

City of York Council

YORK MINSTER PRECINCT NEIGHBOURHOOD PLAN: POST- EXAMINATION DECISION STATEMENT

Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

This document is the decision statement required to be prepared under Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended). It sets out the Council's response to each of the recommendations contained within the Report to City of York Council of the independent examination of the York Minster Precinct Neighbourhood Plan ("the Plan") by independent Examiner Mr Andrew Ashcroft, which was submitted to the Council on 7th January 2022.

This decision statement, the independent Examiner's Report and the submission version of the York Minster Precinct Neighbourhood Plan and supporting documents can be viewed on the Council's website: www.york.gov.uk/neighbourhoodplanning in line with the current arrangements in the Council's update Statement of Community Involvement.¹

1.0 BACKGROUND

- 1.1 Under the Town and Country Planning Act 1990 (as amended), City of York Council ("the Council") has a statutory duty to assist communities in the preparation of neighbourhood (development) plans and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6, Chapter 3) sets out the Local Planning Authority's responsibilities under neighbourhood planning.
- 1.2 This statement confirms that the modifications proposed by the Examiner's Report have been considered and accepted and that subject to making the recommended modifications (and other minor modifications) the Plan may now be submitted to referendum.
- 1.3 The York Minster Precinct Neighbourhood Plan was designated by the Council as a Neighbourhood Area on 14th March 2019. The Plan describes the focus of the neighbourhood area as the Cathedral and Metropolitan Church of St Peter, in York, better known as York Minster. The neighbourhood plan does not follow any particular parish or ward boundaries, but lies within an area of approximately 6 hectares, bounded by the historic city walls to the north and west and by city streets to the south and east. It is an integral element of the city centre. The Minster itself is widely

¹ [statement-of-community-involvement \(york.gov.uk\)](http://www.york.gov.uk/statement-of-community-involvement)

visible within the city centre and also from more remote locations around the city. It is entirely within the Local Planning Authority's area.

- 1.4 York Minster Precinct Neighbourhood Plan Forum undertook pre-submission consultations on the draft Plan in accordance with Regulation 14. Consultation on the Pre-Submission Version took place between 11th January and 23rd February 2019. A second Pre-Submission consultation took place between 16th December 2020 and 14th February 2021.
- 1.5 Following the submission of the York Minster Precinct Neighbourhood Plan to the Council on 26th April 2021, the Council publicised the draft Plan for a six-week period and representations were invited in accordance with Regulation 16. The Submission consultation took place between 14th July and 8th September 2021.

2.0 INDEPENDENT EXAMINATION

- 2.1 The Council appointed Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI, with the consent of York Minster Neighbourhood Forum, to undertake the independent examination of the York Minster Precinct Neighbourhood Plan and to prepare a report of the independent examination.
- 2.2 The Examiner examined the Plan by way of written representations supported by an unaccompanied site visit of the Neighbourhood Plan Area on 13th October 2021.
- 2.3 The Examiner's Report was formally submitted on 7th January 2022. The Report concludes that subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to referendum.
- 2.4 Following receipt of the Examiner's Report, legislation requires that the Council consider each of the modifications recommended, the reasons for them, and decide what action to take. The Council is also required to consider whether to extend the area to which the referendum is to take place.

3.0 DECISION AND REASONS

- 3.1 Having considered each of the recommendations made in the Examiner's Report and the reasons for them, the Council, has decided to accept all of the Examiner's recommended modifications to the draft Plan. These are set out in Table 1 below.
- 3.2 The Council considers that, subject to the modifications being made to the Plan as set out in Table 1 below, the York Minster Precinct Neighbourhood Plan meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) is compatible with the Convention rights

and meets the requirements of paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

- 3.3 As a consequence of the required modifications, the Council will modify the York Minster Precinct Neighbourhood Plan accordingly, for it then to proceed to referendum.
- 3.4 The Examiner recommended that the referendum area should go beyond the Neighbourhood Plan area, to include the neighbourhood area and residential properties within the immediate vicinity of the neighbourhood area. It is this area where the immediate effects of the development proposed in the Plan area could be experienced
- 3.5 This decision was made at a meeting of the Council's Executive on 17th March 2022.
- 3.6 This decision statement is dated 17th March 2022.

Other information:

The Neighbourhood Plan document will be updated to incorporate all the modifications required and re-titled Referendum Version. The date for the referendum and further details will be publicised shortly once a date is set by the Council.

Table 1: Examiner’s Recommended Modifications

York Minster Precinct Neighbourhood Plan Policy	Examiner’s Report Reference	Recommended Modification	CYC Consideration/ Justification
At end of paragraph 1.0.5	Paragraph 7.11	Add: “The neighbourhood area is shown in Figure 1. The Plan period is 2020 to 2035.	Agree with the modifications for the reasons set out in the Examiners Report.
Policy A1: Purpose and ambition		No modifications proposed.	N/A
Policy A2: Sustainable Development	Paragraphs 7.21-7.23	In the fifth paragraph replace ‘New development’ with ‘As appropriate to its scale and nature new development’	Agree with the modifications for the reasons set out in the Examiners Report.
Policy A3: Policies Map	Paragraphs 7.24-7.26	Delete the final sentence of the policy. Replace the policy’s title with: ‘Spatial Plan’	Agree with the modifications for the reasons set out in the Examiners Report.
Policy A4: Design Excellence	Paragraphs 7.27-7.32	Replace the first part of the policy with: ‘Development proposals should demonstrate design excellence and be inspired by and contribute to the distinctive and historic nature of the Precinct, be resilient to climate change and extreme weather events, and reduce carbon emissions’ Replace the opening element of the second part of the policy with ‘As appropriate to their scale and nature, development proposals will be supported which meet the following criteria:’	Agree with the modifications for the reasons set out in the Examiners Report.

		<p>Set out the first and second criteria with bullet points.</p> <p>At the end of each bullet point replace the full stop with a semi-colon. After the semi colon at the end of the penultimate bullet point add 'and'</p>	
Policy B1: Landscape and Biodiversity Net Gain	Paragraphs 7.33-7.36	<p>Replace the first paragraph with: 'Where relevant, development proposals should protect and enhance existing areas of biodiversity in the Precinct, including any green corridors'</p> <p>In the third paragraph of the policy add 'would' between 'proposals' and 'affect'</p>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy C1: Historic Environment	Paragraphs 7.37-7.41	Delete the final three paragraphs of Policy C1.	Agree with the modifications for the reasons set out in the Examiners Report.
Policy C2: Listed Building Consent	Paragraph 7.42	Delete the third paragraph of the Policy C2.	Agree with the modifications for the reasons set out in the Examiners Report.
Policy C3: Archaeological and Scheduled Monuments Consent	Paragraph 7.43	Delete the final two paragraphs of Policy C3.	Agree with the modifications for the reasons set out in the Examiners Report.
Section 6.4 – 'Section C _ Historic Environment' general	Paragraph 7.43	<p>Reposition the final paragraph of the Policy C1 at the end of submitted paragraph 6.4.1.</p> <p>Thereafter reposition the third paragraph of Policy C2 at the end of the modified paragraph.</p> <p>Reposition the two preceding paragraphs of Policy C1 (combined) as a new paragraph</p>	Agree with the modifications for the reasons set out in the Examiners Report.

		<p>(paragraph 6.4.4)</p> <p>Insert a new paragraph 6.4.5 to read: <i>'Policy C3 comments about the archaeology and scheduled monuments consent procedures. Where development proposals affect Scheduled Monuments, an application must be made to Historic England for Scheduled Monument Consent. When Scheduled Monument Consent is granted, it is usually subject to certain conditions that may specify methods of working, or arrangements for prior archaeological investigation and recording. These conditions are listed in the consent letter and are applied in order to safeguard the scheduled remains'</i></p> <p>Renumber submitted paragraphs 6.4.4 and 6.4.5 accordingly.</p>	
Policy D1: Wellbeing	Paragraphs 7.44-7.45	<p>Replace 'Development which supports' with 'Development proposals which promote'</p>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy E1: Movement and Public Realm	Paragraphs 7.46-7.48	<p>Delete the final two bullet points in the policy.</p> <p>At the end of the second bullet point add: 'subject to consideration for universal accessibility as set out in Policy E2 of this Plan'.</p> <p><i>Reposition the two bullet points so that they sit at the end of paragraph 6.6.1 of the Plan.</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy E2: Accessibility and Wayfinding	Paragraphs 7.49-7.50	<p>In the first paragraph of the policy replace 'is to work' with 'will work'</p> <p>In the second paragraph delete 'therefore'</p>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy E3: electric Vehicles and Parking	Paragraphs 7.51-7.53	<p>In the first paragraph of the policy replace 'applications' with 'development proposals'</p>	Agree with the modifications for the reasons set out in

		<p>Delete the second part of the policy (add as a Community Action after Policy E4 – see below).</p> <p>Replace the policy title with: ‘Electric Vehicle Charging’</p>	the Examiners Report.
Policy E4: Green Travel Plans	Paragraphs 7.54-7.55	Replace the policy with: ‘Development proposals that reduce unnecessary vehicle movements and parking within the Minster Precinct will be supported.’	Agree with the modifications for the reasons set out in the Examiners Report.
Paragraphs after Policy E4	Paragraphs 7.52 & 7.55	<p>Insert a new Community Action using the same format as other Community Actions in the Plan (after Policy E4) to read:</p> <p>‘The Chapter of York will begin to introduce electric charging points within the Chapter House Car Park to encourage non-tourist visitors and staff to use electric or hybrid cars. In the future, priority for parking will be given to visitors and staff using electric cars.</p> <p>The Minster will work towards reducing unnecessary vehicle movement and parking within the Precinct by providing alternative modes of transport to be articulated in a York Minster Green Travel Plan. This will consider the impacts of any proposals on neighbouring streets and car parks and the needs of blue badge holders. Other businesses and institutions within the Neighbourhood Plan Area will be encouraged to collaborate in a joint Green Travel Plan strategy’</p>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy F1: Monitoring and Securing Delivery	Paragraphs 7.56-7.58	Delete the final two paragraphs of the policy.	Agree with the modifications for the reasons set out in the Examiners Report.
Policy PA1: Minster Yard and College Green	Paragraphs 7.59-7.62	<p>Replace B with ‘New outdoor seating for residents and visitors’</p> <p>In E replace ‘To be visible’ with ‘The new development should be visible’</p>	Agree with the modifications for the reasons set out in the Examiners

		<p>Replace G with: ‘The development of a zone for reconfigured stonemasons’ compound with appropriate fencing to allow for continued visitor engagement’</p> <p>Replace H with: ‘Access should be maintained to the Stoneyard and refectory from Deangate. On road cycling route should be maintained with careful design to minimise conflict between the cycling route and pedestrians’</p> <p>Delete I.</p> <p>In J replace ‘Enhancement of College Green to provide’ with: ‘The enhancement of College Green should’</p>	Report.
Paragraph 7.1.1	Paragraph 7.62	At end of paragraph 7.1.1 add: ‘The policy approach offers a longer-term opportunity to reconfigure Deangate to enhance the quality and enclosure of the public realm in this area. Any changes to traffic routing will require agreement with the City of York Council in its capacity as the Highways Authority’	Agree with the modifications for the reasons set out in the Examiners Report.
Policy PA2: West Front and Queen Elizabeth Square	Paragraphs 7.63-7.67	Replace C with: ‘The South African War Memorial should be incorporated into the design of the new square and surrounding public realm’	Agree with the modifications for the reasons set out in the Examiners Report.
Policy PA3: Learning and gardens	Paragraphs 7.68-7.71	<p>Replace the opening element of the second paragraph of the policy with:</p> <p>‘Zones A – D will become a centre for learning and participation with space to exhibit the Minster’s artefacts. It will have multifunctional space for use by visiting schools and community groups and for adult learning and will include: teaching space, learning, office, exhibition space, stores and conservation studio and library. It will incorporate the following elements:’</p> <p>Replace the final part of the policy with:</p> <p>‘Development proposals should also incorporate the following elements:</p>	Agree with the modifications for the reasons set out in the Examiners Report.

		<ul style="list-style-type: none"> •the wider support for controlled and authorised access to the City Walls. •the delivery of a new sensory garden, the design of which appropriately incorporates the Kohima War Memorial to the Second Division taking account of healthy and mature trees in the immediate locality' 	
Policy PA4: Own Use Properties	Paragraphs 7.22-7.75	<p>Delete '3D modelling of proposals is likely to be necessary to develop appropriate design solutions'</p> <p>Replace C with: 'The display of part of the Minster's lapidarium with examples of historic stone being able to be viewed from the City Walls'</p>	Agree with the modifications for the reasons set out in the Examiners Report.
Paragraph 7.4.2	Paragraph 7.75	At the end of paragraph 7.4.2 add: 'Policy PA4 sets out key land use and design principles for this important part of the Minster Precinct. Given its heritage and environmental sensitivity, 3D modelling of development proposals may be necessary to develop appropriate design solutions'	Agree with the modifications for the reasons set out in the Examiners Report.
Community Actions	Paragraphs 7.76-7.79	<p>Re-number paragraph 4.9.2 to 4.9.3.</p> <p>Introduce a new paragraph 4.9.2 to read:</p> <p>'The Plan includes a series of Community Actions. They are non-land use matters which have naturally arisen as the Plan was being prepared. In some cases, their implementation will complement the land use policies. The Actions are incorporated within the policy key themes. They are distinguished from the land use policies by their display in a Community Action box and without the shading associated with the policies'.</p> <p>In the Community Action on page 70 add: 'Additionally, this will seek to ensure the suitable location for cycle parking or amendments to existing facilities to make them accessible to all types of cycles'</p>	Agree with the modifications for the reasons set out in the Examiners Report.
Other matters - General	Paragraph 7.80	Modification of general text (where necessary) to achieve consistency with the modified policies	Agree with the modifications for the

			reasons set out in the Examiners Report.
Other matters – specific: paragraph 1.0.3	Paragraphs 7.81-7.82	At the end of paragraph 1.0.3 add: ‘The importance of the Minster and the City of York Council working collaboratively to secure funding is captured in a Community Action’	Agree with the modifications for the reasons set out in the Examiners Report.
Other matters – specific:	Paragraphs 7.81-7.82	In the Introduction insert an additional Community Action to read: ‘The Forum and the City of York Council will work collaboratively to secure funding for projects in general, and as identified in this Plan in particular’.	Agree with the modifications for the reasons set out in the Examiners Report.
Other matters – specific:	Paragraphs 7.81-7.82	Add an additional bullet point at the end of paragraph 1.0.6 to read: ‘The York Minster Precinct attracts crowds as result of its cultural and historic assets. The Minster is one of the City’s leading visitor attractions and draws around 700,000 visitors to the Precinct annually (pre-pandemic). As such measures for the safety and security of users and facilities need to be constructively considered through management of access and links to the rest of the city centre, particularly in relation to vehicles’	Agree with the modifications for the reasons set out in the Examiners Report.
Other matters – specific: paragraph 3.3.2 / page 20	Paragraphs 7.81-7.82	On page 20 - South of the Minster: Replace the first bullet point with ‘Relationship between the strategic cycle route through the square and the Square’s public realm use by pedestrians’	Agree with the modifications for the reasons set out in the Examiners Report.
Other matters – specific: paragraph 3.3.2 / page 23	Paragraphs 7.81-7.82	On page 23 – North of the Minster: Replace the third bullet point with: ‘Poor quality surfacing and parked cars on the cobbled street east of Dean’s Park and their effect on the setting of the Minster and Dean’s Park.’ Modify the fourth bullet point to read: ‘Poor quality surfacing and parked cars on the cobbled street east of Dean’s Park, which is part of the private estate and an	Agree with the modifications for the reasons set out in the Examiners Report.

		unadopted section of the road’.	
Other matters – specific: paragraph 3.5.3	Paragraphs 7.81-7.82	In paragraph 3.5.3 replace the second sentence with: ‘The latter has a negative visual impact on the setting of Dean’s Park and the Minster and hinders pedestrian access to the park gates.’	Agree with the modifications for the reasons set out in the Examiners Report.
Other matters – specific: paragraph 3.7.5	Paragraphs 7.81-7.82	At the end of paragraph 3.7.5 add: ‘This approach will help to identify opportunities to support community and well-being’.	Agree with the modifications for the reasons set out in the Examiners Report.
Other matters – specific: Section 5.2	Paragraphs 7.81-7.82	Insert an additional community action (in Section 5.2) to read: ‘The Minster Precinct Forum and the City of York Council will work collaboratively to achieve Eco Gold Church status by 2025.’	Agree with the modifications for the reasons set out in the Examiners Report.
Other matters – specific: Policies Map	Paragraphs 7.81-7.82	Policies Map – ensure consistency between the Map itself and the Key on the Chapter House Yard.	Agree with the modifications for the reasons set out in the Examiners Report.
Other matters – specific: paragraph 7.0.2	Paragraphs 7.81-7.82	At the end of paragraph 7.0.2 add: ‘The proposals for the Project areas should be considered in conjunction with the other policies in the neighbourhood plan. This will ensure that the Plan is read as a whole.’	Agree with the modifications for the reasons set out in the Examiners Report.
Other matters – specific: paragraph 7.2.2	Paragraphs 7.81-7.82	At the end of 7.2.2 final bullet point add: ‘and ensuring that any proposals can be maintained in perpetuity’	Agree with the modifications for the reasons set out in the Examiners Report.
Other Matters –	Paragraphs	Recommend that the referendum area is the neighbourhood area and residential	Agree with the

Referendum Area	7.83-7.85	properties within the immediate vicinity of the neighbourhood area. It is the area where the immediate effects of the development proposed in the Plan could be experienced. Appendix A of this report identifies this area by reference to postcodes.	modifications for the reasons set out in the Examiners Report.
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