locations and it is currently projected that its growth will continue over the duration of the plan period. Without the campus extension, the university will not be able to continue to grow beyond 2026. As one of the leading higher education institutions, the university needs to continue to facilitate growth, within the context of its landscaped setting which gives it a special character and quality, to guarantee its future contribution to the need for higher education and research and to the local, regional and national economies. The 21.5ha of land at ST27 is allocated for university uses to support this growth.</u></p> <p>3.98 The University of York is a key component of the long-term success of the city and it is important to provide a long term opportunity for the University to expand. It offers a unique opportunity to attract businesses that draw on the Universities applied research to create marketable products. There is <del>lots of</del> evidence from around the country that shows the benefits of co-location of such businesses with a University. The University proposal is a key priority in the Local Economic Plan Growth Deal that has been agreed with the government and is also included as a priority area in the York Economic Strategy (2016) which recognises the need to drive University and research led growth in high value sectors. <u>The existing campus and ST27 will include new knowledge-based business floorspace and research led activities appropriate to a university campus. The site will also facilitate the re-configuration of the existing Campus 3 site to provide additional on-campus student accommodation helping to reduce the impacts on the private rented sector.</u></p> <p><u>3.98a ST27 plays a critical part in the attractive setting of the city. The land to the west is particularly important for maintaining the setting of Heslington village and key views. it has a distinctive landscape quality and provides accessible countryside to walkers and cyclists on the land and public footpaths. The expansion will bring development close to the A64 Ring Road with implications for the interface between the southern edge of York and the countryside to its south. To mitigate any impacts on the historic character and setting of the city, the expansion site must provide a landscape buffer between development on the site and the A64. This can be provided within the site where parallel to the A64, but beyond it on the other boundaries – maximising the developable area while responding sensitively to the landscape setting.</u></p> <p><del>3.99 A broadly four sided site which is generally well contained on three sides. The northern boundary is Low Lane, a narrow single track country lane which runs from Heslington in an easterly direction, to the point where it turns northwards towards the University campus. The boundary treatment is a hedge with intermittent trees along its edge. From the point where Low Lane turns northwards, the site boundary heads south east towards the Ring Road and the flyover (track which leads towards Grimston Grange). This part of the</del></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>boundary is denoted by a post and wire fence at the bottom of an embankment, overlooking the new velodrome. From this point, the sites south east boundary runs along the alignment of the Ring Road in a south westerly direction (with hedge and ditch boundary), to the next field boundary, where it cuts across the southern edge of the site. This boundary consists of a hedge field boundary to the point where it meets Green Lane, a narrow track bounded by hedges and trees on both sides, to the point where it meets Low Lane. Green Lane forms the western boundary of the site.</p> <p>3.99a <u>The site has a distinctive landscape quality and provides accessible countryside to walkers and cyclists on the land and public footpaths. The land to the west is particularly important for maintaining the setting of Heslington village and key views. To mitigate any impacts on the historic character and setting of the city the expansion site must create an appropriately landscaped buffer between development on the site and the A64. This can be buffer will be provided within the site where parallel to the A64, but beyond it on the other boundaries – maximising the developable area while responding sensitively to the landscape setting. This will be established through the masterplanning of the site.</u></p> <p>3.100 <u>Campus East was designed and established with the development area being car-free. It facilitates the majority of journeys being by non-car modes. Development of ST27 is expected to incorporate this principle. ST27 will be accessed from Hull Road via Campus East. In addition, the development should exploit any shared infrastructure opportunities arising from the proximity of the housing allocation at ST15: Land to the west of Elvington Lane to the University of York. The existing Heslington East campus is designed and established to offer significant proportions of journeys by walking, cycling and public transport. Any future proposals must continue this existing provision (including bus services).</u></p> <p>3.101 <u>'Vehicular access to ST27 will be from Hull Road or Field Lane via Kimberlow Lane and Lakeside Way, then south from Lakeside Way into the site'. The Heslington East Campus Extended Master Plan (June 2014) shows no additional entry points into the Campus from those already existing (Lakeside Way (bus and cycle only), Field Lane/Kimberlow Lane and Kimberlow Lane running south from Hull Road Grimston Bar Park &amp; Ride link road.</u></p> <p>3.101a <u>A development brief for ST27 will be prepared by the University in line with relevant Plan policies. The University will engage with the Council and communities in preparing this development brief,...</u></p>
MM3.79	73	SS23	<p>Land at Northminster Business Park (ST19) will provide 49,500sqm across the of Use class E office, research and development, light industrial uses, industrial (Use Class B2) and storage/ distribution (Use Class B8) B1, B2, B8 uses based on a split of approximately 40/60 office (Use class E) B4a to light industrial (Use Class E) / B2/B8 which is the current ratio at the existing business park. In addition to complying with the policies within this Local</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>Plan, the site must be delivered in accordance with the following key principles.<del>having regard to the following issues:</del></p> <ul style="list-style-type: none"> <li><del>i. Provide for a sustainable business park to help meet the city's employment needs, ensuring that its composition reflects the economic vision of York.</del></li> <li><del>ii. Develop a comprehensive scheme which is linked to the existing business park.</del></li> <li><del>...</del></li> <li><del>iv. Promote sustainable transport solutions linking the proposed site to the Park &amp; Ride.</del></li> <li><del>v. Optimise integration, connectivity and access through the provision of new pedestrian, cycle, public transport and vehicular routes to ensure sustainable movement into, out of and through the site. The site is in a sustainable location with access to the Poppleton Bar Park &amp; Ride offering frequent bus routes to the city centre, access to Poppleton Rail Station and vehicular access to the A59. The site is in a sustainable location and all transport issues should be addressed including the optimisation of connectivity to sustainable modes of transport into, out of and through the site</del></li> <li><del>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.</del></li> <li><del>vii. Ensure that the residential amenity of neighbouring residential properties is maintained.</del></li> <li><del>viii. Prepare a desk based archaeological assessment to inform the site masterplan.</del></li> </ul>
MM3.80	74	SS24	<p>Whitehall Grange, Wigginton Road (ST37) will provide up to 33,330sqm for B8 storage use. In addition to complying with the policies within this Local Plan, the site must be delivered in accordance with <del>the agreed site masterplan through the existing outline consent</del> <u>a masterplan secured by planning permission.</u></p>

Ref	Page	Policy/ Paragraph	Main Modification									
MM4.1	75	EC1	Provision for a range of employment uses during the plan period will be made on the following strategic sites (those over 5ha):									
MM4.2	75	EC1										
			<table><tr><th>Site</th><th>Floorspace</th><th>Suitable Employment Uses</th></tr><tr><td>ST5: York Central</td><td>100,000sqm</td><td>Office (Use Class E) B4a</td></tr><tr><td>ST19: Land at Northminster Business Park (15ha)</td><td>49,500sqm</td><td>Light Industrial (Use Class E) B4c, Industrial (Use Class B2) and Storage/Distribution B8]. May also be</td></tr></table>	Site	Floorspace	Suitable Employment Uses	ST5: York Central	100,000sqm	Office (Use Class E) B4a	ST19: Land at Northminster Business Park (15ha)	49,500sqm	Light Industrial (Use Class E) B4c, Industrial (Use Class B2) and Storage/Distribution B8]. May also be
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					This site is suitable for an element of Office (Use Class E) in line with Policy SS23 B4a.															
			Heslington Campus East and ST27: University of York Expansion (21.2ha)*	40,000sqm*	Knowledge based businesses (Use Class E)															
			ST27: University of York Expansion (21.5ha)	Campus East and ST27 will across both sites deliver up to 25ha of B1b knowledge based businesses including research led science park uses identified in the existing planning permission for Campus East.																
			ST26: Land South of Airfield Business Park, Elvington (7.6ha)	25,080sqm	Research & Development (Use Class E) B4b, B4c Light Industrial (Use Class E), Industrial (Use Class B2) and Storage/Distribution B8).															
			ST37: Whitehall Grange, Wigginton Road (10.1ha)	33,330sqm	Storage/Distribution B8.															
		<p><u>*This is an approximate and indicative figure based on the University of York's predicated growth and may be reduced to accommodate other employment generating University uses identified in Policy ED1</u></p> <p><del>York City Centre will remain the focus for main town centre uses (unless identified above). Proposals for main town centre uses for non city centre locations will only be considered acceptable where it can be demonstrated that they would not have a detrimental impact on the city centre's vitality and viability and the sustainable transport principles of the Plan can be met.</del></p> <p>Provision for a range of employment uses during the plan period will be made on the following other sites:</p>																		
			<table><tr><th>Site</th><th>Floorspace</th><th>Suitable Employment Uses</th></tr><tr><td>E8: Wheldrake Industrial Estate (0.45ha)</td><td>1,485sqm</td><td>B1b, B1c, B2 and B8.</td></tr><tr><td>E9: Elvington Industrial Estate (1ha)</td><td>3,300sqm</td><td>B1b, B1c, B2 and B8.  Research &amp; Development (Use Class E), Light Industrial (Use Class E), Industrial (Use Class B2) and Storage/Distribution B8).</td></tr><tr><td>E10: Chessingham Park, Dunnington (0.24ha)</td><td>792sqm</td><td>B1c, B2 and B8. Light Industrial (Use Class E), Industrial (Use Class B2) and Storage/Distribution B8).</td></tr><tr><td>E11: Annamine Nurseries. Jockey Lane (1ha)</td><td>3,300sqm</td><td>B1a, B1c, B2 and B8. Office (Use Class E), Light Industrial (Use Class E), Industrial (Use Class B2) and Storage/Distribution B8).</td></tr></table>			Site	Floorspace	Suitable Employment Uses	E8: Wheldrake Industrial Estate (0.45ha)	1,485sqm	B1b, B1c, B2 and B8.	E9: Elvington Industrial Estate (1ha)	3,300sqm	B1b, B1c, B2 and B8.  Research & Development (Use Class E), Light Industrial (Use Class E), Industrial (Use Class B2) and Storage/Distribution B8).	E10: Chessingham Park, Dunnington (0.24ha)	792sqm	B1c, B2 and B8. Light Industrial (Use Class E), Industrial (Use Class B2) and Storage/Distribution B8).	E11: Annamine Nurseries. Jockey Lane (1ha)	3,300sqm	B1a, B1c, B2 and B8. Office (Use Class E), Light Industrial (Use Class E), Industrial (Use Class B2) and Storage/Distribution B8).
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MM4.3	77	EC1 paragraph 4.6	4.6 ...The ELR Update (2017) has adjusted floorspace requirements to take account of development between 2012-2017 and to reflect the <del>revised</del> plan period <u>inclusive of an additional 5 years to ensure Green Belt permanence (2012-2038)</u> . A 5% vacancy factor and an additional 2-year land supply to allow for time for developments to be complete has also been added to calculations. Overall, around 38ha of new employment land is required; within this the largest components are <del>43.8</del> <u>17.6ha</u> for <u>office (formerly B1a)</u> and <del>46.1</del> <u>13.7ha</u> for B8 uses, as shown at Table 4.1 below.																																																																					
MM4.4	77	EC1 Table 4.1	<p><i>New Table 4.1 added, replacing submission version Table 4.1</i></p> <p><b><u>Table 4.1: Employment Land Requirements 2017-2038 (including 5% vacancy), Factoring in Change of Supply 2012-2017 and Including 2 Years Extra Supply, updated March 2022</u></b></p> <table><tr><th rowspan="2">Use Class</th><th colspan="2">2021-33</th><th colspan="2">2033-38</th><th colspan="2">Total 2021-2038</th></tr><tr><th>Floorspace (m2)</th><th>Land (Ha)</th><th>Floorspace (m2)</th><th>Land (Ha)</th><th>Floorspace (m2)</th><th>Land (Ha)</th></tr><tr><td>Office (formerly B1a)</td><td>137,588</td><td>15.5</td><td>12,310</td><td>2.1</td><td>149,898</td><td>17.6</td></tr><tr><td>Research and Development (B1b)</td><td>15,655</td><td>3.7</td><td>1,644</td><td>0.4</td><td>17,299</td><td>4.1</td></tr><tr><td>Light Industrial (formerly B1c)</td><td>11,218</td><td>1.9</td><td>1,435</td><td>0.4</td><td>12,653</td><td>2.3</td></tr><tr><td>General Industrial (B2)</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td><td>0</td></tr><tr><td>Storage and Distribution B8</td><td>54,986</td><td>10.5</td><td>15,705</td><td>3.2</td><td>70,691</td><td>13.7</td></tr><tr><td><b>B Uses Sub Total</b></td><td><b>219,447</b></td><td><b>31.6</b></td><td><b>31,094</b></td><td><b>6.2</b></td><td><b>250,541</b></td><td><b>37.7</b></td></tr><tr><td>D2</td><td>-17,887</td><td>-1.1</td><td>4,398</td><td>1.1</td><td>-13,489</td><td>0.0</td></tr><tr><td><b>Totals</b></td><td><b>201,560</b></td><td><b>30.5</b></td><td><b>35,492</b></td><td><b>7.2</b></td><td><b>237,052</b></td><td><b>37.7</b></td></tr></table>	Use Class	2021-33		2033-38		Total 2021-2038		Floorspace (m2)	Land (Ha)	Floorspace (m2)	Land (Ha)	Floorspace (m2)	Land (Ha)	Office (formerly B1a)	137,588	15.5	12,310	2.1	149,898	17.6	Research and Development (B1b)	15,655	3.7	1,644	0.4	17,299	4.1	Light Industrial (formerly B1c)	11,218	1.9	1,435	0.4	12,653	2.3	General Industrial (B2)	0	0	0	0	0	0	Storage and Distribution B8	54,986	10.5	15,705	3.2	70,691	13.7	<b>B Uses Sub Total</b>	<b>219,447</b>	<b>31.6</b>	<b>31,094</b>	<b>6.2</b>	<b>250,541</b>	<b>37.7</b>	D2	-17,887	-1.1	4,398	1.1	-13,489	0.0	<b>Totals</b>	<b>201,560</b>	<b>30.5</b>	<b>35,492</b>	<b>7.2</b>	<b>237,052</b>	<b>37.7</b>
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<b>Totals</b>	<b>201,560</b>	<b>30.5</b>	<b>35,492</b>	<b>7.2</b>	<b>237,052</b>	<b>37.7</b>																																																																		



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MM4.5	78	EC1	<p><i>New paragraph added:</i></p> <p><u>4.8a The location of allocation E18 adjacent to Strensall Common SAC means that a comprehensive evidence base to understand the potential impacts on biodiversity from further development is required. Strensall Common is designated for its heathland habitats but also has biodiversity value above its listed features in the SSSI/SAC designations that will need to be fully considered. Although the common is already under intense recreational pressure, there are birds of conservation concern amongst other species and habitats which could be harmed by the intensification of disturbance. In addition, the heathland habitat is vulnerable to changes in the hydrological regime and air quality, which needs to be explored in detail. The mitigation hierarchy should be used to identify the measures required to first avoid impacts, then to mitigate unavoidable impacts or compensate for any unavoidable residual impacts, and be implemented in the masterplanning approach. Potential access points into the planned development also need to consider impacts on Strensall Common.</u></p>
MM4.6	78	EC2 explanation para 4.9	<p>When considering the loss of employment land and/or buildings the Council will expect the applicant to provide evidence proportionate to the size of the site of effective marketing the site/premises for employment uses for a reasonable period of time <u>and in most cases not less than 18 months</u>. Where an applicant is seeking to prove a site is no longer appropriate for employment use because of business operations, and/or condition, the council will expect the applicant to provide an objective assessment of the shortcomings of the land/premises that demonstrates why it is no longer appropriate for employment use. This includes <u>all employment generating uses, not just office or industrial uses outside the B use classes...</u></p>
MM4.7	80	EC5	<p>In addition to the allocation in villages in Policy EC1, York's rural economy will be sustained and diversified through:</p> <ul style="list-style-type: none"> <li>• Supporting appropriate farm and rural diversification activity including office and leisure development (<del>Use Classes B and D</del>);</li> <li>• permitting camping and caravan sites (<u>on a temporary or permanent basis</u>) for holiday and recreational use where proposals can be satisfactorily integrated into the landscape without detriment to its character, are in a location accessible to local facilities and within walking distance of public transport to York, and would not generate significant volumes of traffic. <u>Such development would also need to address Green Belt policies, where relevant; and</u></li> </ul> <p>...</p>
MM4.8	81	EC5 Explanation paragraph 4.17	<p>...The scale of the proposals will be an important factor as often small sites are assimilated into the landscape more easily than larger sites. <u>In Green Belt locations, caravan sites are inconsistent with policy requirements to protect</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<u>openness, temporary permissions may be considered, where other criteria are met.</u>
MM4.9	82	R1	<p>...Main town centre uses will be directed to the city, district and local centres defined in this policy <del>and in accordance with other Local Plan policies in relation to specific uses.</del></p> <p><u>Proposals for main town centre uses outside an identified centre should undertake a sequential test to identify why the proposal cannot be accommodated in a sequentially preferable location.</u></p> <p>Proposals for main town centre uses outside a defined city, district or local centre must be subject to an impact assessment where the floorspace of the proposed development exceeds the following thresholds:</p> <ul style="list-style-type: none"> <li>• outside York city centre: greater than 1,500 sqm gross floorspace.</li> <li>• outside a district centre: greater than 500 sqm gross floorspace.</li> <li>• outside a local centre: greater than 200 sqm gross floorspace.</li> </ul> <p><u>These thresholds should also be applied where variation of condition applications are proposed to change the nature of goods sold within a unit.</u></p> <p><u>Where new retail provision is proposed as part of the development of a strategic site then this will not be subject to an impact assessment, providing the provision is appropriate in scale to serve only the local day to day shopping needs of residents of the site.</u></p> <p>Advice should be sought ...</p>
MM4.10	84	R2	<p>...</p> <p><del>Development proposals for main town centre uses outside defined district and local centres that would result in significant adverse impact on the continued or future function, vitality and viability of a centre will be refused.</del></p>
MM4.11	85	R3	<p>The vitality and viability of the city centre is supported and enhanced, with the Primary Shopping Area (PSA) as shown on the <del>proposals</del> <u>policies</u> map...</p> <p>In the PSA, proposals for new retail floorspace (use class <u>E A4</u>) will be <u>permitted</u><del>supported</del>. Proposals...</p> <p><u>Primary Shopping Frontages</u></p> <p>The concentration of <u>retail A4</u> uses in the primary shopping frontages, as defined on the proposal map, will be safeguarded and enhanced. Proposals that would involve the loss, by change of use or redevelopment, of ground floorspace class <u>E A4</u> shops will generally be resisted. However, proposals for other uses may be permitted if it can be demonstrated that:</p> <p>i. the proposal has an active frontage and contributes to the vitality and viability of the primary shopping frontage; the proposed uses will provide</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>a service direct to members of the public and can demonstrate a comparable footfall generation to an <u>retail</u> A4 use;</p> <p>ii.the proposal will have an attractive shop front which contributes positively to the appearance of the street;</p> <p>iii.the proposal would not result in non-retail uses being grouped together in such a way that would undermine the retail role of the street;</p> <p>iv.a minimum of 70% <u>E</u> A4 uses will be required unless it can be demonstrated that it would be beneficial to the vitality and viability of the primary shopping frontage;</p> <p>...</p> <p><u>Secondary Shopping Frontages</u></p> <p>In secondary frontage areas, changes to non-retail use at ground floor level will be <del>considered favourably</del> <u>permitted</u> where it can be demonstrated that the proposal:</p> <p>...</p>

Ref	Page	Policy/ Paragraph	Main Modification
MM5.1	91	H1	<p><b>Policy H1: Housing Allocations</b></p> <p>In order to meet the housing requirement set out in Policy SS1 the following sites, as shown on the <del>proposals</del> <u>Policies</u> Map, and <del>set out in the schedule below</del> are <del>proposed</del> <u>allocated primarily</u> for residential <u>use</u> development.</p> <p><del>Planning applications for housing submitted for these allocations will be permitted if in accordance with the phasing indicated. An application on an allocated site in advance of its phasing will be approved if:</del></p> <ul style="list-style-type: none"> <li><del>the allocation's early release does not prejudice the delivery of other allocated sites phased in an earlier time period;</del></li> <li><del>the release of the site is required now to maintain a five year supply of deliverable sites; and</del></li> <li><del>the infrastructure requirements of the development can be satisfactorily addressed.</del></li> </ul> <p><del>Where developers are seeking revisions to existing planning permissions and associated conditions and S106 agreements, changes in market conditions will be taken into account</del></p> <p><del>Where sites contain existing open space this will be an important consideration in the development of the site and the open space needs of the area will need to be fully assessed.</del></p> <p><del>This policy applies to all the sites listed in the Table 5.1 overleaf:</del></p> <p><u>Development proposals will be permitted where the following criteria are satisfied:</u></p> <ul style="list-style-type: none"> <li><u>For sites that contain existing open space (**), where appropriate, it should be retained on-site or re-provided off-site.</u></li> <li><u>For sites located within 5.5km of Strensall Common SAC (#) the development must accord with the requirements of Policy G12 and G12a</u></li> </ul>

Ref	Page	Policy/ Paragraph	Main Modification																																																																																																														
			<ul style="list-style-type: none"><li>On site H39 the western boundary is not defined by recognisable or permanent features and the design should create and secure a strong and defensible Green Belt boundary</li></ul>																																																																																																														
MM5.2	92	H1 Table 5.1	<table><tr><th colspan="5">Table 5.1: Housing Allocations</th></tr><tr><th>Allocation Reference</th><th>Site Name</th><th>Site Size (ha)</th><th>Estimated Yield (Dwellings<sup>1</sup>)</th><th>Estimated Phasing</th></tr><tr><td>H1<sup>#</sup></td><td>Former Gas Works, 24 Heworth Green (Phase 1 and 2)</td><td>2.87 3.54</td><td>271 607</td><td>Short to Medium Term (Years 1 – 10)</td></tr><tr><td>H1<sup>#</sup></td><td>Former Gas works, 24 Heworth Green (Phase 2)</td><td>0.67</td><td>65</td><td>Medium Term (Years 6–10)</td></tr><tr><td>H3<sup>**#</sup></td><td>Burnholme School</td><td>1.90</td><td>72–83</td><td>Short Term (Years 1 – 5)</td></tr><tr><td>H5<sup>**</sup></td><td>Lowfield School</td><td>3.64</td><td>1652</td><td>Short to Medium term (Years 1 – 10)</td></tr><tr><td>H6</td><td>Land R/O The Square Tadcaster Road</td><td>1.53</td><td>028<sup>2</sup></td><td>Short to Medium Term (Years 1 – 10)</td></tr><tr><td>H7<sup>**#</sup></td><td>Bootham Crescent</td><td>1.72</td><td>86–93</td><td>Short to Medium Term (Years 1 – 10)</td></tr><tr><td>H8</td><td>Askham Bar Park &amp; Ride</td><td>1.57</td><td>60</td><td>Short Term (Years 1 – 5)</td></tr><tr><td>H10</td><td>The Barbican</td><td>0.96</td><td>187</td><td>Short to Medium Term (Years 1 – 10)</td></tr><tr><td>H20</td><td>Former Oakhaven EPH</td><td>0.33</td><td>536<sup>2</sup></td><td>Short Term (Years 1 – 5)</td></tr><tr><td>H22</td><td>Former Heworth Lighthouse</td><td>0.29</td><td>45</td><td>Short Term (Years 1 – 5)</td></tr><tr><td>H23</td><td>Former Grove House EPH</td><td>0.25</td><td>44</td><td>Short Term (Years 1 – 5)</td></tr><tr><td>H29</td><td>Land at Moor Lane Copmanthorpe</td><td>2.65</td><td>8892</td><td>Short Term (Years 1 – 5)</td></tr><tr><td>H31<sup>#</sup></td><td>Eastfield Lane Dunnington</td><td>2.51</td><td>76–83</td><td>Short Term (Years 1 – 5)</td></tr><tr><td>H38</td><td>Land RO Rufforth Primary School Rufforth</td><td>0.99</td><td>33–21</td><td>Short Term (Years 1 – 5)</td></tr><tr><td>H39</td><td>North of Church Lane Elvington</td><td>0.92</td><td>32</td><td>Short Term (Years 1 – 5)</td></tr><tr><td>H46<sup>**#</sup></td><td>Land to North of Willow Bank and East of Haxby Road, New Earswick</td><td>2.74 4.90</td><td>104</td><td>Short Term (Years 1 – 5)</td></tr><tr><td>H52<sup>#</sup></td><td>Willow House EPH, Long Close Lane</td><td>0.20</td><td>15</td><td>Short Term (Years 1 – 5)</td></tr><tr><td>H53<sup>3</sup></td><td>Land at Knapton Village</td><td>0.33</td><td>4</td><td>Short Term (Years 1 – 5)</td></tr><tr><td>H55<sup>#</sup></td><td>Land at Layerthorpe</td><td>0.20</td><td>20</td><td>Short Term (Years 1 – 5)</td></tr><tr><td>H56<sup>**#</sup></td><td>Land at Hull Road</td><td>4.00</td><td>70</td><td>Short Term (Years 1 – 5)</td></tr></table>	Table 5.1: Housing Allocations					Allocation Reference	Site Name	Site Size (ha)	Estimated Yield (Dwellings <sup>1</sup> )	Estimated Phasing	H1 <sup>#</sup>	Former Gas Works, 24 Heworth Green (Phase 1 and 2)	2.87 3.54	271 607	Short to Medium Term (Years 1 – 10)	H1 <sup>#</sup>	Former Gas works, 24 Heworth Green (Phase 2)	0.67	65	Medium Term (Years 6–10)	H3 <sup>**#</sup>	Burnholme School	1.90	72–83	Short Term (Years 1 – 5)	H5 <sup>**</sup>	Lowfield School	3.64	1652	Short to Medium term (Years 1 – 10)	H6	Land R/O The Square Tadcaster Road	1.53	028 <sup>2</sup>	Short to Medium Term (Years 1 – 10)	H7 <sup>**#</sup>	Bootham Crescent	1.72	86–93	Short to Medium Term (Years 1 – 10)	H8	Askham Bar Park & Ride	1.57	60	Short Term (Years 1 – 5)	H10	The Barbican	0.96	187	Short to Medium Term (Years 1 – 10)	H20	Former Oakhaven EPH	0.33	536 <sup>2</sup>	Short Term (Years 1 – 5)	H22	Former Heworth Lighthouse	0.29	45	Short Term (Years 1 – 5)	H23	Former Grove House EPH	0.25	44	Short Term (Years 1 – 5)	H29	Land at Moor Lane Copmanthorpe	2.65	8892	Short Term (Years 1 – 5)	H31 <sup>#</sup>	Eastfield Lane Dunnington	2.51	76–83	Short Term (Years 1 – 5)	H38	Land RO Rufforth Primary School Rufforth	0.99	33–21	Short Term (Years 1 – 5)	H39	North of Church Lane Elvington	0.92	32	Short Term (Years 1 – 5)	H46 <sup>**#</sup>	Land to North of Willow Bank and East of Haxby Road, New Earswick	2.74 4.90	104	Short Term (Years 1 – 5)	H52 <sup>#</sup>	Willow House EPH, Long Close Lane	0.20	15	Short Term (Years 1 – 5)	H53 <sup>3</sup>	Land at Knapton Village	0.33	4	Short Term (Years 1 – 5)	H55 <sup>#</sup>	Land at Layerthorpe	0.20	20	Short Term (Years 1 – 5)	H56 <sup>**#</sup>	Land at Hull Road	4.00	70	Short Term (Years 1 – 5)
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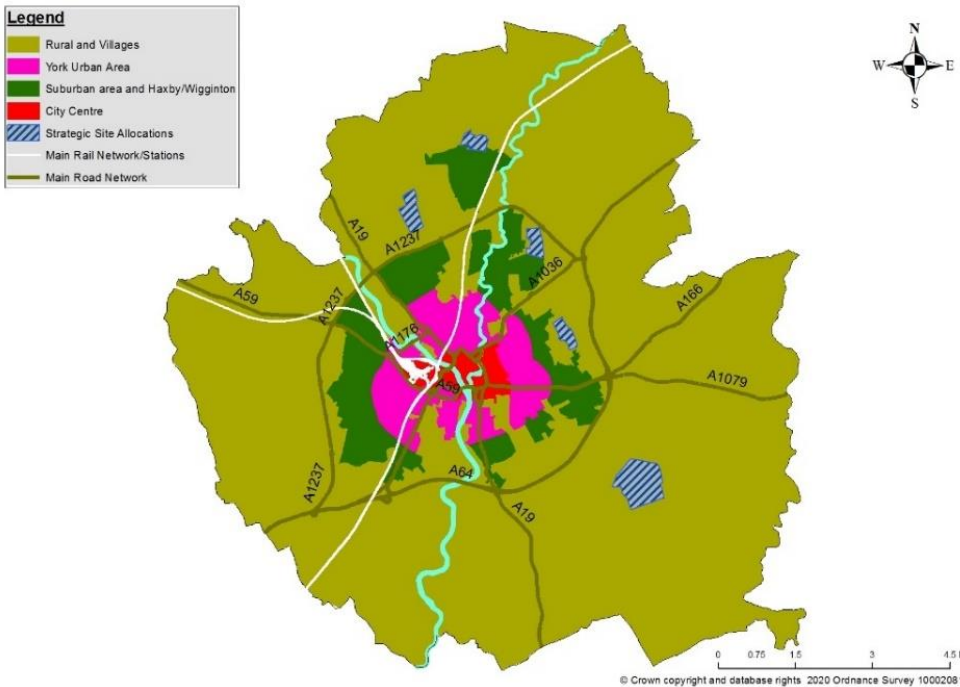
Ref	Page	Policy/ Paragraph	Main Modification				
			H58#	Clifton Without Primary School	0.70	215	Short Term (Years 1-5)
			H59***	Queen Elizabeth Barracks— Howard Road, Strensall	1.34	45	Medium to Long Term (Years 6-15)
			SH1	Land at Heworth Croft	1.7	160 <sup>2</sup>	Years 1-5
			ST1**	British Sugar/Manor School	46.3	1,200	Lifetime of the Plan (Years 1-16)
			ST2	Civil Service Sports Ground Millfield Lane	10.40	263 <sup>6</sup>	Short to Medium Term (Years 1-10)
			ST4#	Land Adjacent to Hull Road	7.54	244-263	Short to Medium Term (Years 1-10)
			ST5	York Central	35.0	1,700 2,500	Lifetime of the Plan and Post Plan period (Years 1-24)
			ST7#	Land East of Metcalfe Lane	34.5	845	Lifetime of the Plan (Years 1-16)
			ST8#	Land North of Monks Cross	39.5	968	Lifetime of the Plan (Years 1-16)
			ST9#	Land North of Haxby	35.0	735	Lifetime of the Plan (Years 1-16)
			ST14#	Land West of Wigginton Road	55.0	1,348	Lifetime of the Plan and Post Plan period (Years 1-24)
			ST15#	Land West of Elvington Lane	159.0	3,339	Lifetime of the Plan and Post Plan period (Years 1-24)
			ST16	Terry's Extension Site – Terry's Clock Tower (Phase 1)	2.18	22	Short Term (Years 1-5)
			ST16	Terry's Extension Site – Terry's Car Park (Phase 2)		39 <sup>2</sup> 3	Short to Medium Term (Years 1-10)
			ST16	Terry's Extension Site – Land to rear of Terry's Factory (Phase 3)		56	Short to Medium Term (Years 1-10)
			ST17#	Nestle South (Phase 1)	2.35	263 279	Short to Medium Term (Years 1-10)
			ST17#	Nestle South (Phase 2)	4.70	600 302	Medium to Long Term (Years 6-15)
			ST31	Land at Tadcaster Road, Copmanthorpe	8.10	158	Short to Medium Term (Years 1-10)
			ST32#	Hungate (Phases 5+)	2.47 1.1	328 570	Short to Medium Term (Years 1-10)
			ST33	Station Yard, Wheldrake	6.0	447-150	Short to Medium Term (Years 1-10)
			ST35**	Queen Elizabeth Barracks, Strensall	28.8	500	Medium to Long Term (Years 6-15)
			ST36**	Imphal Barracks, Fulford Road	18.0	769	Post Plan period (Years 16-24)
			*Allocated for specialist housing (Use Class C3b) for residential extra care facilities in association with the Wilberforce Trust. ** Sites that contain existing open space Notes				

Ref	Page	Policy/ Paragraph	Main Modification
			<ol style="list-style-type: none"> <li>1. <u>Includes completed dwellings on sites where development has commenced.</u></li> <li>2. <u>Sites expected to come forward for student housing or communal establishments (and reflected in estimated yield)</u></li> <li>3. <u>Site lies within settlement that is washed over Green Belt, but development does not require very special circumstances to be demonstrated.</u></li> </ol>
MM5.3	94	H1 explanation	<p><b>Sites with Existing Permissions</b></p> <p>5.3 The sites allocated for housing will provide a range and choice of sites capable of meeting future requirements and in line with the spatial strategy for the City of York detailed in Section 3. <u>An estimated yield is attributed to each site and is an indicative figure to demonstrate how the Local Plan housing requirement can be met. For sites with permission the figure is the total number of dwellings approved (as at 1 April 2022). Where the site is without planning permission, the figure is in most cases an estimate based on the size of the site, an assumption about the net developable area, and an assumption about the net residential density aligned to Policy H2. Site yields are only 'indicative', and do not represent a fixed policy target for each individual site. Developers are encouraged to produce the most appropriate design-led solution, taking all national policies and other Local Plan policies into account.</u></p> <p><del>Planning permission will be renewed for housing on these sites providing that the proposal accords with the relevant policies in this plan and there have been no material changes to justify refusal of the permission. If renewal of a planning permission is sought the proposal will be tested against the relevant policies in the plan and changes to the previously permitted scheme may be required to ensure the proposed development properly addresses the now extant policies in the plan. Note: as at the 1<sup>st</sup> April 2017 there were extant planning permissions for 3,578 homes which will contribute towards meeting the overall housing requirement in the Plan.</del></p> <p><i>Paragraphs 5.4 to 5.8 deleted</i></p> <p>5.9 Local Planning Authorities are expected to demonstrate that they have a rolling five year supply of deliverable sites, measured against the housing requirement set out in Policy SS1, with an additional 5% or 20% buffer (for five years) depending on past delivery to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. Developable sites or broad locations should be identified for years 6-10 and where possible for years 11-15. To fulfil these requirements and to provide additional certainty <del>we have</del> <u>the Council has</u> chosen to allocate land for the full plan period, including the <del>G</del><u>green B</u>elt period, to 2037/38 to meet the minimum housing requirement as set out in Policy SS1 of <u>822 dwellings per year</u> <del>867 additional dwellings</del>. The Council accepts that there has been persistent under delivery of housing as defined in the NPPF and consequently has included enough land in the early years of the trajectory to ensure there is a 20% buffer in the 5 year supply. This land has been brought forward form later in the plan period. Progress on meeting delivery targets will be assessed through the authority monitoring report and the 20% buffer will be rolled forward within the 5 year supply until such time as the under delivery has been satisfactorily addressed. <del>This does not mean that overall more land has been allocated in the plan, what it does mean is that the development trajectory (see Figure 5.1) ensures that in the early years of the plan additional land is available to address previous under delivery.</del></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>5.10 A number of sites are not expected to complete within the plan period. The total allocated capacity of sites exceeds the Council's housing requirement and if delivery rates can be increased then these sites could provide additional supply to react to market signals.</p> <p><del>As part of our desire to generate development opportunities within the City of York, we wrote to and emailed nearly 2,000 contacts from our Local Plan and Strategic Housing Land Availability Assessment (SHLAA) database asking people to submit sites, which they thought had potential for development over the Plan period. The response to the call for sites along with previous proposals from the 2008 call for sites the SHLAA in 2011, the employment land review, and proposals put forward in response to the earlier consultations on this Local Plan generated over 800 sites all of which were tested through the site selection methodology which we consulted on as part of the preferred options Local Plan consultation in 2013 and subsequent consultations as part of the further sites consultation in 2014 and preferred sites consultation in 2016.</del></p> <p><i>Paragraphs 5.11 to 5.16 deleted</i></p>
MM5.4	96	H1 explanation	<p><i>Figure 5.1: Housing Trajectory - replaced</i></p> <p><b>Housing Requirement and Housing Supply 2017 - 2033</b></p> <p>Legend for top chart:</p> <ul style="list-style-type: none"> <li>Completions</li> <li>Windfall Allowance from 2025/26</li> <li>Unallocated sites extant consent</li> <li>Unallocated sites communal extant consent</li> <li>Allocated strategic (ST)</li> <li>Allocated non-strategic (H)</li> <li>Annual Housing Requirement (867 dpa)</li> </ul> <p><b>Previous Housing Completions and Projected Housing Completions including Windfall Allowance</b></p> <p>Legend for bottom chart:</p> <ul style="list-style-type: none"> <li>Previous Housing Completions</li> <li>Projected Housing Completions including Windfall Allowance</li> <li>Housing Target (867 dpa)</li> </ul>

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MM5.5	97	H1 explanation Table 5.2	<p>Table 5.2 deleted:</p> <p><del>Table 5.2: Housing Trajectory (Start date 1<sup>st</sup> April 2017, end date 31<sup>st</sup> March 2033)</del></p> <table><tr><th></th><th>0</th><th>1</th><th>2</th><th>3</th><th>4</th><th>5</th><th>6</th><th>7</th><th>8</th><th>9</th><th>10</th><th>11</th><th>12</th><th>13</th><th>14</th><th>15</th></tr><tr><th>Year</th><th>2017/18</th><th>2018/19</th><th>2019/20</th><th>2020/21</th><th>2021/22</th><th>2022/23</th><th>2023/24</th><th>2024/25</th><th>2025/26</th><th>2026/27</th><th>2027/28</th><th>2028/29</th><th>2029/30</th><th>2030/31</th><th>2031/32</th><th>2032/33</th></tr><tr><td>Projected Housing Completions including Windfall Allowance (From 2020/21)</td><td></td><td>590</td><td>730</td><td>1758</td><td>1602</td><td>1682</td><td>1433</td><td>1286</td><td>1144</td><td>1200</td><td>1169</td><td>1179</td><td>1162</td><td>924</td><td>884</td><td>874</td></tr><tr><td>Annual Housing Target</td><td>867</td><td>867</td><td>867</td><td>867</td><td>867</td><td>867</td><td>867</td><td>867</td><td>867</td><td>867</td><td>867</td><td>867</td><td>867</td><td>867</td><td>867</td><td>867</td></tr><tr><td>Inherited Shortfall (2012 - 2017) Annualised over Plan Period</td><td>56</td><td>56</td><td>56</td><td>56</td><td>56</td><td>56</td><td>56</td><td>56</td><td>56</td><td>56</td><td>56</td><td>56</td><td>56</td><td>56</td><td>56</td><td>56</td></tr><tr><td>Annual Target (inclusive of shortfall)</td><td>923</td><td>923</td><td>923</td><td>923</td><td>923</td><td>923</td><td>923</td><td>923</td><td>923</td><td>923</td><td>923</td><td>923</td><td>923</td><td>923</td><td>923</td><td>923</td></tr><tr><td>Over/Under Supply of Housing against cumulative annual target</td><td>299</td><td>-34</td><td>-227</td><td>608</td><td>1287</td><td>2046</td><td>2556</td><td>2919</td><td>3140</td><td>3417</td><td>3663</td><td>3919</td><td>4158</td><td>4158</td><td></td><td>4071</td></tr></table>		0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	Year	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	Projected Housing Completions including Windfall Allowance (From 2020/21)		590	730	1758	1602	1682	1433	1286	1144	1200	1169	1179	1162	924	884	874	Annual Housing Target	867	867	867	867	867	867	867	867	867	867	867	867	867	867	867	867	Inherited Shortfall (2012 - 2017) Annualised over Plan Period	56	56	56	56	56	56	56	56	56	56	56	56	56	56	56	56	Annual Target (inclusive of shortfall)	923	923	923	923	923	923	923	923	923	923	923	923	923	923	923	923	Over/Under Supply of Housing against cumulative annual target	299	-34	-227	608	1287	2046	2556	2919	3140	3417	3663	3919	4158	4158		4071
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MM5.6	100	H2	<p>Where appropriate, development proposals <u>On strategic sites that are not consistent with the rates above must provide satisfactory justification for a bespoke approach to site density. the specific master planning agreements that provide density targets for that site may override the approach in this policy, which should be used as a general guide.</u></p>																																																																																																																							
MM5.7	101	H2 explanation	<p>Submission Figure 5.2 Density Zones replaced:</p> <p><b>Figure 5.2 Density Zones</b></p>																																																																																																																							



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MM5.8	102	H3	<p><b>Policy H3: Balancing the Housing Market</b></p> <p>The Council will <u>expect developers to provide housing solutions that contribute to meeting York's housing needs, as identified in the latest Local Housing Needs Assessment (LHNA) and in any other appropriate local evidence. New residential development should therefore maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.</u></p> <p><del>seek to balance the housing market across the plan period and work towards a mix of housing identified in the Strategic Housing Market Assessment (SHMA). Proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people.</del></p> <p>The housing mix proposed should have reference to the SHMA and be informed by:</p> <ul style="list-style-type: none"> <li>• <del>Up to date evidence of need including at a local level; and</del></li> <li>• <del>The nature of the development site and the character of the local surrounding area.</del></li> </ul>
MM5.9	102	H3	<p>Proposals will be supported that are suitable for the intended occupiers in relation to the <del>quality and</del> type of facilities, and the provision of support and/or care.</p> <p>Housing should be built as flexible as possible to accommodate <u>peoples' changing circumstances over their lifetime. The Council will encourage developers to deliver an appropriate proportion of housing that meets the higher access standards of Part M Building Regulations (Access to and use of buildings), unless it is demonstrated that characteristics of the site provide reasons for delivery to be inappropriate, impractical or unviable.</u></p> <p><del>a broad cross section of society to help meet a wide range of needs.</del></p>

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MM5.10	103	H4	<p><b>Policy H4: Promoting Self and Custom House Building</b></p> <p>As part of meeting housing need, proposals for self and custom house building, to be occupied as homes by those individuals, will be supported where they are in conformity with all other relevant local and national policies.</p> <p>Proposals for residential development on strategic sites (sites 5ha and above) <del>developers</del> will be required to supply at least 5% of dwelling plots for sale to self builders or to small/custom house builders subject to appropriate demand being identified <u>by the Council</u>. Plots should be made available at competitive rates...</p>
MM5.23	105	H5	<p><b>Safeguarding Existing Supply</b></p> <p>Proposals which fail to protect existing Gypsy and Traveller sites or involve a loss of pitches/plots will not be permitted unless it can be demonstrated that they are no longer required or equivalent alternative provision can be made. Existing Gypsy and Traveller sites are shown on the <del>proposals</del> <u>Policies</u> Map, and are listed below:</p> <ul style="list-style-type: none"> <li>- James Street, Layerthorpe</li> <li>- Water Lane, Clifton; and,</li> <li>- Outgang Lane, Osbaldwick</li> </ul> <p><b>Meeting Future Need</b></p> <p>In order to meet the accommodation needs of Gypsies and Travellers, provision will be made in the following ways:</p> <p><b>a) <u>Within Existing Local Authority Sites</u></b></p> <p>In order to meet the need of Gypsies and Travellers that meet the planning definition, <u>10 3 additional pitches will be provided</u> <del>identified</del> within the existing <del>three</del> Local Authority sites <u>at</u>:</p> <ul style="list-style-type: none"> <li>- <u>Water Lane, Clifton; and</u></li> <li>- <u>Outgang Lane, Osbaldwick</u></li> </ul> <p><u>The development of further pitches at Water Lane, Clifton is subject to the production and approval of a Masterplan that demonstrates how the principles set out in part C (below) are to be addressed on the site. The provision of all new pitches on the site must be in accordance with the approved Masterplan. No further accommodation is to be occupied at the site until such a Masterplan has been submitted and approved and the measures it identifies have been carried out.</u></p> <p><u>The development of further pitches at Outgang Lane, Osbaldwick is subject to the production and approval of a Masterplan that demonstrates how the principles set out in part C (below) are to be addressed on the site. The Masterplan must also:</u></p> <ul style="list-style-type: none"> <li>• <u>Identify measures to improve the access arrangements to the site to ensure it is brought up to an acceptable standard, with the carriageway properly surfaced, and pavements and street-lighting provided. This should involve a link from the north of the site to the new road that will connect Strategic Site ST7 (Land East of Metcalfe Lane) to Murton Way.</u></li> <li>• <u>Provide details of the significant landscaping belt and/or other measures required to lessen the environmental impact of the adjacent waste processing site.</u></li> </ul>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>No further accommodation is to be occupied at Outgang Lane, Osbaldwick until such a Masterplan has been submitted and approved, and all necessary access, landscaping and other measures it identifies have been carried out.</p> <p><b>b) Within Strategic Allocations</b></p> <p>In order to meet the need of those 28 44-Gypsies and Traveller households that <u>do and</u> do not meet the planning definition:</p> <p><u>Residential development proposals on strategic sites Applications for larger development sites of 5 ha or more will be required to: provide a number of pitches within the site or provide alternative land that meets the criteria set out in part c) of this policy to accommodate the required number of pitches.</u></p> <p><u>Commuted sum payments to contribute to development of pitches elsewhere will only be considered where it is demonstrated that on site delivery is not achievable due to site constraints and that there are no suitable and available alternative sites for the required number of pitches that can be secured by the developer.</u></p> <ul style="list-style-type: none"> <li><del>— Provide a number of pitches within the site; or</del></li> <li><del>— Provide alternative land that meets the criteria set out in part (c) of this policy to accommodate the required number of pitches; or</del></li> <li><del>— Provide commuted sum payments to contribute towards to development of pitches elsewhere.</del></li> </ul> <p>The calculations for this policy will be based on the hierarchy below:</p> <ul style="list-style-type: none"> <li>- 100 - 499 dwellings - 2 pitches should be provided</li> <li>- 500 - 999 dwellings - 3 pitches should be provided</li> <li>- 1000 - 1499 dwellings – 4 pitches should be provided</li> <li>- 1500 - 1999 dwellings - 5 pitches should be provided</li> <li>- 2000 or more dwellings - 6 pitches should be provided</li> </ul>
MM5.24	106	H5	<p><b>c) Planning Applications</b></p> <p>In addition to the above allocated sites, development for Gypsy and Traveller sites will be permitted where proposals:</p> <ul style="list-style-type: none"> <li>i. do not conflict with the objective of conserving and enhance York's historic and natural environment. This includes the city's character and setting and internationally, nationally and locally significant nature conservation sites, green corridors and areas with an important recreation function;</li> <li>ii. ensure accessibility to public transport and services;</li> <li>iii. are suitable in terms of vehicular access and road safety including internal space for adequate parking and turning;</li> <li>iv. ensure that development does not have an undue impact on the residential amenity of current residents and future occupiers, including leading to unacceptable levels of congestion, pollution and air quality; and</li> <li>v. appropriately manage flood risk.</li> </ul> <p>In addition, proposals will be expected to:</p> <ul style="list-style-type: none"> <li>vi. provide adequate provision for storage, recreation space, amenity provision and utility services;</li> <li>vii. ensure that the size and density of pitches/plots <u>are in accordance with have regard to</u> best practice guidance;</li> </ul>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>viii. incorporate appropriate landscape proposals to have a positive influence on the quality and amenity of the development;</p> <p>ix. ensure that residents living nearby are not unduly affected by noise, disturbance or overlooking; and</p> <p>x. ensure future occupiers would not be subject to significant adverse environmental impacts.</p> <p>Any permission granted for a Gypsy and Traveller development will be subject to a condition limiting occupation to Gypsies and Travellers, as appropriate.</p>
MM5.13	107	H6	<p>...</p> <p><b>Safeguarding Existing Supply</b></p> <p>Proposals which fail to protect existing Travelling Showpeople yards or involve a loss of pitches/plots will not be permitted unless it can be demonstrated that they are no longer required or equivalent alternative provision can be made. Existing Travelling Showman yards are shown on the <del>proposals</del> <u>Policies</u> Map, namely The Stables, Elvington (temporary permission until 2020).</p> <p><b>Meeting Future Need</b></p> <p>There is a total need of <del>3-4</del> Showpeople plots over the plan period (this includes the plot with temporary planning permission at The Stables). This is split into <del>23</del> plots in years 2016-21, and 1 plot in the period to 2032.</p> <p>...</p>
MM5.14	108	H6	<p>...</p> <p><b>c) Planning Applications</b></p> <p>...</p> <p>In addition, proposals will be expected to:</p> <p>...</p> <p>vii. ensure that the size and density of pitches/plots <del>are in accordance with</del> <u>have regard to</u> best practice guidance;...</p>
MM5.25	108	H5 and H6 explanation	<p><b>Explanation</b></p> <p>5.36 Key evidence including the Equality and Human Rights Commission report Inequalities Experienced by Gypsy and Traveller Communities (2009) suggests that today Gypsies and Travellers are the most marginalised and disadvantaged of all minority groups nationally, suffering the greatest inequalities across a range of indicators.</p> <p>5.37 Planning Policy for Traveller Sites (<del>2015</del> <u>2023</u>) <del>introduced a revised the</del> definition for Travellers which states that households that do not <u>travel and have not ever travelled</u> for work purposes fall outside the planning definition of a Traveller. In light of the revised definition, the Council <u>updated the evidence that informed the City of York Gypsy and Travellers Accommodation Assessment (2022) and the resulting pitch requirements are set out in table 5.3</u> <del>commissioned consultants to undertake an update of the Gypsy, Traveller, and Showpeople Accommodation Assessment completed in 2013. As part of this update, Gypsy, Traveller and Showpeople households completed as revised survey which could be used to analyse their travel patterns and to conclude whether or not they fall into the revised definition of Travellers.</del></p> <p>5.38 <del>Table 5.3 overleaf is taken from the City of York Gypsy and Travellers Accommodation Assessment Update (2017) and summarises the number of households in York which do/do not meet the definition</del></p>

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			<p>Table 5.3: Pitch needs for Gypsy and Travellers 2022-2038 <del>Meeting the Revised Definition of a Traveller</del></p> <table><tr><th>Delivery Status</th><th>Pitch Requirements</th></tr><tr><td>Meet Planning Definition (including undetermined)</td><td>12</td></tr><tr><td>Do not meet Planning Definition (including undetermined)</td><td>26</td></tr><tr><td>Total</td><td>38</td></tr></table> <table><tr><th>Households in York</th><th>GT AA<sup>1</sup></th><th>SHMA<sup>2</sup></th><th>Total</th></tr><tr><td>Households that meet the planning definition (incl. 10% of unknown need)</td><td>3</td><td>0</td><td>3</td></tr><tr><td>Households that do not meet the planning definition (incl. 90% of unknown need)</td><td>0</td><td>44</td><td>44</td></tr><tr><td>Total</td><td>3</td><td>44</td><td>47</td></tr><tr><td>Showpeople households that meet the planning definition</td><td>3</td><td>0</td><td>3</td></tr><tr><td>Total</td><td>3</td><td>0</td><td>3</td></tr></table> <p>5.39 In accordance with Government guidance set out in the NPPF (2012) and Planning Policy for Traveller Sites (2015 2023), the Council is required to identify a supply of specific, deliverable Gypsy, Traveller and Travelling Showpeople sites sufficient to provide five years' worth of sites against their locally set targets to meet accommodation needs of these groups who meet the revised definition in York.</p> <p>5.40 It is recognised that Gypsies and Travellers and Travelling Showpeople have different needs and that the two different groups should not be located on the same areas of land. Gypsy and Traveller and Travelling Showpeople provision has its own specific terminology. Gypsy and Traveller provision is expressed in 'pitches' on sites whereas Travelling Showpeople provision is expressed as 'plots' on sites often called a 'yard'. Nationally, pitch/plot sizes range from 200 m<sup>2</sup> to 500 m<sup>2</sup>. <del>An upper measurement of 500 m<sup>2</sup> has been used in the allocation of sites to allow final design to</del> <u>Sites will be designed to</u> accommodate all of the requirements set out in design guidance, including landscaping, play space and access arrangements. Space <del>has</del> will also been taken into account for equine grazing which is a much needed provision in York. Final pitch sizes will ultimately be a matter for detailed planning applications to determine.</p>	Delivery Status	Pitch Requirements	Meet Planning Definition (including undetermined)	12	Do not meet Planning Definition (including undetermined)	26	Total	38	Households in York	GT AA <sup>1</sup>	SHMA <sup>2</sup>	Total	Households that meet the planning definition (incl. 10% of unknown need)	3	0	3	Households that do not meet the planning definition (incl. 90% of unknown need)	0	44	44	Total	3	44	47	Showpeople households that meet the planning definition	3	0	3	Total	3	0	3
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Total	3	0	3																																

<sup>1</sup> ~~GTAA – Gypsy and Traveller Accommodation Assessment~~

<sup>2</sup> ~~SHMA – Strategic Housing Market Assessment~~

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			<p><u>5.40a The Council is committed to investing in each of its owned and managed traveller sites to ensure that current and future residents are not exposed to unsatisfactory living conditions and that steps are taken to improve existing facilities. In addition to this, following adoption of the plan the Council will undertake an early site search within the terms of PPTS and assess any options that emerge as potential alternatives sites to the further expansion of its sites at Osbaldwick and Clifton. Options will need to be considered in the context of the masterplan process required by part A of Policy H5. The masterplan outputs will form a benchmark against which options shall be assessed. This work will be undertaken as part of a comprehensive package of actions developed and progressed in collaboration with the gypsy and traveller community to ensure that existing inequalities are properly addressed.</u></p> <p><u>5.41 Three Two-plots for Travelling Showpeople have has been identified for the first 5 years of the plan period at The Stables, Elvington, with a further 1 plot in the same yard for the future expansion of the existing family in year 2032. The nature of Travelling Showpeople's work, requires level hard standings and covered sheds for the maintenance and storage of large fairground rides. For this reason, applications for yards in existing and allocated employment sites will be supported where the provision will not compromise the employment land supply.</u></p> <p><u>5.42 The suitability of the location of any further sites for Gypsies, Travellers or Travelling Showpeople which come forward during the plan period will be determined in accordance with criteria i – v of Policies H5 and H6. These consider the natural and historic environment, access to public transport and services, road access and congestion, flood risk and amenity. The development of the allocated sites and any further sites that come forward during the plan period will be determined in accordance with Policies H5 and H6 criteria vi – x. These consider the provision of storage and recreation space, amenity provision, size and density of pitches/plots, landscaping of the site, amenity of nearby residents and future occupiers of the site.</u></p> <p><u>5.42 The suitability of sites not allocated for Gypsies, Travellers or Travelling Showpeople in this Local Plan will be assessed against the locational principles within criteria i-v of Policies H5 and H6 (Part C) as appropriate. All development proposals (including those forming part of a strategic allocation) will need to demonstrate that the site's design and layout observes the principles within criteria vi-x of Policies H5 and H6, as appropriate.</u></p> <p><u>Where proposals seek to provide a commuted sum in lieu of either on or off-site pitch provision, applications will need to comprehensively demonstrate the following:</u></p> <ol style="list-style-type: none"> <li><u>1. That the design parameters (vi – x in part C of Policy H6) cannot be satisfactorily achieved through evidence of a site and masterplan appraisal (which should include layout and capacity assessments as well as a demonstration of all reasonable attempts to overcome any site constraints); and,</u></li> <li><u>2. That there are no available sites which would be suitable for the number of pitches required. Evidence should include an appraisal of sites on the market at the time of the application with clear justification for their rejection.</u></li> </ol> <p><u>Commuted sums will be calculated on the basis that costs are met in full including, where appropriate, land purchase, professional fees, construction, and operating costs.</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>5.43 A condition will be attached to any permission to ensure that the sites remain in use by Gypsies and Travellers or Travelling Showpeople, as appropriate and the number of pitches and plots are retained to ensure a supply to need demand.</p> <p><b>Delivery</b></p> <ul style="list-style-type: none"> <li>• Key Delivery Partners: City of York Council, Developers, Housing Charities, Gypsy, Roma, Traveller and Travelling Showpeople stakeholders</li> <li>• Implementation: Planning applications and strategic site masterplans</li> </ul>
MM5.17	110	H7	<p><b>Policy H7: <u>Off Campus Purpose Built Student Housing</u></b></p> <p>The University of York and York St. John University must address the need for any additional student housing which arises because of their future expansion of student numbers. In assessing need, consideration will be given to <u>off campus provision and the capacity of independent providers of bespoke student housing in the city and whether it is economically prudent to provide additional student accommodation</u>. To meet any projected shortfall, provision by the University of York can be made on either campus. Provision by York St. John University is expected to be off campus but in locations convenient to the main campus.</p> <p>SH1: Land at Heworth Croft, as shown on the <del>proposals</del> <u>Policies Map</u>, is allocated for student housing for York St. John University students.</p> <p>Proposals for <del>new off campus purpose built student accommodation, other than the allocation at SH1,</del> will be <u>permitted supported</u> where <u>all of the following criteria are satisfied</u>:</p> <ol style="list-style-type: none"> <li><del>there is a proven it can be demonstrated that there is a need for student housing which cannot be met on campus;</del> and</li> <li>it is in an appropriate location for education institutions and accessible by sustainable transport modes;</li> <li><u>ii. The rooms in the development are secured through a nomination agreement for occupation by students of one or more of the University of York and York St. John University; and</u></li> <li>the development would not be detrimental to the amenity of nearby residents and the design and access arrangements would have a minimal impact on the local area; <u>and</u></li> <li><u>iv. The accommodation shall be occupied only by full-time students enrolled in courses of one academic year or more and conditions or obligations shall be imposed to secure compliance with this requirement and for the proper management of the properties.</u></li> </ol> <p><u>For new student accommodation a financial contribution should be secured towards delivering affordable housing elsewhere in the City. The contribution will be calculated on a pro rate basis per bedroom using the following formula:</u></p> $\text{Average York Property price} - \text{Average York Fixed RP Price} \times 2.5\% = \text{OSFC per student bedroom}$ <p><u>The contribution will be required only from the number of units creating a net gain. For mixed-use developments of student accommodation with general housing a pro-rata approach will be used to determine whether a contribution is required, and how much this should be. Contributions towards affordable housing provision from new student accommodation will not be sought where the student accommodation site which at the date of adoption of the Plan is owned</u></p>

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			<p><u>by a university and which will continue to be owned by a university to meet the accommodation needs of its students. Where a developer considers the contribution cannot be fully met, they should justify the level of provision proposed through an open book appraisal to demonstrate to the Council's satisfaction that the development would not otherwise be viable.</u></p> <p><u>Developers may not circumvent this policy by artificially subdividing sites and are expected to make efficient use of land.</u></p> <p><del>Conditions will be used to ensure the proper management of the accommodation in the interests of the amenity of adjacent properties and that any development remains occupied by students in perpetuity, unless and until an alternative use is approved by the Council.</del></p>						
MM5.18	111	H7	<p>...</p> <ul style="list-style-type: none"><li>the likely future supply of accommodation based on extant planning permissions <u>and estate strategies of the relevant education provider.</u></li></ul> <p><u>The assessment should form the basis of a formal agreement between a developer and an education provider, confirming the number of bedspaces and accommodation type required.</u></p>						
MM5.19	114	H9	<p>...</p> <p><u>Residential development proposals on Strategic sites (over 5ha) should incorporate the an appropriate provision of accommodation types for older persons in accordance with Policy H3 within their site masterplanning.</u> For sheltered/extra care accommodations a mix of tenures will be supported.</p> <p>Where development falls within Use Class C3, affordable housing provision will be required <u>in line with the requirements set out in policy H10.</u></p>						
MM5.20	115	H9 explanation para 5.59	<p>Where specialist accommodation is provided, it will be important to ensure that it enables residents to live independently as far as possible by ensuring it is located close to facilities and services or that they are accessible by public transport. <u>Residential development on Strategic sites (of over 5ha) should incorporate a wider range of accommodation suitable for older people</u></p>						
MM5.21	115	H10	<p><b>Policy H10: Affordable Housing</b></p> <p>To help maximise <u>the planning system's contribution to meeting affordable needs and to support the Council's target to deliver 3,265 affordable dwellings, affordability across the housing market, the Council will support residential schemes for 2 5 or more dwellings will be permitted where the following criteria are satisfied which:</u></p> <p>i. <del>reflect the relative viability of development land types in York by providing affordable housing is provided percentage levels for site thresholds as set out in accordance with Table 5.4 as a minimum. Higher rates of provision will be sought where development viability is not compromised.</del></p> <p><b>Table 5.4: Affordable Housing Site Thresholds</b></p> <table><tr><th>Threshold</th><th>Target</th></tr><tr><td>Brownfield sites ==&gt; <u>of 15 or more dwellings (gross)</u></td><td>20%</td></tr><tr><td>Greenfield sites ==&gt; <u>of 15 or more dwellings (gross)</u></td><td>30%</td></tr></table>	Threshold	Target	Brownfield sites ==> <u>of 15 or more dwellings (gross)</u>	20%	Greenfield sites ==> <u>of 15 or more dwellings (gross)</u>	30%
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			<table><tr><td>Urban, Suburban and Rural <u>All</u> sites 145-14<sup>2</sup> dwellings</td><td>210%<sup>1</sup></td></tr><tr><td>Urban brownfield sites 5-10 dwellings<sup>2</sup></td><td>15%<sup>1</sup></td></tr><tr><td>Urban greenfield sites 5-10 dwellings<sup>2</sup></td><td>10%<sup>1</sup></td></tr><tr><td>Urban brownfield sites 2-4 dwellings<sup>2</sup></td><td>6%<sup>1</sup></td></tr><tr><td>Urban greenfield sites 2-4 dwellings<sup>2</sup></td><td>10%<sup>1</sup></td></tr><tr><td>Sub-urban brownfield sites 5-10 dwellings<sup>2</sup></td><td>10%<sup>1</sup></td></tr><tr><td>Sub-urban greenfield sites 5-10 dwellings<sup>2</sup></td><td>15%<sup>1</sup></td></tr><tr><td>Sub-urban brownfield sites 2-4 dwellings<sup>2</sup></td><td>2%<sup>1</sup></td></tr><tr><td>Sub-urban greenfield sites 2-4 dwellings<sup>2</sup></td><td>7%<sup>1</sup></td></tr><tr><td>Rural brownfield sites 5-10 dwellings<sup>2</sup></td><td>11%<sup>1</sup></td></tr><tr><td>Rural brownfield sites 2-4 dwellings<sup>2</sup> that</td><td>3%<sup>1</sup></td></tr><tr><td>Rural greenfield sites 5-10 dwellings<sup>2</sup></td><td>17%<sup>1</sup></td></tr><tr><td>Rural greenfield sites 2-4 dwellings<sup>2</sup></td><td>8%<sup>1</sup></td></tr></table> <p><b>Notes to Table</b></p> <p>1. This is the target percentage to be used in the off-site financial contribution calculation following sub-clause (iii) below</p> <p>2. For sites <u>5-10 dwellings</u> that have a maximum combined gross floorspace of more than 1,000sqm (<u>excluding outbuildings</u>)</p> <p>ii on sites of 15 homes and above on-site provision will be expected, unless off-site provision or a financial contribution of equivalent value can be robustly justified.</p> <p>iii. on sites of <del>2-45</del> <u>5-14</u> homes an off-site financial contribution (OSFC) is required in accordance with the approved formula set out below:</p> <p style="text-align: center;"><b>Average York Property price – Average York Fixed RP Price x 10% Target = OSFC per dwelling</b></p> <p>iv. <del>make provision which</del> reflects tenure split in terms of social renting and intermediate housing, as set out in the most up to date <del>SHMALHNA</del> or other <u>best available evidence</u>.</p> <p>v. <del>fully integrate</del> the affordable housing <u>is fully integrated</u> by pepper potting throughout the development <del>with no more than two affordable dwellings placed next to each other. The size and type of homes should be a pro-rata mix of the total homes provided on site, taking into account current assessments of local need where on-site provision is required. The affordable housing should be and is</del> visually indistinguishable from the open market dwellings.</p> <p>...</p> <p><u>This policy will apply if a development proposal below thresholds in table 5.4 is followed by an obviously linked proposal at any point where the original</u></p>	Urban, Suburban and Rural <u>All</u> sites 145-14 <sup>2</sup> dwellings	210% <sup>1</sup>	Urban brownfield sites 5-10 dwellings <sup>2</sup>	15% <sup>1</sup>	Urban greenfield sites 5-10 dwellings <sup>2</sup>	10% <sup>1</sup>	Urban brownfield sites 2-4 dwellings <sup>2</sup>	6% <sup>1</sup>	Urban greenfield sites 2-4 dwellings <sup>2</sup>	10% <sup>1</sup>	Sub-urban brownfield sites 5-10 dwellings <sup>2</sup>	10% <sup>1</sup>	Sub-urban greenfield sites 5-10 dwellings <sup>2</sup>	15% <sup>1</sup>	Sub-urban brownfield sites 2-4 dwellings <sup>2</sup>	2% <sup>1</sup>	Sub-urban greenfield sites 2-4 dwellings <sup>2</sup>	7% <sup>1</sup>	Rural brownfield sites 5-10 dwellings <sup>2</sup>	11% <sup>1</sup>	Rural brownfield sites 2-4 dwellings <sup>2</sup> that	3% <sup>1</sup>	Rural greenfield sites 5-10 dwellings <sup>2</sup>	17% <sup>1</sup>	Rural greenfield sites 2-4 dwellings <sup>2</sup>	8% <sup>1</sup>
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Ref	Page	Policy/ Paragraph	Main Modification
			<u>permission remains extant or up to 5 years following completion of the first scheme, and the combined total of dwellings (or floorspace) is 5 or more dwellings (or 1,000sqm or more floorspace).</u>
MM5.22	117	H10 explanation	<p><del>Thresholds</del></p> <p>5.60 NPPF (2012) requires Councils to set policies for meeting identified affordable housing need, and that those policies should be sufficiently flexible to take account of changing market conditions.</p> <p>5.61 <del>Given the conclusions reached in the City of York Affordable Housing Viability Study (2010) and Annex 1 (2011) (AHVS) and the City of York Local Plan and CIL Viability Assessment (2017), Based on viability evidence prepared in support of the Local Plan, developments within York are expected</del> <u>should be able to provide the target minimum levels of affordable homes set out in Policy H10 approved for development management purposes.</u> Therefore no individual site assessment will be required where <del>submissions proposals</del> achieve these <del>policy requirements, targets and this is to be encouraged in order to reduce time on further analysis and negotiation.</del></p> <p>...</p> <p><del>Types</del></p> <p>5.63 Affordable housing in York includes social rented and intermediate housing provided to specified eligible households whose needs are not being met by the open housing market, and who cannot afford to enter that market. <del>The definition specifically excludes low cost market housing.</del></p> <p><del>Tenure/Mix</del></p> <p>5.64 <del>The City of York Council SHMA and Addendum (2016) recommends an 80% social and affordable rented and 20% intermediate split.</del></p> <p>5.65 A full range of property sizes and <del>types</del> <u>tenures</u> are needed to satisfy the affordable housing needs of the city and providing small or poor quality accommodation will not be seen as satisfying the policy. In order to help build mixed and sustainable communities the <del>mix and tenure of affordable homes provided on sites should have regard to the latest LHNA (or other available evidence) need to be pro-rata of the market homes, integrated within the site and indistinguishable from the market housing on site.</del></p> <p>5.66 The affordable homes <u>should be visually indistinguishable from the open market dwellings and need to be</u> fully integrated within the development by pepper potting throughout <del>with no more than two affordable dwellings placed next to each other.</del> The exception to this is apartment <del>blocks</del> if they are to be transferred freehold to Registered Providers. These affordable apartment homes should be provided in an apartment block rather than pepper potted throughout the development. <del>The size and type of homes should be a pro-rata mix of the total homes provided on site, taking into account current assessments of local need where on-site provision is required. The affordable housing should be visually indistinguishable from the open market dwellings.</del></p> <p>5.67 The Council will make public any updates to the evidence on housing mix and tenure split that is currently provided in the <del>SHMA</del> <u>LHNA</u>. Developers should consult the Council's web site prior to making any planning application to confirm the <del>then</del> current position on this matter. <u>Information related to the average York property price and fixed RP price will also be provided on the Council's website.</u></p>

**Provision**

5.68 In accordance with national guidance affordable housing provision for sites of 15 homes and above will normally be expected to be provided on site. Following the change to national planning guidance, the council can no longer seek financial contributions towards affordable housing on rural schemes of 1 to 10 units with a gross area of no more than 1,000sqm. Planning obligations on affordable housing and other matters can only be applied to schemes of 11 new homes or more or 1 to 10 new homes with a total gross floorspace of more than 1,000sqm.

The commuted sum is calculated using the following formula and will be updated annually:

$$\text{Average York Property price} - \text{Average York Fixed RP Price} \times \% \text{ Target} = \text{OSFC per dwelling}$$

**Table 5.5: Commuted Payment Calculation**

Dwelling threshold	Average York property price (Land Registry March 2017)	Average York fixed RSL price	% target	Commuted payment
Urban, Suburban and Rural sites 11-14 dwellings	£241,042	£75,000	20%	£33,208.40
Urban brownfield sites 5-10 dwellings <sup>1</sup>	£241,042	£75,000	15%	£24,906.30
Urban greenfield sites 5-10 dwellings <sup>1</sup>	£241,042	£75,000	19%	£31,547.98
Urban brownfield sites 2-4 dwellings <sup>1</sup>	£241,042	£75,000	6%	£9,963
Urban greenfield sites 2-4 dwellings <sup>1</sup>	£241,042	£75,000	10%	£16,604.20
Sub-urban brownfield sites 5-10 dwellings <sup>1</sup>	£241,042	£75,000	10%	£16,604.20
Sub-urban greenfield sites 5-10 dwellings <sup>1</sup>	£241,042	£75,000	15%	£24,906.30
Rural brownfield sites 5-10 dwellings <sup>1</sup>	£241,042	£75,000	11%	£18,265
Rural brownfield sites 2-4 dwellings <sup>1</sup>	£241,042	£75,000	3%	£4,981
Rural greenfield sites 5-10 dwellings <sup>1</sup>	£241,042	£75,000	17%	£28,227

Ref	Page	Policy/ Paragraph	Main Modification				
			<div><div>Rural greenfield sites 2-4 dwellings<sup>1</sup><table><tr><td>£241,042</td><td>£75,000</td><td>8%</td><td>£13,283</td></tr></table></div><div>Note <u>1 For sites that have a maximum combined gross floorspace of more than 1,000sqm</u></div></div> <p>5.70 Any other off site provision or commuted payment in lieu of on-site provision for affordable housing will only be acceptable if it is robustly justified. The commuted payment will be calculated as the difference between the transfer price and the market value of the specific home(s) on that site.</p> <p><b>Artificial Subdivision</b></p> <p><del>5.74 Artificial subdivision where it is proposed to phase development, sub-divide sites or when there is a reasonable prospect of adjoining land being developed for residential purposes in tandem or the future, the Council, will consider the whole site for the purpose of determining whether the scheme falls above or below the thresholds</del></p> <p>...</p>	£241,042	£75,000	8%	£13,283
£241,042	£75,000	8%	£13,283				

Ref	Page	Policy/ Paragraph	Main Modification
MM6.1	121	HW1	<p><del>The Council will work with local communities and voluntary sector organisations to help preserve and re-use existing community assets.</del></p> <p>Development proposals which involve the loss of existing community facilities, or facilities last used for community purposes, will <u>not only</u> be supported in <u>exceptional circumstances where</u>; <del>unless it can be demonstrated that:</del></p> <ul style="list-style-type: none"> <li>i. facilities of equivalent or greater capacity and quality (in terms of function, accessibility, adaptability and variety of use) are provided elsewhere on the site; <del>or</del></li> <li>ii. <del>if site constraints do not allow on-site re-provision,</del> facilities of equivalent or greater capacity and quality (as defined above) are <u>re-provided off-site</u>, in a location that equivalently or better serves the local community's needs, <u>and is well served by public transport and easy to reach on foot and by bike</u>;</li> <li>iii. <del>robust evidence is submitted to demonstrate that the facilities no longer serve a community function and demonstrably cannot be adapted to meet other community needs or are surplus to requirements;</del> or</li> <li>iv. in the case of commercial facilities, evidence is provided that demonstrates the facilities are no longer financially viable <u>with no market interest</u>.</li> </ul> <p>Developers must consult with the local community about the value of the asset and the impact that a loss of facilities may have. <del>If</del> <u>Where</u> facilities are to be <u>re-provided elsewhere</u>, a clear commitment to replace them <u>will be</u></p>

			<u>secured as part of the planning permission or S106 agreement. in a timely manner must be evidenced, in order for planning permission to be granted. Where the facilities have been re-provided or re-located in advance, evidence of this re-provision should be included within any planning application.</u>
<b>MM6.2</b>	122	HW1 explanation para 6.5	For the purpose of the policies within this section, community facilities should be taken to mean the buildings, facilities, and services that meet the day-to-day-needs of communities. This may include libraries, post offices, <u>public houses</u> and community meeting places, such as youth groups, places of worship, and parish and village halls.
<b>MM6.3</b>	122	HW1 explanation para 6.9	A loss of <del>viable</del> community facilities will only be permitted if they are replaced by facilities of equal or greater capacity and quality <u>(and the replacement is secured by planning obligation) and met by developer contributions.</u> <u>In exceptional circumstances, their loss will be approved if it can be demonstrated that they no longer serve a community function and cannot be adapted to meet other community needs, or are surplus to requirements.</u> Applications which involve the disposal of community assets must therefore include an assessment of the current function, accessibility, and adaptability of the facility. <u>Any assessment which seeks to demonstrate that the facility is surplus to requirements must provide evidence of facilities in the immediate area which can appropriately cater for the loss of the relevant facility and is accessible for current users by public transport, foot and cycle.</u> Applications must demonstrate how <del>alternative other</del> facilities will meet or exceed these <del>standards of provision from the facility to be lost....</del>
<b>MM6.4</b>	123	HW1 explanation para 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 <u>commercial</u> facilities ( <u>such as public houses</u> ) are no longer financially viable. Only in such circumstances, and when no alternative community use is possible, will a loss of <u>commercial</u> facilities <del>will</del> be permitted. Evidence that the facilities have been <u>appropriately</u> marketed for a minimum of <u>a two years year</u> without success will be required to demonstrate they are unviable. <u>This should consist of (as a minimum) a report explaining the marketing process and its outcomes, including the terms offered, any interest 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</u>
<b>MM6.5</b>	123	HW2	Applications for strategic residential developments must be accompanied by an audit of existing community facilities and their current capacity, prepared by the applicant. Developments that place additional demands on existing services will be required to provide proportionate new or expanded community facilities, to meet the needs of existing and future occupiers. These should be provided on site or, <u>where on site provision is not possible due to site constraints, or where the council agrees provision could better meet needs elsewhere,</u> developer contributions will be sought to provide <u>new or expanded facilities.</u> <del>these additional facilities.</del>

			<p><del>As the population grows and population demographics change over the plan period, new facilities will be required. The Council will work with communities and other partners to help address deficits in community facilities.</del></p> <p>The Council will support applications for new <u>or expanded</u> community facilities when an existing deficit or future need has been identified. <del>Where appropriate, f</del> Facilities should be designed to be adaptable and multi-purpose, in order to future-proof services and enable a wide range of community uses. Any new or expanded facilities must be accessible and well-served by public transport, footpaths and cycle routes.</p>
<b>MM6.6</b>	123	HW2 paragraph 6.12	<p><u>As the population grows and demographics change over the plan period, new facilities will be required. The Council will work with communities and other partners to help address deficits in community facilities.</u></p>
<b>MM6.7</b>	125	HW3	<p>...</p> <p>For strategic sites facilities should be provided on-site, where possible. If <u>Where</u> off-site provision is necessary <u>or more appropriate</u>, facilities should <del>still</del> be accessible to the community it will serve residents; be well served by public transport; and be easy to reach on foot and by bike. <u>Applications for strategic residential developments must be accompanied by an audit of existing built sports facilities and their current capacity, prepared by the applicant.</u></p> <p>The loss of built sports facilities (either currently or last used for sports activities) will only be permitted in exceptional circumstances where:</p> <ul style="list-style-type: none"> <li>• a needs assessment provided by developers, and in accordance with the most up to date Built Sports Facilities Strategy <u>(or subsequent replacement strategy)</u>, identifies an over-provision in the area; or</li> <li>• the development only affects part of the site and does not <del>impact on</del> <u>reduce</u> its <del>value</del> <u>capacity</u> for sport; or</li> <li>• it would be replaced by a facility of equivalent or better quality and capacity, in a location that still serves the same community which is accessible by public transport, foot and bicycle. <del>and that has adequate management arrangements.</del></li> <li>• <u>the proposal is for alternative built sports facilities where the need outweighs the loss of the existing facility.</u></li> </ul> <p>Development for new or expanded built sports facilities will be <u>strongly</u> supported where a deficiency in <u>or future</u> provision has been identified, and when it is well located, accessible to all <u>in terms of age and ability, subject to the specific sports uses proposed</u>, and when suitable infrastructure exists or can be created to manage and maintain the facility. Development of new sports facilities should be co-located with other health and community facilities and schools, where possible, to encourage participation in exercise. Any future demand should, in the first instance, be met through extensions and expansion of existing high-quality sustainable sites.</p>

MM6.8	125	HW3 paragraph 6.20	<p>6.20 New development must not compromise current or future residents' health and wellbeing and the Council will work to safeguard existing sports facilities. <u>Where new facilities are required to address need arising from a new development, suitable management arrangements and/or an appropriate operator would be required to be secured as part of the obligations.</u> York's built sports facilities will be protected unless it can be demonstrated that the use is no longer viable, is surplus to need, or that high-quality alternative provision can be made that maintains a service in the existing area of benefit.</p>
MM6.9	127	HW4	<p>The Council will support development <u>proposals for new or expanded childcare provision where</u> that helps meet the city's need for childcare provision.</p> <p><del>All new strategic sites</del> <u>Applications for strategic residential developments, and as listed in Table 5.1 must be accompanied by</u> <del>will be expected to conduct</del> an audit of existing childcare facilities and their current capacity. If increased demand from new residents would be expected to exceed the existing capacity of facilities in the vicinity, <del>additional new</del> <u>facilities must be incorporated into the masterplanning of the site. Developer contributions will be sought to provide new or expanded facilities. and supported by developer contributions unless it can be demonstrated that this is not viable or deliverable.</u></p> <p>Proposals which <del>fail</del> <u>will lead to the loss of</u> <del>to protect</del> existing childcare facilities <u>must</u> <del>will be refused unless it can be demonstrated that the provision is no longer required, or no longer viable, or if that</del> <u>equivalent replacement facilities can</u> <del>will</del> be provided elsewhere. <u>This will be secured as part of the planning permission or S106 agreement.</u></p> <p>Applications for new childcare provision should be accompanied by an assessment that demonstrates the need for additional childcare provision in the locality. <del>The Council will work with schools, parents and carers to ensure that their needs are understood.</del></p> <p>Any proposed new or replacement childcare facilities should be sited in accessible locations within or near to the areas of identified need, they should be well-served by public transport, and be easily accessible by walking and by bike.</p>
MM6.10	128	HW5	<p><b>Primary and Secondary Care</b></p> <p><del>The Council will work closely with GPs and the NHS Vale of York Clinical Commissioning Group (or any successor organisation) to understand the current and projected primary care needs of communities.</del></p> <p>The Council will support the provision of new or enhanced primary <u>and secondary</u> care services when there is an identified need.</p> <p>Improved, enlarged or additional primary <u>or secondary</u> healthcare facilities <del>will</del> <u>may</u> be required to support residential developments that place additional demands on services beyond their current capacity, <del>in line with the National Planning Policy Framework.</del></p>

			<p>Developer contributions will be required to support the increase in provision. An assessment of the accessibility and capacity of existing primary <u>and secondary</u> care services will be required at the application stage <u>for all residential strategic sites</u>.</p> <p><u>Development P</u> proposals which <del>fail to protect</del> <u>include</u> existing primary <u>or secondary</u> care services <u>must re-provide the service as part of the proposal</u> <del>or involve the loss of services, will not be supported, unless it can be demonstrate-d</del> the facilities are no longer required or that relocating facilities would better meet the community's needs.</p> <p>Any new primary <u>or secondary</u> care facilities must be easily accessible by public transport, walking, and cycling.</p> <p><b>Secondary Care</b></p> <p><del>The Council will work closely with the York Teaching Hospital NHS Foundation Trust, and with Tees, Esk and Wear Valley NHS Foundation Trust (or any successor organisations), to understand their needs; help ensure their sites are fit for purpose; and enable them to provide safe, effective and sustainable healthcare, for the plan period and beyond.</del></p>
MM6.11	129	HW5	<p><b>York Teaching Hospital NHS Foundation Trust</b></p> <p>The Council will support the redevelopment of York Teaching Hospital NHS Foundation Trust (as identified on the <del>Proposals</del> <u>Policies</u> Map) to enable it to expand its capacity; to uphold and improve the quality of secondary care it delivers; and ultimately to remain on its existing site for the long term, ensuring the optimum delivery of secondary care services in York.</p> <p>The Council will support the redevelopment of the staff car park on the existing York Teaching Hospital NHS Foundation Trust site to meet its immediate need for increased capacity in Accident and Emergency. <del>The Council will work with York Teaching Hospital NHS Foundation to develop a new</del></p> <p><u>A Travel Plan will form part of any detailed planning application</u> to ensure that the loss of car parking facilities <u>will be appropriately managed to ensure not compromise access or to care is not compromised</u>.</p> <p>To enable the Trust to expand existing clinical facilities the Council will support the development of the extension to York NHS Hospital Trust site (as shown on the <del>Proposals</del> <u>Policies</u> Map as HC1), for health and social care purposes, such as a GP practice or short-term residential care. <del>The Council will continue to work with the Trust to help them make additional changes to their site as their needs change over the plan period.</del></p> <p><b>Tees, Esk and Wear Valley NHS Foundation Trust</b> ... as shown on the <del>proposals</del> <u>policies</u> map as HC2).</p>
MM6.12	129	HW5 paragraph 6.36	<p>6.36 Healthcare services must be responsive to the current and projected needs of local communities. <u>The assessment submitted to support planning applications should reflect the catchment for each kind of healthcare facility,</u></p>



			<p><u>reflecting that primary and secondary care facilities provide very different services and their catchment areas reflect that.</u> This is contingent upon having appropriately located sites, which are able to cope with local demand and provide a sustainable and effective service. The Council will help protect existing healthcare facilities and support the relevant bodies to expand their premises, or seek alternative, more suitable sites, where appropriate.</p>
MM6.13	130	HW6	<p><del>The Council will work closely with Yorkshire Ambulance Service NHS Foundation Trust, North Yorkshire Police, and North Yorkshire Fire and Rescue Service, to ensure that their changing needs are understood.</del> The Council will support the development of new emergency service facilities, where there is a demonstrable need, and in appropriate locations that enable them to meet necessary response times.</p> <p><del>The Council will support the Yorkshire Ambulance Service NHS Foundation Trust's new 'Hub and Spoke' estate model. Hubs provide essential clinical and maintenance and facilities, while spoke facilities provide additional opportunities for ambulances to be stationed close to areas of demand.</del> The Council will support the development of additional sites for ambulances at key points in densely populated areas, close to major highways.</p> <p><del>The following sites have been identified as requiring additional spoke facilities:</del></p> <ul style="list-style-type: none"> <li><del>• ST7: Land East of Metcalfe Lane</del></li> <li><del>• ST8: Land North of Monks Cross</del></li> <li><del>• ST9: Land North of Haxby</del></li> <li><del>• ST15: Land West of Wigginton Road</del></li> </ul> <p><del>Such facilities would need to provide:</del></p> <ul style="list-style-type: none"> <li><del>• A 6 x 3m serviced building with water, electricity and drainage.</del></li> <li><del>• Parking facilities for two ambulances.</del></li> </ul> <p><del>These facilities would need to be located within the development and close to the main highway.</del></p>
MM6.14	131	HW7	<p>Proposals for <u>major</u> residential developments must provide a statement <u>as part of any detailed planning application</u>, proportionate to the size of the development, showing how the following design principles have been adequately considered and incorporated into plans for development:</p> <ul style="list-style-type: none"> <li>• well-designed streetscapes that encourage residents to spend time outdoors;</li> <li>• the provision of safe, easy to navigate and attractive public footpaths and cycle paths between dwellings, to encourage physical activity;</li> <li>• <u>the incorporation of formal and informal play spaces and outdoor gyms to encourage physical activity for all age groups and abilities;</u></li> <li>• good connections to neighbouring communities and green spaces, in the form of footpaths and cycle routes, including the extension and protection of public rights of way, where appropriate;</li> <li>• <del>spaces for communities to come together;</del></li> </ul>

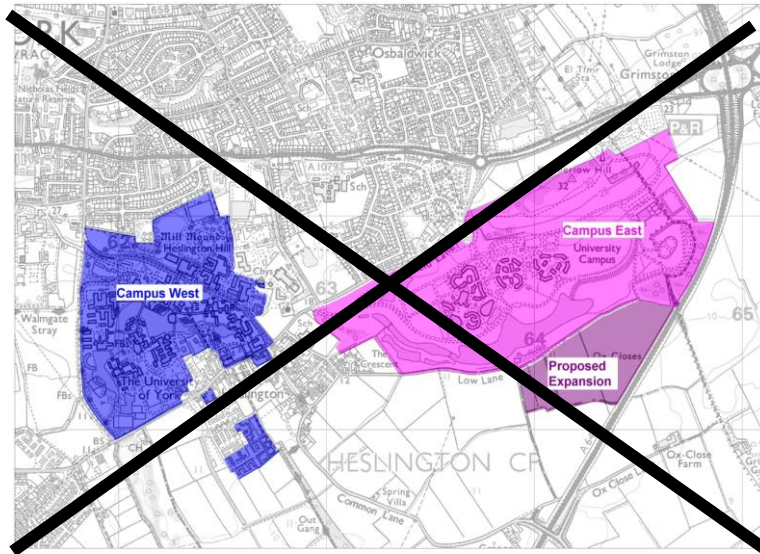
			<ul style="list-style-type: none"> <li>• <del>adaptations to</del> <u>designing buildings and public spaces to be accessible for all ages and life stages, including for those with limited mobility;</u></li> <li>• <u>considerations for how the design may impact on crime or perception of safety, including lighting strategies for public spaces; and</u></li> <li>• <u>buildings that are adaptable to the changing needs of residents.</u></li> </ul> <p>Details of how these principles have been considered should be <del>noted</del> <u>included</u> in the Design and Access Statement accompanying the proposal.</p> <p>All new strategic sites must complete a Health Impact Assessment (HIA) <del>prior to the submission of a</del> <u>and submit as part of the planning application</u>. HIAs are a means to systematically assess the potential health risks and benefits of new developments on existing and future communities. They promote the development of actions to mitigate negative impacts and maximise community benefit.</p>
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Ref	Page	Policy/ Paragraph	Main Modification
MM7.1	134	ED1	<p><i>New policy text, wholly replacing submission policy.</i></p> <p><u>To enable the continuing development of the University of York, the following range of higher education and related uses will be permitted on the University's existing campuses as identified in Figure 7.1:</u></p> <ul style="list-style-type: none"> <li>• <u>academic, teaching, research and continuing professional development uses</u></li> <li>• <u>housing for staff and students</u></li> <li>• <u>arts, cultural, sports and social facilities ancillary to higher education uses</u></li> <li>• <u>conference facilities</u></li> <li>• <u>research/knowledge-based businesses, including University-led collaboration projects with industry</u></li> <li>• <u>other uses ancillary to the university, including support services for the uses identified above.</u></li> </ul> <p><u>The University of York must address the need for any additional student housing which arises because of its future expansion of student numbers taking account of on-site provision and the capacity of independent providers. Provision will be expected to be made on campus in the first instance where this can be accommodated, or off-campus, in line with <del>considered under</del> Policy H7.</u></p> <p><u>Policies ED2 campus west and ED3 campus east address specific matters concerning those parts of the University Campus but the following requirements apply to all development on the University campuses and ST27 (the expansion site):</u></p> <ol style="list-style-type: none"> <li><u>Proposals for new facilities or uses should be supported by an up-to-date development brief to cover campus west, campus east and the extension site which should demonstrate the need for these in the context of the University's estate strategy.</u></li> <li><u>Proposals should have regard to the historic setting of York and should where appropriate be accompanied by a heritage impact assessment.</u></li> </ol>

			<p>iii. <u>Satisfactory integration of development within the existing campus west, east (and ST27) so that it conserves or enhances its character and open space.</u></p> <p>iv. <u>Proposals for landscaping are required to integrate with the existing development and/or to screen as appropriate.</u></p> <p>v. <u>Proposals should ensure that existing student housing capacity meets need from expansion in student numbers and that the student housing capacity of Campus West is not reduced below 3,586 unless re-provided on Campus East</u></p> <p>vi. <u>Make an efficient use of land, including optimising densities, within the scope of the applicable constraints.</u></p> <p>vii. <u>Appropriate connections to transport including connections to the city centre and walking and cycling links within the campus or externally.</u></p> <p><u>Facilities for sport, and essential operations to support this, and for landscaping, adjacent to campus west, campus east and ST27 may be located within the Green Belt if they are appropriate development, preserve the openness of the Green Belt, and meet the above criteria.</u></p>
<b>MM7.2</b>	134	ED1 explanation para 7.1a (new) to 7.2	<p><u>7.1a The University of York has an important role in the City (as well as nationally and internationally). It can help:</u></p> <ul style="list-style-type: none"> <li><u>enable the city of York to contribute directly to the delivery of national growth strategies;</u></li> <li><u>enable key Local Enterprise Partnership priorities to be realised;</u></li> <li><u>support the York Economic Strategy; and</u></li> <li><u>contribute to delivering the local plan vision of supporting the delivery of sustainable economic growth.</u></li> </ul> <p><u>7.2 The Heslington campus comprises Campus West, the original campus laid out in the 1960s and Campus East, open since 2009. Site allocation ST27 provides for the further expansion of Campus East. To ensure that the Heslington Campus can <del>the existing campuses forming the</del> University make a full contribution to the life of the city, it is important that <del>they</del> it continues to be used for predominantly higher educational and related uses. It is also vital that opportunities are maintained for the University's cultural, social and sports facilities to be used by the wider public.</u></p>
<b>MM7.3</b> Policy	134	ED1 Explanation New paragraphs 7.2a, 7.2b, 7.2c, 7.2d and 7.2e  Para 7.3	<p><u>7.2a Campus West (shown in Figure 7.1) contains a number of listed buildings and features and much of the campus is listed as Registered Park and Garden. It is an important asset to the city. It was designed as a park campus with buildings; it is a 'set piece'. In that respect the ratio of open space to buildings is fundamental to the original design concept. This has shifted over time but it is important to ensure that in any future development that there is not harm to the composition. The built footprint at Campus West is approximately 23%; However, it was the quality of the initial design ambition and visionary approach to landscape vision that has resulted in the success of the campus, not just the application of built footprint principles. It is this quality of design and innovative landscaping approach which is sought to be met through the policy.</u></p> <p><u>7.2b Development at Campus East has been established in an outline planning permission and approved design brief. Further development and the proposed ST27 extension (shown on Figure 7.1) will need to maintain the parkland setting, established at Campus West to create a</u></p>

			<p><u>cohesive campus, and the high design quality established there. The location near the A64 has an important role in maintaining the setting and compact nature of the city. A high visual quality and good design, whilst also enhancing public amenity in terms of access to the countryside and wildlife interest, is therefore essential. This includes preservation and, where possible, enhancement of the views that can be seen from the site. This should support the realisation of a similarly ambitious and committed approach to Campus West, which must be developed, controlled and implemented through a masterplanned approach.</u></p> <p><u>7.2c This masterplanned approach to development at the Heslington campuses will be formalised in a Development Brief prepared by the University in consultation with Historic England. This should also involve appropriate engagement with surrounding communities. It is important that this Development Brief optimises the use of the existing estate, making the most efficient use of land and buildings across Campus East and West. To enable this, the Development Brief will be informed by the University's 5 to 10-year estates strategy (or integrated infrastructure plan or equivalent). Such a strategy is likely to address plans for student growth, for research activity and for business collaboration in the context of the University's funding and resource constraints (and wider government policy) and set out capital investment plans and programmes. The Development Brief should reflect evidence in the estate strategy which ensures, and provides evidence to show, that current space and land is efficiently used within accepted constraints having regard to the performance and fitness of the existing estate. The University and the Council will continue to engage closely and maintain regular dialogue on the definition and evolution of any strategy.</u></p> <p><u>7.2d An annual student housing survey should also be submitted to the Council. If in any year an annual survey demonstrates that there is unmet student housing demand on the site in excess of 50 bedspaces, the university must undertake to bring forward and implement plans to provide additional accommodation on site as a priority or offsite in line with Policy H7.</u></p> <p><u>7.2e The University was established in the city centre in 1962 at Kings Manor, Campus West following in 1964 and Campus East in 2009. A business start-up hub facilitated by the University has been established in offices at the Guildhall. The Council will work with the University to accommodate research/ knowledge business uses in the City Centre and elsewhere consistently with other policies in this Plan.</u></p> <p><u>7.3 Campus East provides the potential for a cluster of knowledge based companies to locate, to the benefit of city and University. Such uses will contribute to the implementation of the York Economic Strategy (2016) and to the vitality of the University's research activities.</u></p>
MM7.4 Policy ED2: Campus West	135	ED2	<p><i>New policy text, wholly replacing submission policy</i></p> <p><b>Policy ED2: Campus West</b></p> <p><u>Proposals for new development on University of York Campus West (including the extension and redevelopment of existing buildings) will be permitted having regard to the following requirements together with those in ED1:</u></p>

			<ul style="list-style-type: none"> <li>• <u>Development at this site should maintain the parkland setting of the campus and preserve the integrity of the original design. This will include ensuring the heights of new buildings are appropriate to their surroundings and do not exceed the height of any high mature tree canopies, unless heritage impacts can be appropriately managed justifying a greater height.</u></li> <li>• <u>Maintenance and where required expansion of an adequate internal cycle and pedestrian network which links to entrance points and bus stops</u></li> <li>• <u>General car parking (excluding accessible parking spaces) does not exceed 1,520 spaces</u></li> </ul>
<b>MM7.5</b>	135	ED2 explanation paragraphs 7.4, 7.4b (new) and 7.5	<p><del>7.4 Campus West is shown overleaf at Figure 7.1. To ensure that university buildings on Campus West meet the requirements of a modern higher education institution, the replacement of buildings that are no longer fit for purpose and life expired will be supported. Proposals for extension or redevelopment should be in accordance with the provisions of the emerging University of York Development Brief, the principles of which are set out in Policy ED2 above. For information on the uses permitted at Campus West please see Policy ED1. The starting point for proposals should be to gain an understanding of the significance of the campus as a designed heritage asset (landscape and buildings) to determine whether further development is possible and where this is best located. The landscape and buildings were composed as a unified whole. It is important that development at Campus West:</del></p> <ul style="list-style-type: none"> <li>• <u>Maintains the spatial relationship between open green and blue space and developed land (buildings, carparking and other hardstanding) across the campus.</u></li> <li>• <u>Limits the height of new buildings, including extensions to existing buildings, and should not in most cases break or intrude above the existing skyline of high canopy trees</u></li> <li>• <u>Respects the composition of the designed landscape, which as a Registered Park and Garden should be conserved and enhanced.</u></li> </ul> <p><u>7.4b Car parking is restricted at this site, which is well served by buses. Car travel should be minimised with a focus on walking and cycling both to and across the campus and priority should be given to sustainable modes of travel.</u></p> <p><del>7.5 In accordance with the Section 106 legal agreement for Campus East, the level of student housing capacity at Campus West must be retained at least at the level at 2006, at the date of the agreement. This was established at 3,586 bedspaces.</del></p>
<b>MM7.6</b> Figure 7.1	136	ED2 Fig 7.1	Delete submission Figure 7.1



Replace with new Fig 7.1

University of York boundary and ST27



MM7.7	136	ED3	<p><i>New policy text, wholly replacing submission policy:</i></p> <p><b>Policy ED3: <u>University of York</u> Campus East</b></p> <p><u>The expansion of facilities on Campus East will be permitted having regard to the following requirements together with those in ED1:</u></p> <ul style="list-style-type: none"> <li>i. <u>Campus East and ST27 will across both sites deliver research/knowledge based uses identified in the existing planning permission for Campus East in line with Policy EC1</u></li> <li>ii. <u>Appropriate connections to transport facilities including connections to the City Centre and links for sustainable modes of transport (including walking and cycling) both within the campus and externally</u></li> <li>iii. <u>Total car parking shall not exceed 1,500 spaces</u></li> </ul>
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<b>MM7.8</b>	136	ED3 explanation paragraphs 7.6 to 7.12	<p><i>New explanation entirely replacing submission explanation:</i></p> <p><u>7.6 Campus East and the ST27 extension (shown on Figure 7.1) provides the potential for a cluster of knowledge-based companies to locate, to the benefit of city and University.-This aspiration will be reflected in the Development Brief for the site which will address the design parameters set out in Policy SS22 where they relate to ST27 expansion site.</u></p> <p><u>7.6a Campus East was designed to be car free. Car parking should continue to be minimised, across the campus a focus will be on walking and cycling and bus travel over private car travel in line with Policy ED1 and reflected in Policy SS22.</u></p>
<b>MM7.9</b>	140	ED5	<p><b>Policy ED5: York St. John University Further Expansion</b></p> <p>To support the continued success of York St. John University the following sites, as shown on the <del>proposals</del> <u>policies</u> map, are allocated for the uses below:</p> <p><b>Sport uses:</b>  <b>Land at Northfield, Haxby Road</b>  <u>The following range of sports and related uses will be permitted on land at Northfield where proposals are consistent with GI5 and relevant Green Belt policies:</u></p> <ul style="list-style-type: none"> <li>• <u>outdoor sports facilities, together with associated car and cycle parking;</u></li> <li>• <u>appropriate indoor sports facilities; and</u></li> <li>• <u>other outdoor recreational activity.</u></li> </ul> <p><b>Student Housing:</b>  <b>SH1: Land at Heworth Croft.</b>  <u>Proposals for new student housing on land at Heworth Croft will be permitted having regard to the following requirements, together with those in other policies in the plan including H7, ENV4 and GI6:</u></p> <ul style="list-style-type: none"> <li>• <u>A sequential approach to the site's layout to ensure residential uses are developed on areas at the lowest risk of flooding and the new open space is brought forward on land within the functional floodplain; and.</u></li> <li>• <u>The impact of development's scale and massing on the setting of the Heworth Green/ East Parade Conservation Area.</u></li> </ul>
<b>MM7.10</b>	140	ED5 explanation paragraph 7.16	<i>Delete paragraph 7.16</i>
<b>MM7.11</b>	141	ED5 explanation new paragraph 7.18a	<p><u>As identified in Policy H1, it is considered that an indicative capacity of 400 bedspaces could be accommodated. However, realising this density of development is contingent on appropriate mitigation of flood risk and ensuring the scale and massing is appropriate to the context, and in particular the impact on the setting of the Heworth Green/ East Parade Conservation Area.</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
MM8.1	146	D1	<p>Development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. <del>Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.</del></p> <p><u>Development proposals that:</u></p> <ul style="list-style-type: none"> <li>• <u>fail to take account of York's special qualities;</u> and/or</li> <li>• <u>fail to make a positive design contribution to the city, and/or</u></li> <li>• <u>cause damage to the character and quality of an area will be refused.</u></li> </ul> <p><u>Where appropriate, Development proposals should adhere to the following detailed design points:</u></p>
MM8.2	146	D1	<p>...</p> <p><b>ii. Density and Massing</b></p> <ul style="list-style-type: none"> <li>• demonstrate that the <del>resultant proposed</del> <u>proposed</u> massing and density of a development <del>proposal</del> will be appropriate for its proposed use and neighbouring context.</li> <li>• demonstrate that the combined effect of development does not dominate <u>its wider setting, including</u> other buildings and spaces, paying particular attention to <u>those of historic significance.</u> <del>adjacent buildings or parks of architectural or historic significance.</del></li> </ul> <p>...</p> <p><b>iv. Building Heights and Views</b></p> <ul style="list-style-type: none"> <li>• respect York's skyline by ensuring that development does not <u>detract from</u> <del>challenge</del> the visual dominance of the Minster or <u>harm</u> the city centre roofscape.</li> <li>• respect and enhance views of landmark buildings and important vistas.</li> </ul> <p>...</p> <p><b>iv. Character and Design Standards</b></p> <p>...</p> <ul style="list-style-type: none"> <li>• maximise sustainability potential.</li> <li>• <u>ensure design considers residential amenity so that residents living nearby are not unduly affected by noise, disturbance, overlooking or overshadowing.</u></li> </ul>
MM8.3	149	D2	<p>...</p> <p>Development proposals will be encouraged and supported where they:</p> <p>...</p> <p><b>ii. <del>conserve</del> protect</b> and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities;</p>



			<p>iii. demonstrate a comprehensive understanding of the interrelationship between good landscape design, bio-diversity enhancement and water sensitive design;</p> <p>iv. create <u>or utilise</u> opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces;</p> <p>v. recognise the significance of landscape features such as mature trees, hedges, <del>and</del> historic boundaries and <del>York's</del> other important character elements, and retain them in a respectful context where they can be suitably managed and sustained;</p> <p>...</p> <p>viii. create a comfortable association between the built and natural environment and attain an appropriate relationship of scale between building and adjacent open space, garden or street. In this respect consideration will <del>be</del> also be given to function and other factors such as the size of mature trees; and</p> <p>...</p>
MM8.4	151	D3	<p>...</p> <p>i. Development proposals will be supported where they:</p> <ul style="list-style-type: none"> <li>• enable and promote the delivery of new cultural facilities and/or activities and services such as permanent and temporary public arts;</li> <li>• provide facilities, opportunities, and/or resources for cultural programmes and activities, during <u>and/or</u> after the development period;</li> </ul> <p>...</p>
MM8.5	152	D4	<p>Development proposals within or affecting the setting of a conservation area will be supported where they:</p> <p>i. <u>are designed to preserve or enhance those elements which contribute to the character or appearance of the Conservation Area; are designed to preserve or enhance the special character and appearance of the conservation area and would enhance or better reveal its significance;</u></p> <p>ii. <u>would enhance or better reveal its significance or would help secure a sustainable future for a building; and</u></p> <p><del>iii. safeguard important views guided by existing evidence, including in the York Central Historic Core Conservation Area Appraisal, and other local views. respect important views; and</del></p> <p>iii. <u>are accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.</u></p> <p><del>Outline p</del><u>Planning</u> applications for development within or affecting the setting of conservation areas will only be supported if full <del>design</del> details are included, sufficient to show the likely impact of the proposals upon the <u>significance character and appearance</u> of the Conservation Area <u>are included.</u></p> <p><del>Changes of use will be supported when it has been demonstrated that the primary uses of the building can no longer be sustained, where the proposed</del></p>

			<p><del>new use would not significantly harm the special qualities and significance of the conservation area.</del></p> <p>Harm to buildings, <u>plot form</u>, open spaces, trees, views or other elements which make a positive contribution to a Conservation Area will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a Conservation Area will be permitted only where it can be demonstrated that the <u>harm or loss is necessary to achieve</u> <del>proposal would bring</del> substantial public benefits <u>that outweigh that harm or loss</u>.</p> <p>Changes of use will be supported when it has been demonstrated that the <u>beneficial current</u> <del>primary</del> uses of the building can no longer be sustained, where the proposed new use would not significantly harm <u>the prevailing character of the area</u>. <del>the special qualities and significance of the conservation area.</del></p> <p><del>Applications should be</del> accompanied by an appropriate evidence based assessment of the conservation area's special qualities, proportionate to the size and impact of the development and sufficient to ensure that impacts of the proposals are clearly understood.</p>
MM8.6	153	D4 new paragraph 8.26a	<p><u>8.26a When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.</u></p>
MM8.7	153	D5	<p>Proposals affecting a Listed Building or its setting will be supported where they:</p> <ul style="list-style-type: none"> <li>i. <del>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</del></li> <li>ii. <del>help secure a sustainable future for a building at risk.</del></li> <li>iii. <del>are accompanied by an appropriate, evidence based heritage statement, assessing the significance of the building.</del></li> </ul> <p>Changes of use will be supported where it has been demonstrated that <del>the original use of the building is no longer viable and where</del> the proposed new use <u>of the building</u> would not harm its significance <del>and would help secure a sustainable future for a building at risk.</del></p> <p><del>Harm or substantial harm</del> to an element which contributes to the significance of a Listed Building or its setting will be permitted only where this is</p>

			<p>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 substantial public benefits that outweigh that harm or loss, or all of the following apply:</u></p> <ul style="list-style-type: none"> <li>• <u>the nature of the heritage asset prevents all reasonable uses of the site; and</u></li> <li>• <u>no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and</u></li> <li>• <u>conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and</u></li> <li>• <u>the harm or loss is outweighed by the benefit of bringing the site back into use.</u></li> </ul> <p><u>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.</u></p>
<b>MM8.8</b>	154	D5 explanation	<p>...</p> <p><u>8.30a Where a development will comprise works to a heritage asset then building recording will be required. Building recording may comprise detailed archaeological survey or a photographic record, depending upon the significance of the heritage asset and the nature of the works proposed. The survey must be undertaken by a suitably experienced professional in accordance with a Written Scheme of Investigation approved by the Local Planning Authority and to the relevant Historic England and Chartered Institute for Archaeologists Standard and Guidance. The results of the building recording will be deposited with the City of York Historic Environment Record. Significant findings will also be formally published in order to make the information publicly accessible and to advance understanding</u></p> <p><u>8.30b When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.</u></p>
<b>MM8.9</b>	155	D6	<p>ii. <u>they will not result in harm to an element which contributes to the significance or setting of a Scheduled Monument or other nationally important remains, unless that harm is outweighed by the public benefits of the proposal. Substantial harm or total loss of a Scheduled Monument or other nationally important remains will be permitted only</u></p>

			<p><u>where it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss; the significances of the site or its setting;</u></p> <p>...</p> <p>iv. <u>the impact of the proposal is acceptable in principle and harm to archaeological deposits is unavoidable;</u> detailed mitigation measures have been agreed with City of York Council that include, where appropriate, provision for deposit monitoring, investigation, recording, analysis, publication, archive deposition and community involvement.</p>
MM8.10	155	D6 explanation	<p>8.31 ...Within the historic core, substantial harm is defined as greater than 5% disturbance to 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 <u>it meets this target and disturbance to buried archaeological deposits is minimised as far as possible,</u> where it can be demonstrated that the proposal would bring substantial public benefits <u>considered to outweigh the archaeological harm caused, and remaining deposits are preserved in-situ.</u> 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> <p><u>8.31a Harm to archaeological features and deposits of less than national importance will be considered against the benefits of the proposal and the significance of the archaeology.</u></p> <p><u>8.31b Should a proposal include an area which has already been subject to piling and/or has been partially excavated every option to preserve the remaining archaeological resources in-situ should be explored. This should include the consideration of re-use of existing foundations where possible, including piles.</u></p> <p>...</p> <p><u>8.34a When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.</u></p>
MM8.11	156	D7	Policy D7: <del>The Significance of</del> Non-Designated Heritage Assets

			<p>Development proposals <u>affecting a non-designated heritage asset or its setting</u> will be <del>encouraged and</del> supported where they <u>conserve those elements which contribute to its significance</u>, <del>are designed to sustain and enhance the significance of York's historic environment, including non-designated heritage assets.</del></p> <p>...</p> <p>Prior to the demolition, alteration, extension or restoration of heritage assets <del>(both designated and on-designated)</del> appropriate building recording relevant to the asset's significance and the scope of works will be undertaken.</p>
MM8.12	157	D7 Explanation paragraphs 8.35 to 8.37	<p>8.35 The National Planning Policy Framework (2012) encourages Local Authorities to consider the significance of <u>non-designated</u> <del>all</del> heritage assets. <del>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.</del> <u>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</u> <del>This the policy's however provides</del> clear local criteria, <u>to identify non-designated heritage assets.</u> 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>8.36 Where a development will comprise works to a <del>designated or non-designated</del> heritage asset <del>then</del> building recording <del>will</del> <u>may</u> be required. <del>Building recording may comprise detailed archaeological survey or a photographic record, depending upon the significance of the heritage asset and the nature of the works proposed. The survey must be undertaken by a suitably experienced professional in accordance with a Written Scheme of Investigation approved by the Local Planning Authority and to the relevant Historic England and Chartered Institute for Archaeologists Standard and Guidance. The results of the building recording will be deposited with the City of York Historic Environment Record. Significant findings will also be formally published in order to make the information publicly accessible and to advance understanding.</del></p> <p>8.37 City of York Council <u>worked</u> <del>has been working alongside</del> <u>with</u> a local community group (York Open Planning Forum) to establish a set of criteria to appraise and help establish a Local Heritage List for York, <u>which form the basis for the stated policy criteria.</u> Local Heritage Assets contribute to York's special character, significance and sense of place, as defined in the Council's Heritage Topic Paper Update (2014).</p>

MM8.13	158	D8	Harm to an element which <del>contributed</del> <u>contributes</u> to the <u>significant significance</u> of a Registered Historic Park and Garden will be permitted only where this is outweighed by the public benefits of the proposal. Substantial harm or total loss to the significance of a Registered Historic Park and Garden will be permitted only where it can be demonstrated that the <u>harm or loss is necessary to achieve</u> <del>proposal would bring</del> substantial public benefits <u>that outweigh that harm or loss</u> .
MM8.14	159	D8 explanation new paragraph	<u>8.41a When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.</u>
MM8.15	160	D10	<p>Development proposals within the areas of York Walls designated as Scheduled <del>Ancient</del> Monuments will be supported where they are for the specific purpose of enhancing physical and intellectual access to York Walls.</p> <p><u>Harm to the significance of York Walls will be permitted only where this is demonstrably outweighed by the public benefits of the proposal.</u></p> <p>Development proposals <del>adjacent to or</del> likely to affect the setting of the City Walls designated as Scheduled Monuments will only be permitted where:</p> <ol style="list-style-type: none"> <li>they are accompanied by a Heritage Statement that clearly assesses the impact <del>which the proposals are likely to have upon</del> the elements <u>which contribute to their significance</u> <del>and principle characteristics which contribute to their significance</del> and the six principle characteristics of the City as identified in the Heritage Topic Paper;</li> <li>they are <u>designed to preserve the special character of the city walls</u> <del>be no higher than the city walls externally</del> and not reduce their dominance;</li> <li>they do not cause harm to those elements which contribute to the significance, <u>including the setting</u>, <del>or the setting of York Walls; and</del></li> <li>they are of the highest design quality which, where possible, enhances or better reveals the significance of York Walls; <u>and</u></li> <li><u>any harm to the significance of the setting is demonstrably outweighed by the public benefits of the proposal.</u></li> </ol>
MM8.16	163	D13	<p>...</p> <p>In addition, within conservation areas and on buildings identified as heritage assets, illumination will only be supported where the fittings, wiring and level of illumination <u>are</u> <del>is</del> designed to preserve or enhance the historic character and appearance of the building, area and the premises trade as part of the evening economy.</p>

Ref	Page	Policy/ Paragraph	Main Modification
MM9.1	165	GI1	<p>...</p> <p>i. the delivery of the aspirations of partner strategy documents and action plans, including the Leeds City Region Green Infrastructure Strategy (2010<del>8</del>) any other current regional strategies, any other plans formally approved in the future by the Council as part of the Green Infrastructure Strategy;</p> <p>...</p> <p>Where appropriate, dDevelopment proposals will be expected to demonstrate that <u>they are consistent with the above objectives and meet other specific policies below on green infrastructure considerations have been taken into account, in line with the criteria above.</u></p>
MM9.2	166	GI2	<p><i>New clauses added:</i></p> <p>a. <u>assess potential effects on International Sites in accordance with the statutory protection which is afforded to the site. Proposals will be determined in accordance with statute.</u></p> <p>b. <u>demonstrate that proposals will not have an adverse effect on a National Site (alone or in combination). Where adverse impacts occur, development will not normally be permitted, except where the benefits of development in that location clearly outweigh both the impact on the site and any broader impacts on the wider network of National Sites.</u></p> <p>c. <u>demonstrate that where loss or harm to a National site cannot be prevented or adequately mitigated, as a last resort, provide compensation for the loss/harm. Development will be refused if loss or significant harm cannot be prevented, adequately mitigated against or compensated for.</u></p> <p>i. avoid loss or significant harm to Sites of Importance for Nature Conservation (SINCs) <u>and Local Nature Reserves (LNRs)</u>, whether directly or indirectly. Where it can be demonstrated that there is a need for the development in that location and the benefit outweighs the loss or harm the impacts must be adequately mitigated against, or compensated for as a last resort;</p>
MM9.3	166	GI2	<p>d. <u>Retain irreplaceable habitats, including ancient woodland and veteran trees. Development resulting in the loss, deterioration and/or fragmentation of irreplaceable habitats will not be supported unless there are wholly exceptional reasons and a suitable compensation plan exists.</u></p> <p>iv. <del>result in net gain to, and help to improve, biodiversity;</del> <u>achieve net gain in biodiversity in accordance with The Environment Act 2021 (when enforced) and national policy, contributing to the recovery of priority species and habitats and new habitat creation;</u></p>
MM9.4	167	GI2 explanation paragraph 9.5	<p>...</p> <p>The extent of that buffer could vary depending on the site, the type and value of the habitat present and the proposed change. <u>In addition, whilst recognising the benefits to people provided from access to nature, where</u></p>

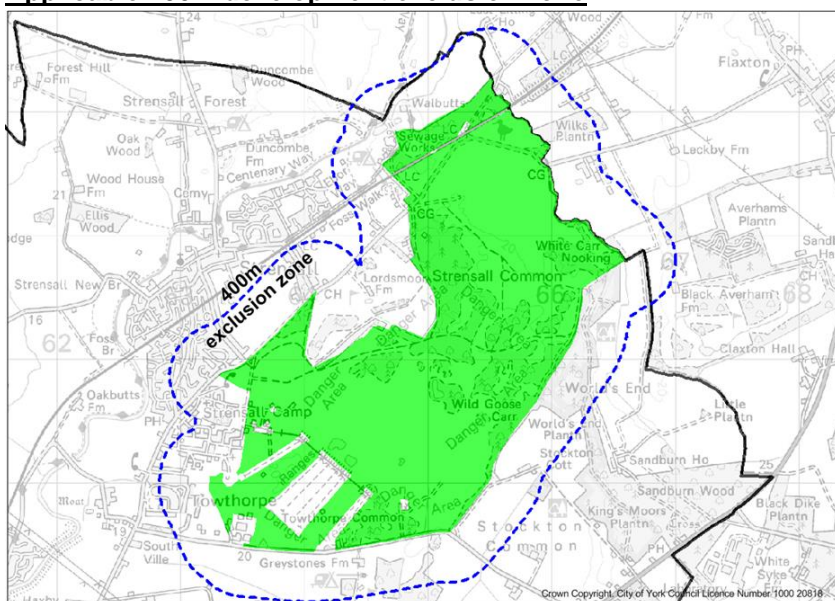
			<u>appropriate developments will be required to fully assess and mitigate for the impact of recreational disturbance on SSSIs, SACs and SPAs</u>
<b>MM9.5</b> Policy	167	GI2 explanation paragraph 9.6	<p><i>Submission paragraph 9.6 deleted:</i></p> <p><i>New paragraph 9.6 added:</i></p> <p><u>The Environment Act sets out a mandatory requirement for development to deliver at least a 10% biodiversity net gain. The provisions of the Act are subject to secondary legislation and development will need to comply with the regulations once it comes into force (expected November 2023).</u></p> <p><u>Net gains in biodiversity can be delivered by almost all development, by following the principles of the mitigation hierarchy and understanding the ecological constraints and opportunities from the early stages of design.</u></p> <p><u>Net gain should deliver genuine additional improvements for biodiversity by creating or enhancing habitats in association with development.</u></p> <p><u>Improvements should go beyond any required mitigation and/or compensation measures following the application of the mitigation hierarchy</u></p>
<b>MM9.6</b>	168	New policy GI2a	<p><u>GI2a: Strensall Common Special Area of Conservation (SAC)</u></p> <p><u>Development not directly connected with or necessary to the management of the SAC will only be permitted where it will not adversely affect the integrity of the Strensall Common SAC, either alone or in combination with other plans or projects. Proposals will be determined in accordance with the following principles:</u></p> <ul style="list-style-type: none"> <li>a) <u>There is an 'exclusion zone' set at 400m linear distance from the SAC boundary. Permission will not be granted for development that results in a net increase in residential units within this zone.</u> <u>Proposals for non-residential development within this zone must undertake Habitats Regulation Assessment to demonstrate that they will not harm the integrity of the SAC.</u></li> <li>b) <u>There is a 'zone of influence' between 400m and 5.5km linear distance from the SAC boundary.</u> <ul style="list-style-type: none"> <li>i. <u>Where new residential development is proposed within the zone of influence on allocated housing sites SS9/ST7, SS10/ST8, SS11/ST9 and SS12/ST14, provision of open space must include or secure access to areas of suitable natural greenspace secured by way of mitigation prior to any occupation of new dwellings and secured in perpetuity.</u></li> <li>ii. <u>Proposals for other housing development which are not within plan allocations will not be permitted unless it can be demonstrated that they will have no adverse effects on the integrity of the SAC, either alone or in combination with other plans or projects. Any necessary mitigation measures may be sought through planning contributions and must be secured prior to the occupation of any new dwellings and secured in perpetuity. Open space provision must also satisfy policy GI6.</u></li> </ul> </li> </ul> <p><b><u>Explanation</u></b></p>



		<p><u>9.8a Strensall Common is designated as a Special Area for Conservation (SAC) and Site of Special Scientific Interest (SSSI). It also has biodiversity value above its listed features in the SSSI/SAC designations that will need to be fully considered.</u></p> <p><u>9.8b At over 570ha, it supports one of the largest areas of lowland heath in northern England. Extensive areas of both wet and dry heath occur and form a complex habitat mosaic with grassland, woodlands/scrub and ponds. Grazing, by sheep and cattle is the key management tool with stock typically present during summer and autumn. The heathland supports a diverse flora and fauna including such characteristic (and vulnerable) species such as nightjar, woodlark, marsh gentian, pillwort, pond mud snail and dark bordered beauty moth, with Strensall Common representing the only site for this species in England.</u></p> <p><u>9.8c Strensall Common is managed by the Yorkshire Wildlife Trust and Ministry of Defence (MOD) who operate an extensive training facility and firing range within and adjacent to the European site.</u></p> <p><u>9.8d The heath is subject to considerable recreational pressure from visitors, especially those with dogs. Although an established network of paths and periodic closures of part of the heath by the MOD (to facilitate training activities) can influence visitor behaviour. However, both the dry and wet heath habitats are particularly vulnerable to trampling, erosion and vandalism such as fire, fly-tipping, pollution and other activities associated with visitor pressure. Although the common is already under intense recreational pressure, there are birds of conservation concern amongst other species and habitats which could be harmed by the intensification of disturbance.</u></p> <p><u>9.8e In 2021, all of Strensall Common SSSI was considered by Natural England to be in favourable condition. However, the corresponding Site Improvement Plan identifies a number of threats including, inter alia, public pressure and air pollution. Natural England's Supplementary Advice (2019) highlights the threat posed to the maintenance of the grazing regime by the worrying and subsequent disturbance of livestock by dogs brought by visitors.</u></p> <p><u>9.8f In addition, the heathland habitat is vulnerable to changes in the hydrological regime and air quality, which will need to be considered and assessed in detail for any proposed development.</u></p> <p><u>9.8g Queen Elizabeth Barracks in Strensall, currently occupied by the Defence Infrastructure Organisation-British Army, is largely within the 400m zone identified in the policy. The Defence Infrastructure Organisation plan to vacate Queen Elizabeth Barracks. The site currently includes single living accommodation and transit accommodation rather than conventional housing, but it is acknowledged that part of the site sits beyond the 400m zone where a net increase in residential uses may be acceptable in line with the policy. The Council will work proactively with any future developers of the site to enable development that address the policy and ensures adverse impacts on the SAC are avoided.</u></p>
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**9.8h** The Habitat Regulation Assessment (2020) has established that adverse effects on the integrity of the common cannot be ruled out without mitigation. The HRA suggests that residential development allocations (in Policy H1) within 5.5km of the common are likely to lead to an increase in recreational pressure which will require mitigation in the form of suitable natural greenspace and such other measures as may be considered necessary to prevent an adverse effect on the integrity of the SAC. Relevant policies/sites include strategic sites SS9(ST7), SS10 (ST8), SS11(ST9), SS12(ST14), SS15(ST17) and Policy H1 (allocation H46). The delivery of appropriate recreational open space on these sites will also need to be considered in line with policy G16. The HRA also anticipates that unallocated windfall development may come forward, although it is not possible at this stage to predict precisely where it will be proposed. To ensure that it does not cause any adverse effect on the integrity of the SAC, the HRA recommends the following policy controls: (1) no net additional dwellings will be permitted within 400m of the SAC, as it is not considered possible to prevent adverse effects from development in such close proximity to the SA; (2) where windfall development is proposed between 400m and 5.5km from the SAC, permission will not be granted unless it can be demonstrated that the proposals will not have an adverse effect on the integrity of the SAC, both in respect of the proposals themselves and in combination with other development; (3) any necessary measures which avoid or reduce such effects must be provided before first occupation and established in perpetuity. The Council will have to consider whether planning obligations will be required, including financial contributions to secure such measures. Proposals must also comply with Policy G16 which requires that all residential proposals contribute to the provision of open space, in particular helping to address deficiencies in the area surrounding a proposed development.

**Applicable 400m development exclusion zone**



MM9.7

169

G14

Development will be supported-permitted where it:  
...

			<p>iv. does not create conflict between existing trees to be retained and new buildings, their uses and occupants, whether the trees or buildings be within or adjacent to the site; <del>and</del></p> <p>v. supplements the city's tree stock with new tree planting where an integrated landscape scheme is required; <u>and,</u></p> <p><i>New clause vi added:</i></p> <p>vi. <u>Provides suitable replacement planting where the loss of trees or hedgerows worthy of retention is justified.</u></p>
<b>MM9.8</b>	170	GI5	<p>Development proposals will not be permitted which would harm the character of, or lead to the loss of, open space of <del>environmental and/or</del> recreational importance unless...</p> <p>...</p> <ul style="list-style-type: none"> <li>• <del>meets the deficit of pitches in geographically appropriate and accessible way. This could be rectified through re-designation of any current surplus facilities in the area of benefit.</del> <u>Provide new pitches in a suitable location that meet an identified need</u></li> </ul>
<b>MM9.9</b> Policy		GI5 explanation paragraph 9.17	<p><u>Proposals involving the <del>Loss and/or</del> replacement of open space sites/facilities should demonstrate that the population benefitting from the original site or facility will not be underprovided or subject to worsening <del>not</del> increase any identified deficiencies in open space in the area of benefit where the original site is located and consideration should be demonstrated as part of the planning process. Only in exceptional circumstances will the Council support proposals where a replacement facility or site is not delivered in advance of the open space undergoing redevelopment.</u></p> <p>...</p>
<b>MM9.10</b>	171	GI6	<p><del>All</del> <u>Residential</u> development proposals should contribute to the provision of open space for recreation and amenity <u>in accordance with current local standards and using the Council's up to date open space assessment.</u> The successful integration of open space into a proposed development should be considered early in the design process. <del>The precise type of on-site provision required will depend on the size and location of the proposal and the existing open space provision in the area. Where there are deficiencies in certain types of open space provision in the area surrounding a proposed development, the Council will seek variations in the component elements to be provided by the developer in order to help to overcome them. Requirements will be calculated using the Council's up to date open space assessment and will be in line with the Council's Green Infrastructure Strategy.</del></p> <p>...</p>
<b>MM9.11</b>	172	GI6	<p>The Council will <del>encourage</del> <u>require</u> on-site provision where possible but off-site provision will be considered acceptable in the following circumstances:</p> <p>i. if the proposed development site <del>would be</del> <u>is</u> of insufficient size in itself to make the appropriate provision (in accordance with the Council's standards) feasible within the site; <del>or</del></p> <p>ii. <del>in exceptional circumstances, if taking into account a site's characteristics including but not limited to the accessibility/capacity of existing open space sites/facilities and the circumstances of the</del></p>

			<p>surrounding area the open space needs in the context of a up-to-date Playing Pitch and Built Sports Facility Strategy, it can be <u>is</u> demonstrated that of the proposed residential development provision can be met more appropriately by providing either new or enhanced provision off-site; and,</p> <p>iii. On <u>allocated</u> strategic sites, <u>it may be appropriate for where through strategic green infrastructure masterplanning agreements that provide for green infrastructure approaches which to make accessible provision beyond the allocated site boundaries</u>. Open space standards as set out in the most up to date open space evidence base document should still be used as a guide to overall provision.</p>
MM9.12	172	GI6	<p>New open space is identified on the <del>proposals</del> <u>Policies</u> Map at:</p> <p>...</p> <p>Indicative new significant areas of open space have been identified in connection with the following strategic sites, as shown on the <del>proposals</del> <u>Policies</u> Map:</p> <p>...</p> <ul style="list-style-type: none"> <li>• <del>OS12: Land to the East of ST35</del></li> </ul> <p>...</p> <p>The precise delineation and extent of the new open space will be set through detailed masterplanning and the planning process. <del>The areas indicated on the proposals map are a guide to general extent based on current understanding of site and other conditions.</del></p>

Ref	Page	Policy/ Paragraph	Main Modification
MM10.1	175	GB1	<p><i>New policy text, wholly replacing submission policy:</i></p> <p><u>Inappropriate development will not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.</u></p> <p><u>The construction of new buildings is inappropriate development. Exceptions to this are:</u></p> <p><u>a) buildings for agriculture and forestry;</u></p> <p><u>b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;</u></p> <p><u>c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;</u></p>

			<p><u>d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;</u></p> <p><u>e) limited infilling in villages;</u></p> <p><u>f) limited affordable housing for local community needs under policy GB2; and</u></p> <p><u>g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:</u></p> <ul style="list-style-type: none"> <li><u>– not have a greater impact on the openness of the Green Belt than the existing development; or</u></li> <li><u>– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the Council area.</u></li> </ul> <p><u>The following forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it:</u></p> <p><u>a) mineral extraction;</u></p> <p><u>b) engineering operations;</u></p> <p><u>c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;</u></p> <p><u>d) the re-use of buildings provided that the buildings are of permanent and substantial construction;</u></p> <p><u>e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and</u></p> <p><u>f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.</u></p> <p><u>Proposals for development that is not inappropriate development will be subject to other policies in this Plan.</u></p>
<b>MM10.2</b>	176	GB1 Explanation paragraph 10.8	<p>The open countryside around York includes a significant number of buildings outside existing settlements. The extension or alteration of these buildings will be <del>considered acceptable, in response to changing circumstances, provided there would be no greater visual impact on the Green Belt or open countryside as a result of the alterations, and where the design of any extension is in keeping with the original buildings.</del> Furthermore, <u>treated as appropriate development provided that this does not result in disproportionate additions over and above the size of the original building.</u> When permission for this type of development is granted, <u>having regard to other policies in the Plan,</u> the applicant will be expected to agree to conditions ensuring that no further extensions will be permitted to the same building.</p>

<b>MM10.3</b>	178	Policy GB1 Explanation new paragraph	<u>10.17 Whilst infilling (defined as the filling of a small gap in an otherwise built-up frontage) is often perceived as acceptable in some locations, this ignores the fact that part of the character of many settlements is made up of gardens, paddocks and other breaks between buildings. It is important to protect those infill spaces, which contribute to the character of smaller settlements lying within the Green Belt. Infill development may also not be desirable if it would consolidate groups of houses, which are isolated from the main body of a village, or consolidate a ribbon of development extending into the open countryside. Infilling is location dependent, therefore in some settlements little or no infill development may be appropriate; in others a limited amount of infill on selected sites may be acceptable.</u>
<b>MM10.4</b>	178	GB2	<i>Policy and explanation text deleted</i>
<b>MM10.5</b>	179	GB3	<i>Policy and explanation text deleted</i>
<b>MM10.6</b>	180	GB4	<p><b>Policy GB4 2: 'Exception' Sites for Affordable Housing in the Green Belt</b></p> <p><u>Exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Supporting evidence for this need will be required with any future planning application.</u></p> <p>The development of <u>limited</u> affordable housing on exception sites in the Green Belt is not inappropriate development and will be considered where:</p> <ul style="list-style-type: none"> <li>i. the development contributes to meeting identified <u>local affordable housing</u> need as illustrated by an up-to-date <u>local</u> housing needs assessment;</li> <li>ii. the affordable housing is retained at an affordable price for future eligible households in perpetuity;</li> <li>iii. the development <del>is within 800m of an existing defined settlement limit</del> <u>or is well related to the existing residential development and amenities located in or adjacent to a clearly identified village or settlement; and</u></li> </ul> <p>...</p>
<b>MM10.7</b>	180	GB4 explanation paragraph 10:23	<u>10.23</u> <sup>19</sup> Housing need will have to be demonstrated and an up-to-date needs survey, <u>related to the local community nearest the location of the proposed development</u> , should be carried out with the City of York Council and the relevant parish council.

Ref	Page	Policy/ Paragraph	Main Modification
<b>MM11.1</b>	182	CC1	<del>New buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. This should be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures. Proposals for how this will be achieved and any viability issues should be set out in an energy statement.</del>

MM11.2	182	CC1	<p>Renewable and low carbon energy generation developments will be encouraged and supported in York. <del>We</del> <u>The Council</u> will work with developers to ensure that suitable sites are identified, and projects developed, <del>working with local communities to ensure developments have their support.</del></p> <p><del>Developments on brownfield land will be encouraged.</del></p> <p><del>All applications will also need to consider the impact the scheme may have on:</del> <u>Proposals for renewable and low carbon energy development, including ancillary development, will be permitted where impacts (direct, indirect, individual and cumulative) on the following considerations are demonstrated to be acceptable.</u></p> <p>...</p> <p>vi. the road network, <u>capacity and highway safety</u>, <del>taking into account the accessibility of the site by road and public transport and also the proximity to the renewable fuel source;</del> and</p> <p>...</p> <p><u>Applications will also be determined in accordance with any further considerations that apply to specific technologies for renewable energy or low carbon technologies that are set out in national planning policy or practice guidance.</u></p> <p><del>Any application for renewable energy would also need to consider the areas of potential and other technical requirements identified in the Council's most up to date Renewable Energy Study</del></p> <p><del>Strategic sites will be required to produce energy masterplans to ensure that the most appropriate low carbon, renewable and energy efficient technologies are deployed at each site, taking into account local factors and the specifics of the masterplans.</del></p> <p>Proposals for renewable and low carbon energy storage developments will be supported and encouraged, <u>subject to demonstrating that impacts on the above considerations are acceptable where relevant.</u> Developments should be sited a suitable distance from major residential areas and have suitable fire suppression procedures.</p>
MM11.3 Policy	184	CC1 explanation paragraph 11.8 – 11.11	<i>Paragraphs 11.8 to 11.11 deleted</i>
MM11.4	185	CC2	<p><del>Developments which demonstrate should achieve high standards of sustainable design and construction will be encouraged by demonstrating</del> <u>Development proposals will be required to demonstrate</u></p> <ul style="list-style-type: none"> <li>• energy and carbon dioxide savings in accordance with the energy hierarchy;</li> <li>• <del>and</del> water efficiency; and</li> <li>• <del>Development proposals will be expected to consider</del> <u>consideration of good practice adaptation principles for climate resilience in their design, construction and operation.</u></li> </ul> <p><u>Planning applications for development covered by this policy are required to include a Sustainability and Energy Statement to demonstrate how the requirements will be met and how development appropriately follows the energy hierarchy. ...</u></p>
MM11.5	185	CC2	<p><b><u>Sustainable Design and Construction of New Development</u></b></p> <p><b><u>A. Residential Development</u></b></p>

			<p>Proposals will be supported where they meet the following:</p> <p>All new residential <del>buildings</del> <u>development</u> of 1 or more <u>dwellings</u> should achieve:</p> <ol style="list-style-type: none"> <li><del>at least a 19% reduction in Dwelling Emission Rate compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations 2013)</del> <u>on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19% should come from energy efficiency measures;</u> and,</li> <li>a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).</li> </ol> <p><u>Pending anticipated changes to Building Regulations, developments should further aim to achieve up to a 75% reduction in carbon emissions over and above the requirements of Building Regulations Part L (2013) unless it is demonstrated that such reductions would not be feasible or viable. The Target Emissions Rate (TER) for proposed new dwellings should be calculated using version 10 of the Standard Assessment Procedure (SAP).</u></p> <p><u>Any higher level of reductions required through Building Regulations or other legislation will supersede the above requirements.</u></p>
MM11.6	185	CC2	<p><b><u>B. Non-residential development</u></b></p> <p>All new non-residential <del>buildings</del> <u>development</u> with a total internal floor area of 1000m<sup>2</sup> or greater should achieve:</p> <ol style="list-style-type: none"> <li><del>a 28% reduction in carbon emissions over and above the requirements of Building Regulations (2013) unless it is demonstrated that such reductions would not be feasible or viable;</del> and,</li> <li>BREEAM 'Excellent' (or equivalent), <u>where feasible and viable and where development proposals are for 1,000m<sup>2</sup> or more.</u></li> </ol> <p><del>Strategic site developments should undertake a BREEAM Communities assessment (or equivalent).</del></p> <p><del>All new residential and non-residential developments will be required to submit an energy statement which demonstrates how these requirements will be met. This should include a sustainability checklist, which shows how principles for sustainable design, construction and operation will be achieved.</del></p>
MM11.7	185	CC2	<p><b><u>Conversion of Existing Buildings and Change of Use</u></b></p> <p><del>Applications</del> <u>Proposals</u> for conversion of <del>existing residential buildings or change of use</del> to residential <u>use</u> should achieve BREEAM domestic refurbishment 'very good' <u>as a minimum.</u></p> <p><del>and</del> <u>Proposals</u> for non-residential conversions or change of use will need to achieve BREEAM <u>Non-Domestic</u> refurbishment and Fit out 'excellent' <u>as a minimum.</u></p> <p><del>If proposals</del> <u>Proposals</u> relating <del>relate</del> to <del>buildings</del> <u>heritage</u> assets should <u>demonstrate the maximum BREEAM score that can be achieved having balanced issues of significance and value to the historic environment with wider benefits to the economy and to the environment as appropriate.</u> <del>of heritage and conservation value these standards would only be required where they can be achieved in a manner consistent with the appropriate</del></p>



			conservation of that asset. The extent to which they can be achieved must be demonstrated by the applicant
<b>MM11.8</b>	186	CC2	<p><i>New sub-section added:</i></p> <p><b><u>Strategic Sites</u></b>  <u>Development proposals on strategic sites should undertake a BREEAM Communities Assessment (or equivalent).</u></p> <p><del>Consequential Improvement to Existing Dwellings-  When applications are made to extend dwellings, proposals will be expected to demonstrate reasonable and proportionate improvements to the overall energy performance of the dwelling. This will be in addition to the requirements of Part L of the Building Regulations.</del></p>
<b>MM11.9</b>	186	CC2 explanation paragraph 11.15	<i>Paragraph deleted</i>
<b>MM11.10</b>	186	CC2 Explanation	<p>11.12 Policy CC2 aims to ensure that all new developments achieve high standards of sustainable design and construction, by minimising greenhouse gas emissions, using resources efficiently, enhancing climate change resilience and promoting health and wellbeing. <del>A sustainability statement will be required for all new residential and non-residential applications.</del></p> <p>11.12a The Council will assess compliance with this policy based on the <u>Sustainability and Energy Statement and/or the BREEAM report. BREEAM is used widely in local planning policy in the UK to demonstrate high standards of sustainable design and construction. Proposals affecting heritage assets will also need to draw together relevant evidence on significance and associated impacts in a manner that is proportionate to the scale of the proposal.</u></p> <p>11.12b The Sustainability and Energy Statement should be completed by a <u>suitably qualified individual and demonstrate how the emissions reduction will be achieved in line with the widely recognised energy hierarchy to:</u></p> <ul style="list-style-type: none"> <li>• <u>Be Lean: use less energy</u></li> <li>• <u>Be Clean: supply energy efficiently</u></li> <li>• <u>Be Green: use low and zero carbon technologies</u></li> <li>• <u>Be Seen: providing monitoring data to measure effectiveness</u></li> </ul>
<b>MM11.11</b>	<u>186</u>	CC2 Explanation	<p><i>New paragraphs added:</i></p> <p><u>11.13a Latest Building Regulations (June, 2022) requires a 31% reduction in carbon emissions from residential buildings. There is flexibility on how the emissions reduction is achieved (whether through fabric improvements or renewables). To ensure that each individual dwelling meets a minimum performance threshold and follows the energy hierarchy, a minimum 19% emissions reduction through energy efficiency measures has been applied.</u></p> <p><u>11.13b Further changes to energy efficiency standards for new homes with a new 'Future Homes Standard' are expected to be introduced by 2024. These will ensure new homes built from 2025 will produce 75-80% lower carbon emissions than homes delivered under current regulations. Policy CC2 therefore requires developers to design homes to meet this level of efficiency in advance of anticipated legislative changes. The Future Homes Standard is also expected to put much greater emphasis on 'fabric first' improvements and the Council aligns the policy to this.</u></p>

			<p>11.13c Any proposed reduction of at least 28% in carbon emissions in non-residential buildings can be achieved through either enhanced energy efficiency measures, use of renewable and low carbon sources, or a mix of both where appropriate</p> <p><i>Paragraphs 11.14 to 11.15 deleted</i></p>
MM11.12	187	CC2 explanation paragraph 11.18 – 11.23	<i>Paragraphs deleted</i>
MM11.13	188	CC3	<p><b><del>District Heating and Combined Heat and Power</del> <u>Decentralised Energy Networks</u></b></p> <p>A. The Council strongly supports the development of decentralised energy, including both combined cooling, heating and power (CCHP) and combined heating and power (CHP) distribution networks <u>where the power source of such a network is non-fossil fuel based.</u></p> <p>B. <u>All major developments are required to assess the feasibility and viability of connecting to an existing decentralised energy network, or, where this is not possible, identified future network opportunities. Where neither option is feasible or viable, developments should evaluate the feasibility and viability of developing a site-wide network. Developments will be required to adopt a solution according to this order unless it is demonstrated that they would be neither feasible nor viable. This evidence should be included in the Sustainability and Energy Statement. Proposals for development within heat priority areas and all New Strategic Sites must demonstrate, that heating and cooling technologies have been selected in accordance with the following heating and cooling hierarchy, unless it can be clearly demonstrated that such requirements are not viable and/ or that an alternative approach would be more sustainable:-</u></p> <ul style="list-style-type: none"> <li>i. <u>connection to existing (C)CHP distribution networks;-</u></li> <li>ii. <u>site wide renewable distribution networks including renewable (C)CHP;-</u></li> <li>iii. <u>site wide gas-fired (C)CHP distribution networks;-</u></li> <li>iv. <u>renewable communal heating/ cooling networks;-</u></li> <li>v. <u>gas-fired communal heating/ cooling networks;-</u></li> <li>vi. <u>individual dwelling renewable heating; and-</u></li> <li>vii. <u>individual dwelling heating, with the exception of electric heating.-</u></li> </ul> <p>C. All (C)CHP systems are required to be scaled and operated in order to maximise the potential for carbon reduction. <del>Developments that do not connect to or implement (C)CHP or communal heating networks should be 'connection-ready'.</del></p> <p>D. <del>Energy statements must be provided to demonstrate and quantify how development will comply with the energy requirements of this policy. Sustainability and energy statements should set out a level of detail proportionate to the scale of development. The Council will work proactively with applicants on major developments to ensure these requirements can be met.-</del></p>
MM11.14 Policy	189	CC3 explanation paragraph	<p>11.28 The Council will strongly support the use of decentralised energy in new developments, <u>and therefore requires all new major developments to assess the feasibility of connecting to an existing decentralised energy</u></p>

		11.28 – 11.34	<p><u>network, or where this is not possible establishing a new network. Applicants should consider the options below, in the order listed, to ensure that energy from an efficient source is used where possible:</u></p> <ol style="list-style-type: none"> <li>1. <b><u>Connect immediately:</u></b> where feasible and viable, development will be required to connect immediately to existing networks that are likely to be operational in the long term, and do not require the network as a whole to increase its fossil fuel consumption (i.e. it should be demonstrated that the network either has spare and wasted capacity, or demonstrate that the energy in the decentralised network is sourced from renewable sources).</li> <li>2. <b><u>Connect in immediate future:</u></b> where networks do not currently exist, developments will be required to assess the feasibility of connecting to identified future decentralised energy network opportunities in the vicinity of the site, having regard to best available evidence such as area specific feasibility studies and any other relevant energy plans. Where shown to be feasible and viable, development proposals must provide on-site infrastructure for connection and agree a timescale for connection where possible;</li> <li>3. <b><u>Provide a site wide low carbon network:</u></b> where connection to an existing or planned network is not feasible, developments should evaluate the feasibility and viability of a site wide network using low carbon energy sources</li> </ol> <p>and particularly (C)CHP distribution networks, with the aspiration that this will help achieve the targets set in the Climate Change Action Plan for York. The Council will work with developers during pre-application discussions, in order to facilitate the development of district heating networks and buildings that are 'connection ready'.</p> <p><i>Paragraphs 11.29 – 11.34 (including figure 11.1 and table 11.1) deleted</i></p>
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Ref	Page	Policy/ Paragraph	Main Modification
MM12.1	192	ENV1	<p><i>New policy text, wholly replacing submission policy:</i></p> <p><u>Development will only be permitted if the impact on air quality is acceptable, including the provision of mechanisms which appropriately mitigate adverse impacts and further exposure to poor air quality.</u></p> <p><u>All applications which are:</u></p> <ul style="list-style-type: none"> <li>* <u>major planning applications; or</u></li> <li>* <u>within Air Quality Management Areas (AQMA's); or</u></li> <li>* <u>with potential to generate significant air quality impacts; or</u></li> <li>* <u>include air quality sensitive uses (including schools, hospitals, care homes)</u></li> </ul> <p><u>must submit a detailed Air Quality Assessment. This should quantitatively identify emissions arising from the proposal, air quality impacts and exposure to pollution as a result of the proposal and demonstrate how these will be minimised and mitigated against as part of the development.</u></p>

			<u>Where an Air Quality Assessment identifies there is potential for new occupants to be exposed to unacceptable levels of air pollutants, an exposure mitigation strategy will be required.</u>
<b>MM12.2</b>	195	ENV1 Explanation	<p>12.6 In order to reduce emissions to air and improve air quality the impact of development on air quality must be acceptable. The significance of the air quality impacts will depend on the context of the development. Air quality is likely to be a high priority consideration where the development leads to a breach, or significant worsening of a breach of an air quality objective, in an AQMA for example, or indeed where the development introduces new exposure into an exceedance area. <del>Mechanisms must be put in place to prevent (or reduce as far as practically possible) further human exposure to poor air quality. This is applicable to both new developments and on existing sites that can be affected by new development. Development which includes 'relevant' locations in areas where air quality is known to be above or approaching air quality objective values must seek to reduce exposure according to the design mitigation hierarchy set out at Figure 12.2 below. Relevant locations can be defined as outdoor, non-occupational locations (e.g. schools, care homes, hospitals and residential properties) where members of the public are likely to be regularly exposed to pollutants over the averaging time of the air quality objectives.</del></p> <p>12.7 Applicants must use 'best endeavours' to minimise total emissions from their sites, <u>during both construction and operational phases</u>, including <u>minimising transport to and from them</u>. This <del>will</del><u>may</u> include <u>measures requirements to minimise private car use prioritising walking and cycling promote and incentivise and provision of infrastructure to support the use of low emission vehicles and fuels</u>. <u>Consideration should also be given to the exposure mitigation hierarchy (see figure 12.2) in the design of the development to help minimise exposure to poor air quality.</u> <del>and in some cases the provision of, or financial contribution towards the cost of low emission vehicles and associated infrastructure. Developer contributions to fund appropriate mitigation may be required. Examples include the provision of on-site electric vehicle recharging infrastructure and/or financial support for the provision low emission public transport services such as public transport and waste collection. The actual measures required will be site specific depending on the scale and location of the development and the connecting transport routes. A Low Emission Supplementary Planning Document (SPD) will be prepared which will set out how the Council will consider and how applicants should approach, planning applications that could have an impact on air quality. Minor planning applications are those proposals for 9 or less dwellings/up to 1,000sqm commercial floorspace and major planning applications are those proposals for 10 or more dwellings/over 1,000sqm commercial floorspace).</del></p> <p>...</p> <p>12.8 <del>A detailed emissions assessment and/or a full detailed</del> <u>Air Quality Impact Assessment are likely to will be required for major planning applications that have potential to generate significant air quality impacts or include air quality sensitive uses such as:</u></p>

			<ul style="list-style-type: none"> <li>• <del>generate or increase traffic congestion;</del></li> <li>• give rise to significant change in traffic volumes i.e. +/- 5% change in annual average daily traffic (AADT) or peak hour flows within AQMA's or +/- 10% outside AQMA's;</li> <li>• give rise to significant change in vehicle speeds i.e. more than +/- 10 kilometres per hour on a road with more than 10,000 AADT (or 5,000 AADT where it is narrow and congested);</li> <li>• significantly alter the traffic composition on local roads, for example, increase the number of heavy duty vehicles by 200 movements or more per day;</li> <li>• include significant new car parking, which may be taken to be more than 100 spaces outside an AQMA or 50 spaces inside an AQMA. This also includes proposals for new coach or lorry parks;</li> <li>• introduce new exposure close to existing sources of air pollutants, including road traffic, industrial operations, agricultural operations;</li> <li>• include biomass boilers or biomass fuelled Combined Heat and Power (CHP) plant (considerations should also be given to the impacts of centralised boilers or CHP plant burning other fuels within or close to an AQMA);</li> <li>• could give rise to potentially significant impacts during construction for nearby sensitive locations (e.g. <u>hospitals, schools, care homes, residential areas, areas with parked cars and commercial operations that may be sensitive to dust</u>);</li> <li>• will result in large, long-term construction sites that would generate large HGV flows (&gt;200 movements per day) over a period of a year or more; and/or</li> <li>• requires an Environmental Impact Assessment.</li> </ul> <p><del>12.9—Clear guidance in the form of a comprehensive schedule of the development triggers for what level of air quality assessment will be set out in the forthcoming Low Emission SPD, to ensure a clear and consistent approach. Information will also be provided on recommended low emission vehicle technologies and fuels that should be implemented to mitigate emissions. Mitigation measures are likely to include priority and parking incentives for low emission vehicles, the provision of electric charging points in new developments and car free developments. The potential of using developer contributions to fund low emission infrastructure and mitigate against emissions will also be explored.</del></p> <p><u>12.9a The Council will produce further guidance as necessary and will review the significance of the air quality impacts in line with local and national guidance.</u></p>
MM12.3	197	ENV2	<p>Development will <del>not</del> be permitted where <u>it does not unacceptably harm the amenities of existing and future occupants on the site</u> <del>occupiers and existing in neighbouring communities.</del></p> <p><del>would be subject to significant adverse environmental impacts such as noise, vibration, odour, fumes/emissions, dust and light pollution without effective mitigation measures.</del> <u>Development proposals that are likely to give rise to the following environmental impacts</u> <del>Evidence must be submitted to demonstrate that environmental quality is to the satisfaction of the Council. how these</del></p>

			<p><u>matters have been considered in relation to both the construction and life of the development:</u></p> <ul style="list-style-type: none"> <li>• <u>Increase in artificial light or glare;</u></li> <li>• <u>Adverse noise and vibration; and</u></li> <li>• <u>Adverse impact upon air quality from odour, fumes, smoke, dust and other sources;</u></li> </ul> <p>Development proposals for uses that are likely to have an environmental impact on the amenity of the surrounding area, including residential amenity, open countryside, local character and distinctiveness, and public spaces, must be accompanied by evidence that the impacts have been evaluated and the proposal will not result in loss of character, amenity or damage to human health, to either existing or new communities. This includes assessing the construction and operation phases of development.</p> <p>Where proposals are acceptable in principle, planning permission may be granted subject to conditions.</p> <p><del>For proposals which involve development with common party walls a verification report must be submitted to confirm the agreed mitigation works have been carried out.</del></p>
<b>MM12.4</b>	199	ENV3	<p>Where there is evidence that a site may be affected by contamination or the proposed use would be particularly vulnerable to the presence of contamination (e.g. housing with gardens), planning applications must be accompanied by an appropriate contamination <u>risk</u> assessment.</p> <p><del>Development of a site known to be or which has the potential to be affected by contamination will be permitted identified as being at risk will not be permitted where a contamination assessment does not fully assess the possible contamination risks, and / or where the proposed remedial measures will not deal effectively with the levels of contamination to ensure there are no significant impacts on human health, property, groundwater or surface water.</del></p> <p>Where proposals are acceptable in principle, planning permission will be granted subject to conditions.</p> <p>...</p>
<b>MM12.5</b>	201	ENV4	<p>...</p> <p><u>Development proposed in areas of flood risk must be informed by an acceptable site-specific flood risk assessment, following the Sequential Test and, if required, the Exception Test.</u></p> <p><del>An assessment of whether the development is likely to be affected by flooding and whether it will increase flood risk locally and elsewhere in the catchment must be undertaken. The assessment of proposed development against its flood risk vulnerability and its compatibility with this vulnerability, as defined in the most up to date Strategic Flood Risk Assessment (SFRA), will determine whether development is appropriate, what detailed policies for the resultant flood zone classification, as stated in the SFRA will apply, and whether a further Exception Test (that makes provision for sites in a zone with a higher probability of flooding to be assessed against wider</del></p>

		<p><del>sustainability benefits, provided that the flood risk posed is controlled and mitigated to an acceptable level) is subsequently required.</del></p> <p><u>Proposals located in areas known to be at risk from any form of flooding must demonstrate that:</u></p> <ul style="list-style-type: none"> <li>i. <u>there is no direct or cumulative increase in flood risk locally or elsewhere in the catchment arising from the development; and.</u></li> <li>ii. <u>The development will be safe during its lifetime with arrangements for the adoption, maintenance and management of any mitigation measures identified in a management and maintenance plan</u></li> </ul> <p><del>Where flood risk is present, development will only be permitted when the local planning authority is satisfied that any flood risk within the catchment will be successfully managed (through a management and maintenance plan for the lifetime of the development) and there are details of proposed necessary mitigation measures.</del></p> <p><u>A site-specific flood risk assessment that takes account of future climate change must be submitted with any planning application related to sites:</u></p> <ul style="list-style-type: none"> <li>i. <u>in Flood Zone 1 larger than 1ha;</u></li> <li>ii. <u>in Flood Zone 1 where development could be affected by flooding from sources other than rivers and the sea;</u></li> <li>iii. <u>in Flood Zones 2 and 3; and</u></li> <li>iv. <u>where development or change of use to a more vulnerable use may be subject to other sources of flooding</u></li> </ul> <p><del>A flood risk assessment must be submitted with any planning application where flood risk is an issue, regardless of its location within the flood zones. In addition, a site-specific flood risk assessment that takes account of future climate change must be carried out for all planning applications of 1 hectare or greater in Flood Zone 1 and for all applications in Flood Zones 2, 3a, 3a(i) and 3b.</del></p> <p><del>Areas of greater flood risk may be utilised for appropriate green infrastructure spaces.</del> <u>Proposals should adopt a sequential approach to site layout and the potential for green infrastructure to provide natural flood management and mitigation should be incorporated, where appropriate.</u></p>
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MM14.1	210	Section 14 Introduction paragraphs 14.2-14.3	<p>14.2 Transport policies have an important role to play contributing to this and also contributing to wider sustainability, environmental (including heritage) and health objectives. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel <u>and enabling development in a way which reduces its environmental impact.</u></p> <p>...</p>

			<p><u>14.3a A new Local Transport Strategy is being prepared and, informed by the Local Plan, it will set out the Council's approach to maximising sustainable transport use in York. It will inform a new Local Transport Plan which will be developed using the emerging Department for Transport guidance and will be submitted to government. This will set out York's transport priorities and act as a bidding document to government for further Transport Funding.</u></p> <p><u>14.3b The Local Transport Strategy will be supported by a number of implementation documents which will set out detailed plans for individual modes of transport or aspects of the transport system. One of the implementation documents will be York's Local Cycling and Walking Infrastructure Plan which will set out in detail how the York cycle and walk networks will be developed to provide effective walk/ cycle facilities to support the proposed development pattern. A further implementation document will be the Bus Service Improvement Plan, which will set out how the bus service in York will be developed.</u></p>
<b>MM14.2</b>	210	T1	<p>Development will be <u>permitted supported</u> where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport.</p> <p>This will be achieved by:</p> <ul style="list-style-type: none"> <li>a. ensuring developments that can be reasonably expected to generate significant traffic movements are supported by frequent high quality public transport linking them to York's City Centre and other key destinations, as appropriate; and</li> <li>b. requiring development proposals to demonstrate <ul style="list-style-type: none"> <li>i. There is safe and appropriate access to the adjacent adopted highway <u>for motor vehicles but also for pedestrians and cyclists.</u></li> </ul> </li> </ul> <p>...</p> <p>...For all development, public transport services should be within reasonable safe walking <del>and cycling travel</del> distance of all parts of the development.</p> <p><del>In applying this policy it is recognised that in some circumstances developments will not be able to achieve these criteria (for example, in heart of foot streets area), so they can, subject to sufficient justification of effective accessibility (including taxis) being submitted by a developer, be relaxed. Also some developments may be of a sufficient size to warrant a higher degree of accessibility than would otherwise be required for its location.</del></p>
<b>MM14.3</b>	211	T1 explanation paragraph 14.4	<p>... The layout and design of development will need to balance safety, convenience and attractiveness whilst addressing potential conflict between the different modes of transport. <u>In applying this policy it is recognised that, in some circumstances, developments will not be feasible (for example, in the heart of footstreets area), so they can, subject to sufficient justification of effective accessibility, be applied more flexibly.</u></p>
<b>MM14.4</b>	213	T2	<p>The Plan will support the delivery of general and specific junction, highway or public transport infrastructure enhancements as set out in the Local Transport Plan <del>32</del> 2011-2031 (LTP3) and subsequent associated (or complementary) investment programmes- <u>(including updates to the Local Plan Infrastructure</u></p>



			<p><u>Delivery Plan</u>), particularly the <u>Bus Service Improvement programme</u> starting from 2022 and the programme to electrify up to two-thirds of York's bus network. The Council will enable and where appropriate require development to contribute to:</p> <ul style="list-style-type: none"> <li>• <u>Expanded and improved bus services across the City, potentially including elements of Bus Rapid Transit services, to connect Site Allocations ST15 and ST14 to York city centre and adjacent development.</u></li> <li>• <u>Expansion and improvements to the Park and Ride network to serve inter-urban bus services and reduce pressure on the strategic road network</u></li> <li>• <u>Highways enhancements and traffic restraint measures in the city centre to improve public transport reliability</u></li> <li>• <u>Rail and accessibility improvements including improvements to public transport interchange at York Station and development of a new Station at Haxby.</u></li> </ul> <p><u>The Council has identified specific projects as part of its Infrastructure Delivery Plan, highlighting timescale for delivery (whether short, medium and longer term) and associated funding and delivery bodies. This will be regularly reviewed and updated over the life of the Plan to support delivery.</u></p> <p><u>In addition, strategic public transport infrastructure, as listed below, and (if requiring land outside of the highway boundary to implement) as identified on the Proposals Policies Map, will be implemented in the short-term and medium-term timescales shown, and pursued in the long-term timescale shown.—</u></p> <p><u>Short-term (2017-22)—</u></p> <p>i. <u>The following highway enhancements to improve public transport reliability—</u></p> <ul style="list-style-type: none"> <li>• <u>Electrification of 5 of 6 services on the park and ride network</u></li> <li>• <u>public transport interchange improvements in York city centre at Rougier Street and Museum Street,—</u></li> <li>• <u>Leeman Road / Shipton Road Corridor Improvements,—</u></li> <li>• <u>improve bus routing and waiting facilities adjacent to the memorial gardens in Leeman Road</u></li> <li>• <u>citywide improvements to the urban traffic control system—to improve service reliability, and</u></li> <li>• <u>a package of physical measures to improve operation of the bus fleet and bus services in York city centre.—</u></li> </ul> <p><u>Medium-term (2022-27)</u></p> <p>ii. <u>Further expansion of the Askham Bar and Poppleton Bar Park &amp; Ride facilities to match rising demand.—</u></p> <p>iii. <u>The following highway enhancements to improve public transport services and reliability—</u></p> <ul style="list-style-type: none"> <li>• <u>a segregated grade-separated bus (and pedestrian /cycle) route across A1237 to improve connectivity with the areas to the north-west of the city, and—</u></li> </ul>
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			<ul style="list-style-type: none"> <li>• <del>a dedicated public transport / cycle route linking the new settlement (ST15) to a suitable access on York's highway network in the urban centre of York (subject to confirmation of developers access proposals to site ST15 so not shown on the proposals policies map).</del></li> </ul> <p><del>Long-term (2027-32)</del></p> <ul style="list-style-type: none"> <li>iv. <del>A new railway station at Haxby.</del></li> <li>v. <del>Traffic restraint measures in the city centre to improve public transport reliability</del></li> </ul> <p><del>The Plan will also support (subject to compliance with other policies in the Plan) development proposals that</del></p> <ul style="list-style-type: none"> <li>-</li> <li>vi. <del>improve rail access and connectivity, including but not limited to new railway stations / halts for heavy or light rail services, and capacity improvements and other enhancements (including new technology applications, where appropriate) on rail lines running into or through York; or</del></li> <li>vii. <del>provide highway enhancements to improve public transport reliability; or</del></li> <li>viii. <del>facilitate the relocation of the Designer Outlet Park &amp; Ride facility.</del></li> </ul>
MM14.5	214	T2 Explanation paragraphs 14.15 to 14.23	<p>14.15 <del>Preliminary</del> Transport modelling work undertaken using the City of York's strategic transport model <del>predicts forecasts</del> that the volume of traffic on the highway network overall could increase by approximately <del>20%</del>15% (an extra <del>7000</del> 6,500 vehicle trips in each peak) by <del>2033</del>the end of the local plan period. <del>The corresponding predicted increase in travel time across the network is approximately 30% and the increase in network delay is approximately 55%. If not mitigated by improvements to non-car modes, T</del>this level of traffic growth could lead to significant delays being experienced on the radial routes into York, the outer ring road (A64 and A1237) and all routes within the outer ring road.</p> <p>14.16 To help mitigate this, the implementation of strategic public transport infrastructure, in association with service improvements seeks to encourage modal shift away from private motor vehicle use to more use of public transport. This offers <u>enhanced access for all members of the community to jobs, services and leisure opportunities and reduce reliance on private motorised transport for travel and hence minimise the increase in traffic levels arising from new development. This will be enabled through strategic projects led by the Council and where required to mitigate development impacts, through developer contributions associated strategic site allocations as identified in Section 3 of this Plan and from other developments in line with Policy DM1. The broad timescales for the delivery of these schemes shall match the anticipated growth in population and demand for travel in York over the plan period, and development-related opportunities.</u></p> <p>14.17 Policy T2 identifies <u>the approach of developing York's bus network in the short term through interventions through York's Bus Service Improvement programme, individual schemes with funding committed (such as rebuilding York Station frontage). In the longer term the focus will be on developing a Bus Rapid Transit system on the principal routes in York, including new</u></p>

		<p><u>settlements at Land West of Elvington Lane (ST15) and Land West of Wigginton Road (ST14). the principal strategic schemes that need to be delivered, but many more smaller projects with more local impacts will also be required, either individually or as part of larger projects. The Council will support development proposals which bring about the improvement of existing railway stations and facilities or the provision of new existing railway stations and facilities, or bring about some other improvement which will be beneficial to the operation of the line. More detail is contained in the Infrastructure Delivery Plan. York Railway Station is not included in this list (other than for the public transport interchange improvements at York Station) as it is subject to a shown in the separate specific policy (Policy T3).</u></p> <p>14.18 The development of new and improved public transport services and facilities will still need to satisfy policies throughout the plan in terms of protecting the built and natural environment and replacing amenities that may be otherwise removed by development.</p> <p>14.19 <del>Askham Bar Park &amp; Ride site currently has 1,100 car parking spaces, but it can be expanded to accommodate a further 150 spaces. The planning permission for the Poppleton Bar Park &amp; Ride site (currently 600 spaces) allows for further expansion up to 1200 spaces. For new (or relocated) Park &amp; Ride sites, location is an important factor in ensuring its effective operation. Sites should, ideally, be</del></p> <ul style="list-style-type: none"> <li><del>• well signed;</del></li> <li><del>• adjacent to a major radial approach route;</del></li> <li><del>• on the edge of the built up area;</del></li> <li><del>• safe and easy to access;</del></li> <li><del>• outside any congested area to maximise the advantages of bus priority; and</del></li> <li><del>• adjacent to trip attractors (i.e. destinations in their own right) if there is a desire to attract non-Park &amp; Ride passengers, particularly for 'back-trips', to the bus service. Siting trip generators (e.g. residential developments) near to bus stops at which Park &amp; Ride services call could also attract non-Park &amp; Ride passengers.</del></li> </ul> <p>14.20 Improvements or new <u>major public transport</u> facilities should include sufficient car parking for persons with disabilities, cycle parking and facilities for buses, taxis and where appropriate, coaches. Provision of car parking (other than for people with disabilities) should be determined through a transport assessment and travel plan. New or improved facilities should also incorporate suitable signage and traffic management measures to reduce potential conflicts.</p> <p>14.21 <del>The Council will support development proposals which bring about the improvement of existing railway stations and facilities or the provision of new existing railway stations and facilities, or bring about some other improvement which will be beneficial to the operation of the line. York Railway Station is not included in this list (other than for the public transport interchange improvements at York Station) as it is subject to a shown in the separate specific policy (Policy T3). At new or improved rail stations the</del></p>
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			<p>'station environment' must provide safe and convenient movement to and between platforms and include other facilities, such as sheltered waiting and ticketing facilities, public transport information and sensitive lighting and landscaping. Proposals for new or improved rail stations should also have improved access to them by all modes, in accordance with the Council's Hierarchy of Transport Users as set out in the Local Transport Plan 2011-2031 (LTP3).</p> <p>14.22 The strategic public transport improvements in the longer-term are vital to widen the transport choices available to people who live in, work in or visit York as the larger residential and employment sites come on-stream. <u>Improvements to the rail network will also reduce pressure on the strategic road network.</u></p> <p>14.23 More detail pertaining to how strategic public transport infrastructure is to be funded and delivered is contained in the Infrastructure Delivery Plan <u>which will be updated to ensure it reflects data on transport demand and the projects planned to address this.</u></p>
<b>MM14.6</b>	216	T3	<p>Development will be supported that:</p> <ul style="list-style-type: none"> <li>i. conserves and, where appropriate, enhances those elements that contribute to the significance of the Listed Grade II* station;</li> <li>ii. improves the setting of and approaches to the station and the experience of those using it, to meet the demands of <del>the modern</del> rail customers;</li> <li>iii. increases the railway capacity at York Station (as identified on the <del>Proposals</del> <u>Policies</u> Map) to meet changing demands on and capacity in the rail network, over the duration of the Local Plan period and beyond, and to develop the station as</li> <li>...</li> <li>vi. improves pedestrian and cyclist access to within and through the station, including, but not limited to <ul style="list-style-type: none"> <li>• links to improved interchange with further links from <u>the station</u> <del>this</del> to the south-western quadrant of the city centre,</li> <li>...</li> </ul> </li> <li>vii. facilitates the continued use of essential operational rail lines and facilities or the establishment of new essential operational rail lines or facilities until such time, as determined by <u>the</u> rail regulator, that land required for York Central (Policy SS4) is no longer to remain in rail use.</li> </ul>
<b>MM14.7</b>	219	T4	<p>The Plan will support the delivery of general and specific junction or other highway enhancements as set out in the Local Transport Plan 2011-2031 (LTP3) and subsequent associated (or complementary) investment programmes that improve journey time reliability on sections of the road network that experience high volumes of traffic or delay.</p> <p><del>In addition, strategic highway capacity improvements, as listed below and (if requiring land outside of the highway boundary to implement) as identified</del></p>

			<p><del>Proposals Policies Map</del>, will be implemented in the short-term and medium-term timescales shown, and pursued in the long-term timescale shown:  <u>The Council will enable and, where appropriate, require development to contribute to:</u></p> <p><u>Short-term (2017/18 – 2023/24)</u></p> <p>...</p> <p><u>Long-term (2027/28 – 2032/33)</u></p> <p>vii. <u>New access off A64, including grade separated junction, to serve the Land West of Elvington Lane site (ST15)</u></p> <p>viii. <u>Upgrading the A1237 to dual-carriageway standard between the A64 Askham Bryan junction and A19 Shipton Road junction-</u></p> <p>ix. <u>Improvements to the A64 to mitigate trip growth on this route</u></p> <p>...</p> <p><u>The Council has identified specific projects as part of its Infrastructure Delivery Plan, highlighting timescale for delivery (whether short, medium and longer term) and associated funding and delivery bodies. This will be regularly reviewed and updated over the life of the Plan to support delivery.</u></p>
MM14.8	221	T5	<p>The Plan will support the delivery of general and specific schemes as set out in the Local Transport Plan 2011-2031 (LTP3) and subsequent associated (or complementary) investment programmes to provide a comprehensive cycling and pedestrian network and improve the environment for walking and cycling, including in York's Local Cycling and Walking Infrastructure Plan (LCWIP), <u>which is in development.</u></p> <p><u>The Council will enable and where appropriate require development to contribute to:</u></p> <ul style="list-style-type: none"> <li>• <u>Improvement and expansion to the strategic cycle network across the City Of York Council</u></li> <li>• <u>Improvements to the pedestrian network, including public realm enhancements and where feasible widening of the pavement</u></li> <li>• <u>New pedestrian / cycle bridges across waterways including the River Foss</u></li> </ul> <p><del>In addition, strategic cycle and pedestrian network links and improvements, as listed below and (if requiring land outside of the highway boundary to implement) as identified on the Proposals Policies Map, will be implemented in accordance with the timescales shown, to encourage modal shift away from private motor vehicle use to more active and sustainable modes of transport:</del></p> <p><u>Short-term (2017/18 – 2022/23)</u></p> <p>i. <u>Widening of footway / cycle way on east side of Scarborough bridge and new approach ramps (includes direct link into York Station);</u></p>

			<p>ii. Haxby Road / Huntington Road Corridor (Phase 1 — north of existing Nestle site to A1237)*;</p> <p>iii. Wetherby Road / Acomb Road Corridor*;</p> <p>iv. Bishopthorpe Road South Corridor*;</p> <p>v. Fishergate North Corridor*;</p> <p>vi. Strensall Road Corridor (Strensall to A1237)*, and</p> <p>vii. University of York East Campus to West Campus link.</p> <p>Note schemes denoted thus (*) also extend into the medium term and long term.</p> <p><u>Medium Term (2022/23 — 2027/28)</u></p> <p>viii. Wigginton Road Corridor — Mill Lane to north of existing Nestle Site (ST17) (complementing Inbound bus priority measures on Wigginton Road);</p> <p>ix. Haxby Road / Huntington Road Corridor (Phase 2 — city centre to north of existing Nestle site (ST17);</p> <p>x. Hull Road Corridor (complementing Bus priority measures on the Hull Road corridor);</p> <p>xi. Hurricane Way / Stirling Road corridor**, and</p> <p>xii. Pedestrian / cycle bridges across the River Foss (as part of the re-development of the York Castle Gateway major regeneration area);</p> <p>Note scheme denoted thus (**) is a relatively small scheme that could be implemented the short-term.</p> <p><u>Long Term (2027/28 — 2032/33)</u></p> <p>xiii. Strategic north-south and east-west cycle routes through the city centre.</p> <p>In addition to the above, other schemes identified through the Council's Strategic Cycle Route Network Evaluation and Prioritisation Methodology (e.g. Strategic Infill cycle scheme package and Cycle Routes to Villages package) will be pursued.</p> <p>The Plan will also support proposals that improve access to and around new development, particularly strategic sites, and proposals that improve other cycle and pedestrian routes that are neither strategic network links nor routes included in the <u>Proposals Policies Map</u>.</p>
MM14.9	223	T6	<p>Development will be supported in locations close to existing or proposed public transport interchanges or <u>facilities</u> <u>high frequency public transport routes/facilities</u> provided that the development does not:</p> <ul style="list-style-type: none"> <li>• lead to a loss of access to <u>the interchange or facility/route</u> <del>and at the interchange or facility</del>; or</li> <li>• have a detrimental impact on the operation of the interchange or facility/ route; or</li> <li>• have a detrimental impact on the interchange or <u>facility/route</u> <del>or the surrounding area</del>, such that the long-term viability of <u>public transport</u> services would be adversely affected; or</li> </ul>

			<ul style="list-style-type: none"> <li>• prejudice the existing or future expansion of the interchange or facility to accommodate more services or modes (<del>e.g. for example, freight</del>); or</li> <li>• <del>generate a demand for travel by private motorised vehicles that is likely to be unsustainable either in the location of the development or on the wider highway network; or</del></li> <li>• <del>have an adverse impact on the character, historic and natural environment and amenity of the area in the vicinity of the development; or</del></li> <li>• <del>compromise the purpose of the Green Belt.</del></li> </ul> <p>To prevent the loss <u>or reuse (for a different purpose)</u> of disused public transport corridors <u>(former rail line formations)</u> or public transport facilities that could otherwise be reused, new development will <del>be</del> not be permitted where it prejudices <del>the reuse of disused public transport corridors or facilities,</del> and where there is a reasonable prospect of the:</p> <ul style="list-style-type: none"> <li>• reopening of the transport corridor or facility for either heavy rail or light rail (e.g. tram-train) operation, or other form of 'guided' public rapid transport service; or</li> <li>• <del>the</del> re-opening of a heavy rail/light rail (tram-train) station or halt; or</li> <li>• <del>the</del> provision of a rail head/freight facility; or</li> <li>• the continued use or future use of the transport corridor as a walking or cycling route or as a route for horse-riding; or</li> <li>• <del>the</del> transport corridor either functioning or being able to function as a wildlife corridor; or</li> <li>• <del>the</del> transport corridor being reclaimed for use as a linear park.</li> </ul> <p>Where development is sited close to or is likely to have an impact on existing operational <u>or disused</u> railway lines <del>or lines that may be reopened</del>, no new crossings will be permitted. Furthermore, development proposals must demonstrate to the satisfaction of Network Rail that the safe use of affected level crossings as a result of development will not be compromised or the impacts can be mitigated.</p>
MM14.10	225	Policy T7 Explanation paragraph 14.49	<p>14.49 The coverage and content of a <del>TS, TA or TP</del> <u>Transport Statement or Transport Assessment</u> will vary significantly depending on the size and type of development they are required to support. Although NPPF does not state explicitly when a <del>TS</del> <u>Transport Statement</u> should be prepared in preference to a <del>TA</del> <u>Transport Assessment</u> <del>(and vice versa)</del>, the transport issues arising out of smaller development proposals may not require a full <del>TA</del> <u>Transport Assessment</u> to inform the process adequately and identify suitable mitigation. In these instances, it has become common practice to produce a simplified report - a TS. There will also be situations where the transport issues relating to a development proposal are limited, and no formal assessment is necessary. <u>A transport statement will be required for major development and a Transport Assessment will be required for any development expected to generate 30 or more peak hour trips.</u> <u>Guidance thresholds for the preparation of a TS TA or TP will be contained in the 'Sustainable Transport for Development SPD.</u> <del>In addition, the Council reserves the right to request a TS, TA or TP in other instances.</del> <u>There may be instances where the location</u></p>

			and/or the nature of the development are considered to be particularly sensitive <u>and the Council requests a Transport Statement or Transport Assessment below these thresholds, for example a development in an area with sensitive heritage or high congestion levels.</u>
<b>MM14.11</b>	226	T8	<p>To improve the overall flow of traffic in and around York City Centre, improve road safety, provide an environment more conducive to walking and cycling, and contribute to overall environmental quality development <u>should comply with the Council latest parking standards guidance, incorporate appropriate demand management measures that reduce congestion, improve public transport journeys, ease pedestrian and cycle access to, within and through the development and improve the streetscape.</u> <del>will be supported that is in compliance with the Council's up-to-date Parking Standards, as contained in the 'Sustainable Transport for Development' SPD.</del></p> <p>Development that increases the number of long-stay (i.e. more than 4 hours parking) car parking spaces in and around the city centre will not be permitted.</p> <p><del>Positive consideration will be given to development proposals incorporating appropriate demand management measures that reduce congestion, improve public transport journeys, ease pedestrian and cycle access to, within and through the development and improve the streetscape.</del></p>
<b>MM14.12</b>	230	C1	<p><del>The Council will seek the removal and relocation of any visually intrusive masts particularly in the city centre, as and when the opportunity arises. A planning condition will be used to implement the removal of redundant masts or other communications equipment, where appropriate.</del></p> <p><del>Communications Infrastructure in new developments</del>  All new development will be required to enable a Next Generation Access (NGA) broadband connection (i.e. to communications infrastructure that provides a broadband in excess of a minimum of 24Mbps (30Mbps for contracts signed from 2017 onwards) ) unless the developer can clearly demonstrate that meeting this requirement is not viable. Where it can be demonstrated that the provision of a NGA broadband connection is not viable, proposals should provide a minimum download connection of 10Mbps and incorporate suitable infrastructure to support delivery of NGA broadband at a future date</p> <p><del>Developers of strategic sites (or other major schemes) should engage with communication providers and local broadband groups to explore how NGA broadband can be provided and how the development may contribute to and integrate with active broadband projects within the local area.</del></p>

Ref	Page	Policy/ Paragraph	Main Modification
<b>MM15.1</b>	235	DM1	<p>...</p> <p>The Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. Contributions will be sought to fund strategic infrastructure that helps to</p>



			<p>deliver the Vision, Spatial Strategy and Objectives of the Local Plan, as well as specific infrastructure that is necessary to deliver an individual site.</p> <p><u>Where developers demonstrate that there are exceptional circumstances which justify the need for a viability assessment at the application stage, the Council will consider the assessment. If the development is demonstrably unviable, consideration will be given to modifying the phasing of obligations and may extend to including a review mechanism in any legal agreement.</u></p> <p>...</p>
<b>MM15.2</b>	235	DM1 explanation paragraph 15.13	<p>Planning obligations (including contributions) <u>and any levy</u> will be sought in accordance with legislation and Government policy. <del>Recent legislation has resulted in some reforms to restrict the use of planning obligations coming into effect and others that took effect from April 2014. For example, Part 11 of the Planning Act 2008 provided for the introduction of the Community Infrastructure Levy (CIL) and the Community Infrastructure Regulations, 2010 set out the detail of how CIL will be used to charge and pool contributions from a variety of new developments to fund infrastructure.</del> The Council will consider what it will charge (and collect) contributions on a city-wide or area basis in order to help fund certain elements of strategic infrastructure that will be required to deliver all future development or the development of a particular area of the City. <del>However, under the CIL regulations, as amended, the Council's ability to pool S106 has been limited since April 2015.</del></p>

<b>MM15.3</b> Policy	237	DM1 explanation paragraph 15.15 and Table 15.1	<p>For the sustainable transport component within the 'Ensure Efficient and Affordable Transport Links' element of the Plan's Vision and Outcomes, preliminary transport modelling predicts that the volume of traffic on the highway network overall could increase by approximately <del>20</del>15% (an extra <del>70</del>6500 vehicle trips in each peak) by the end of the local plan period. The corresponding predicted increase in travel time across the network is approximately 30% and the increase in network delay is approximately 55%. These are average values and there will be variations throughout the network, with some areas or specific junctions experiencing higher levels of delay than others. <u>Two things should, however, be highlighted in relation to traffic growth in York. First, the increasing level of delay on the network should be considered not in the context of the 2019 base values (as per Table 15.1), but against the traffic impacts of other development scenarios for York (on the basis that some development and population growth will be seen in the city whether a Local Plan is adopted or not). Modelling undertaken for the Local Plan illustrates that the chosen spatial distribution in the Local Plan imposes a similar traffic impact to alternative development scenarios. Secondly, the modelling represents a stress test of the network using a reasonable worse case scenario for trip growth. Between 2001 and 2021 York's population increased substantially, but this did not lead to a proportionate increase in trip making</u></p>
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Replace Table 15. 1 with:

Table 15. 1: Comparison of Future Year Modelled Travel Times with Baseline Year Travel Times (2019)

Trip		2019 Base year modelled peak hour trip time (decimal mins)		Future Year (2032/33) Forecast					
				Modelled peak hour trip time (decimal mins)		Increase from baseline year (decimal mins)		Difference versus a non Local Plan development pattern in 2033 (decimal mins) (a negative number shows the local plan outcome to be better on that corridor)	
Route No.	Description	AM	PM	AM	PM	AM	PM	AM	PM
1	A1237 (Northbound)	27.7	34.9	33.8	35.8	+6.1	+0.9	0.0	-0.5
	A1237 (Southbound)	27.8	31.8	33.3	35.7	+5.5	+3.9	+1.0	-0.5
2	A64 (Northbound)	17.5	16.7	18.2	17.5	+0.7	+0.8	0.0	0.0
	A64 (Southbound)	16.7	16.6	17.4	17.1	+0.7	+0.5	+0.1	-0.1
3	Inner Ring Road (Clockwise)	21.9	24.2	24.9	28.7	+3.0	+4.5	-0.6	-1.1
	Inner Ring Road (Anti-clockwise)	23.0	25.2	25.6	28.9	+2.6	+3.7	-1.1	-0.5
4	A1036 Tadcaster Road (Inbound)	18.5	17.0	20.2	18.1	+1.7	+1.1	+0.1	-0.1
	A1036 Tadcaster Road (Outbound)	14.7	15.9	16.5	17.1	+1.8	+1.2	-0.1	-0.5
5	A19 Fulford Road (Inbound)	20.1	14.6	21.9	16.6	+1.8	+2.0	-1.2	-0.6
	A19 Fulford Road (Outbound)	11.8	16.0	12.3	18.2	+0.5	+2.2	-0.1	-0.3
6	A1079 Hull Road (Inbound)	18.5	16.2	20.9	19.0	+2.4	+2.8	-0.2	+0.7
	A1079 Hull Road (Outbound)	14.0	16.7	15.9	20.0	+1.9	+3.3	-0.1	-0.3
7	A1036 Malton Road (Inbound)	9.6	10.3	11.2	10.5	+1.6	+0.2	-1.6	-1.2
	A1036 Malton Road (Outbound)	8.3	9.0	9.6	9.8	+1.3	+0.8	-0.3	+0.3
8	B1363 Wigginton Road (Inbound)	16.9	15.6	18.3	15.4	+1.4	-0.2	+0.3	-0.1
	B1363 Wigginton Road (Outbound)	13.3	14.9	14.0	15.2	+0.7	+0.3	-0.2	+0.1
9	A19 Shipton Road (Inbound)	17.4	14.8	20.0	13.0	+2.6	-1.8	-0.7	+0.3

			<table><tr><td></td><td>A19 Shipton Road (Outbound)</td><td>11.6</td><td>12.7</td><td>12.6</td><td>13.5</td><td>+1.0</td><td>+0.8</td><td>-0.2</td><td>-0.3</td></tr><tr><td rowspan="2">10</td><td>A59 Boroughbridge Road (Inbound)</td><td>15.9</td><td>15.4</td><td>17.4</td><td>16.7</td><td>+1.5</td><td>+1.3</td><td>-2.6</td><td>+0.9</td></tr><tr><td>A59 Boroughbridge Road (Outbound)</td><td>15.0</td><td>14.6</td><td>16.9</td><td>14.9</td><td>+1.9</td><td>+0.3</td><td>-2.9</td><td>-0.1</td></tr><tr><td rowspan="2">11</td><td>B1224 Wetherby Road (Inbound)</td><td>11.1</td><td>11.5</td><td>11.7</td><td>12.0</td><td>+0.6</td><td>+0.5</td><td>-0.6</td><td>-0.1</td></tr><tr><td>B1224 Wetherby Road (Outbound)</td><td>10.3</td><td>10.2</td><td>10.6</td><td>10.2</td><td>+0.3</td><td>0.0</td><td>-0.1</td><td>-0.1</td></tr><tr><td rowspan="2">12</td><td>Haxby Road (Inbound)</td><td>15.6</td><td>14.1</td><td>16.9</td><td>16.3</td><td>+1.3</td><td>+2.2</td><td>-0.5</td><td>+0.7</td></tr><tr><td>Haxby Road (Outbound)</td><td>14.0</td><td>14.9</td><td>14.4</td><td>15.8</td><td>+0.4</td><td>+0.9</td><td>-0.3</td><td>-0.2</td></tr><tr><td rowspan="2">13</td><td>Water End (to northeast)</td><td>3.7</td><td>4.0</td><td>5.7</td><td>4.5</td><td>+2.0</td><td>+0.5</td><td>0.0</td><td>0.0</td></tr><tr><td>Water End (to southwest)</td><td>6.6</td><td>3.9</td><td>6.9</td><td>6.5</td><td>+0.3</td><td>+2.6</td><td>-0.1</td><td>-1.0</td></tr><tr><td rowspan="2">14</td><td>Leeman Road (Inbound)</td><td>-</td><td>*</td><td>5.2</td><td>5.1</td><td>-</td><td>-</td><td>0.0</td><td>-0.1</td></tr><tr><td>Leeman Road (Outbound)</td><td>-</td><td>-</td><td>8.1</td><td>7.0</td><td>-</td><td>-</td><td>-0.1</td><td>0.0</td></tr><tr><td rowspan="2">15</td><td>Bishopthorpe Road (Inbound)</td><td>15.3</td><td>14.5</td><td>18.9</td><td>17.5</td><td>+3.6</td><td>+3.0</td><td>+0.2</td><td>-0.2</td></tr><tr><td>Bishopthorpe Road (Outbound)</td><td>12.0</td><td>12.7</td><td>12.7</td><td>13.9</td><td>+0.7</td><td>+1.2</td><td>0.0</td><td>+0.1</td></tr></table>		A19 Shipton Road (Outbound)	11.6	12.7	12.6	13.5	+1.0	+0.8	-0.2	-0.3	10	A59 Boroughbridge Road (Inbound)	15.9	15.4	17.4	16.7	+1.5	+1.3	-2.6	+0.9	A59 Boroughbridge Road (Outbound)	15.0	14.6	16.9	14.9	+1.9	+0.3	-2.9	-0.1	11	B1224 Wetherby Road (Inbound)	11.1	11.5	11.7	12.0	+0.6	+0.5	-0.6	-0.1	B1224 Wetherby Road (Outbound)	10.3	10.2	10.6	10.2	+0.3	0.0	-0.1	-0.1	12	Haxby Road (Inbound)	15.6	14.1	16.9	16.3	+1.3	+2.2	-0.5	+0.7	Haxby Road (Outbound)	14.0	14.9	14.4	15.8	+0.4	+0.9	-0.3	-0.2	13	Water End (to northeast)	3.7	4.0	5.7	4.5	+2.0	+0.5	0.0	0.0	Water End (to southwest)	6.6	3.9	6.9	6.5	+0.3	+2.6	-0.1	-1.0	14	Leeman Road (Inbound)	-	*	5.2	5.1	-	-	0.0	-0.1	Leeman Road (Outbound)	-	-	8.1	7.0	-	-	-0.1	0.0	15	Bishopthorpe Road (Inbound)	15.3	14.5	18.9	17.5	+3.6	+3.0	+0.2	-0.2	Bishopthorpe Road (Outbound)	12.0	12.7	12.7	13.9	+0.7	+1.2	0.0	+0.1
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MM15.4	239	DM1 explanation paragraph 15.21	...Normal development costs and the costs of high-quality materials and urban design considerations are universally applicable and will not be allowed for in negotiations to reduce contributions. <u>Review mechanisms may be secured as part of a legal agreement requiring a ‘re-run’ of the viability appraisal post-permission. Either actual or updated predictions of sales values and build costs of a development will be compared against the assumptions made in the application viability assessment to see whether the scheme’s viability has improved in the time that has passed to allow policy compliant contributions to be secured.</u>																																																																																																																												

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STATUTORY INSTRUMENTS

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## 2013 No. 117

## TOWN AND COUNTRY PLANNING, ENGLAND

## The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013

<i>Made</i>	- - - -	<i>24th January 2013</i>
<i>Laid before Parliament</i>		<i>29th January 2013</i>
<i>Coming into force</i>	- -	<i>22nd February 2013</i>

The Secretary of State, in exercise of the powers conferred by section 109(3) of the Localism Act 2011(a), makes the following Order:

**Citation, commencement and application**

1.—(1) This Order may be cited as the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 and shall come into force on 22nd February 2013.

(2) This Order applies in relation to England only.

**Partial revocation of Regional Strategy**

2.—(1) The Regional Strategy for Yorkshire and Humber comprises—

- (a) the regional spatial strategy for the region (“the RSS”)(b); and
- (b) the regional economic strategy for the region (“the RES”)(c).

(2) The Regional Strategy for Yorkshire and Humber is revoked except for—

- (a) the policies of the RSS set out in the Schedule to this Order (“the RSS York Green Belt policies”); and
- (b) the Key Diagram of the RSS insofar as it illustrates the RSS York Green Belt policies and the general extent of the Green Belt around the City of York.

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(a) 2011 c. 20.

(b) The Yorkshire and Humber Plan Regional Spatial Strategy to 2026, published in May 2008 as required by section 1 of the Planning and Compulsory Purchase Act 2004 (c.5). Under Part 5 of the Local Democracy, Economic Development and Construction Act 2009 (c.20), section 1 of the 2004 Act was repealed and the RSS became part of the regional strategy for the region from 1st April 2010. Part 5 of the 2009 Act is partially amended and partially repealed by sections 109 and 237 of, and paragraphs 18 and 19 of Schedule 8 and Part 16 of Schedule 25 to, the Localism Act 2011 (c.20). These amendments and repeals took effect on 15th November 2011, except for the repeal of sections 70(5), 82(1) and (2) which will be commenced on a day to be appointed. Section 83 of the 2009 Act was repealed by section 30(3) of, and Schedule 6 to, the Public Bodies Act 2011 (c.24).

(c) The Regional Economic Strategy for Yorkshire & Humber 2006-2015, published in 2006 by Yorkshire Forward, the Yorkshire and Humber Regional Development Agency, as required by section 7 of the Regional Development Agencies Act 1998 (c.45). Section 7 of the 1998 Act was substituted by section 83 of the Local Democracy, Economic Development and Construction Act 2009 (c.20) and is repealed by section 109(7) of, and paragraph 2 of Schedule 8 to, the Localism Act 2011(c.20) on a day to be appointed. Under Part 5 of the 2009 Act, the RES became part of the regional strategy for the region from 1st April 2010. Part 5 of the 2009 Act is partially amended and partially repealed as set out at (b) above.

Signed by authority of the Secretary of State for Communities and Local Government

24th January 2013

*Nick Boles*  
Parliamentary Under Secretary of State  
Department for Communities and Local Government

## SCHEDULE

### RSS York Green Belt policies

Article 2

#### **POLICY YH9: Green belts**

C The detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city.

#### **POLICY Y1: York sub area policy**

Plans, strategies, investment decisions and programmes for the York sub area should:

C Environment

1. In the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.
2. Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Section 109 of the Localism Act 2011<sup>(a)</sup> abolished the regional planning tier by repealing Part 5 of the Local Democracy, Economic Development and Construction Act 2009<sup>(b)</sup> (which only applied in relation to England). This includes the removal of the responsible regional authorities. Section 109 also made provision to revoke or partially revoke, by order, the eight existing regional strategies.

This Order makes use of those powers to partially revoke the regional strategy for Yorkshire and Humber, which comprises The Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (“the RSS”) and the Regional Economic Strategy for Yorkshire & Humber 2006-2015. Policies in the RSS which relate to the Green Belt around the City of York are retained. The Key Diagram from the RSS is retained insofar as it illustrates the retained York Green Belt policies and the general extent of the Green Belt around the City of York. The Key Diagram can be found after page 214 of the RSS. A copy can be obtained from the Planning Directorate, Department for Communities and Local Government, Eland House, Bressenden Place, London, SW1E 5DU.

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- (a) 2011 c. 20.  
(b) 2009 c. 20.

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