

**Notice of a public meeting of
Executive**

To: Councillors Gillies (Chair), Aspden, Ayre, Brooks, Dew, K Myers, Runciman and Waller

Date: Thursday, 7 March 2019

Time: 5.00 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

A G E N D A

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Monday, 11 March 2019.**

*With the exception of matters that have been the subject of a previous call in, require Full Council approval or are urgent, which are not subject to the call-in provisions. Any called in items will be considered by the Customer and Corporate Services Scrutiny Management Committee.

1. Declarations of Interest

At this point, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes

(Pages 1 - 18)

To approve and sign the minutes of the last Executive meeting, held on 14 February 2019.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. The deadline for registering is **5.00pm on Wednesday, 6 March 2019**. Members of the public can speak on agenda items or matters within the remit of the committee. To register to speak please contact the Democracy Officer for the meeting, on the details at the foot of the agenda.

Filming, Recording or Webcasting Meetings

Please note that, subject to available resources, this meeting will be filmed and webcast, or recorded, including any registered public speakers who have given their permission. This broadcast can be viewed at <http://www.york.gov.uk/webcasts> or, if recorded, will be uploaded onto the Council's website following the meeting.

Residents are welcome to photograph, film or record Councillors and Officers at all meetings open to the press and public. This includes the use of social media reporting, i.e. tweeting. Anyone wishing to film, record or take photos at any public meeting should contact the Democracy Officer (whose contact details are at the foot of this agenda) in advance of the meeting.

The Council's protocol on Webcasting, Filming & Recording of Meetings ensures that these practices are carried out in a manner both respectful to the conduct of the meeting and all those present. It can be viewed at http://www.york.gov.uk/download/downloads/id/11406/protocol_f_or_webcasting_filming_and_recording_of_council_meetings_20160809.pdf

4. Forward Plan (Pages 19 - 24)

To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.

5. York Local Plan Update (Pages 25 - 172)

The Corporate Director of Economy & Place to present a report which provides an update on the Local Plan examination, including additional technical evidence on the Objective Assessment of Housing Needs and further work undertaken on the Habitat Regulation Assessment, and seeks approval of a schedule of modifications for submission to the Planning Inspectorate.

Note: the appendices to Annex C to this report have not been included in the printed agenda but are available to view online.

**6. Earswick Neighbourhood Plan - (Pages 173 - 284)
Examiner's Report**

The Corporate Director of Economy & Place to present a report which asks Executive to approve the proposed modifications in the Examiner's report on the Earswick Neighbourhood Plan and the Council's Decision Statement, to allow the Plan to proceed to Referendum.

7. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name: Fiona Young

Contact details:

- Telephone – (01904) 552030
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

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)

 (01904) 551550

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City of York Council

Committee Minutes

Meeting	Executive
Date	14 February 2019
Present	Councillors Gillies (Chair), Aspden, Ayre, Runciman and Waller
Apologies	Councillors Brooks, Dew and K Myers

Part A - Matters Dealt With Under Delegated Powers

99. Declarations of Interest

Members were asked to declare at this point in the meeting any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, that they might have in the business on the agenda. No additional interests were declared.

100. Exclusion of Press and Public

Resolved: (i) That, since Members are agreed that no discussion will take place on the exempt Annex 4 to Agenda Item 7 (The Guildhall Redevelopment Tender Evaluation & Project Business Plan Appraisal), the press and public need not be excluded from the discussion on that item.

(ii) That the press and public be excluded from the meeting during consideration of Annexes A and B to Agenda Item 15 (Chief Officer Redundancy) on the grounds that they contain information which relates to an individual, is likely to reveal the identity of an individual and relates to the financial affairs of a particular person. This information is classed as exempt under Paragraphs 1, 2 and 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by the Local Government (Access to Information) (Variation) Order 2006).

101. Minutes

Resolved: That the minutes of the Executive meeting held on 17 January 2019 be approved and then signed by the Chair as a correct record.

102. Public Participation

It was reported that there had been six registrations to speak at the meeting under the Council's Public Participation Scheme and two requests to speak by ward members.

Michael Hammill spoke on Agenda Item 7 (The Guildhall Redevelopment Tender Evaluation & Project Business Plan Appraisal). He noted the increased cost of the scheme, cast doubt on the demand for business space and suggested that the Guildhall should instead be disposed of to the private sector.

Andrew Lawson, of York Bid spoke on Agenda Item 7 and on Agenda Item 13 (Capital Programme 2019/20 to 2023/24). On Item 7 he expressed the Bid's view that there was a lack of commercial property in the city centre and a strategic look was needed at how existing space could be diversified and better used. On Item 13 he welcomed the match-funded wayfinding and dualling schemes (paragraphs 46-58) as good examples of collaborative working with the Bid and other partners.

Hon. Ald. Brian Watson spoke on Agenda Item 7, suggesting that Executive should approve Option 2 in the report on the grounds that the location was unsuitable for a cafe and restaurant and Option 2 would enable the civic car to be securely garaged.

Cllr Warters, Member for Osbaldwick & Derwent Ward, spoke on Agenda Item 7. He criticised the lack of progress since May 2018 and suggested that the Guildhall be put on the private market for hotel use, with the council retaining use of the Council Chamber in perpetuity.

Caroline Lewis spoke on Agenda Item 8 (Consultation on Disposal of Open Space at Rowntree Park Lodge), as a South Bank resident and organiser of music events at the park. She expressed disappointment about a lack of transparency, affecting residents' trust in the council, and doubt about the accuracy of the costings in the report.

Cath Mortimer spoke on Agenda Item 8, as Secretary of the Friends of Rowntree Park, expressing concern about the lack of public information on the proposal, including the legal meaning of 'disposal' and the impact on the cafe. Although the report had now answered many of these questions, this had been a major issue for the Friends.

Cllr Hayes, Member for Micklegate Ward spoke on Agenda Item 8. He raised a number of concerns about the business plan, the appropriateness of a luxury let in this location and the increase in costs and loan repayments, and urged Executive to consider the plan critically.

Gwen Swinburn spoke on Agenda Items 11 (Financial Strategy 2019/20 to 2023/24) and 13 (Capital Programme 2019/20 to 2023/24). She raised concerns over the adequacy of the consultation process and the lack of any communities and equalities impact assessment and asked the Chief Executive to write to her and Executive Members about these issues.

103. Forward Plan

Members received and noted details of the items that were on the Forward Plan for the next two Executive meetings at the time the agenda was published.

104. A Cultural Strategy for York 2019-2025

The Corporate Director of Children, Education & Communities presented a report which provided an update on the development of a cultural strategy for York covering the period 2019-2025 and sought approval for the vision and key ideas of the strategy.

The strategy had been developed by ArtReach after discussions with key stakeholders and a full consultation programme, as described in the annex to the report. The proposed Vision for the strategy, set out in paragraph 13, was as follows:
York brings together outstanding, internationally renowned heritage with a cutting-edge contemporary approach to creativity.

By 2025 York will be internationally recognised for its unique interface between exceptional heritage and contemporary art.

The Vision was informed by the 7 Key Ideas detailed in paragraph 14.

The Executive Member for Culture, Leisure & Tourism commended the strategy to Members, noting that its aim was to bring people together and ensure that York's cultural offer worked for all residents as well as for tourists.

Resolved: That the Vision and Key Ideas set out in paragraphs 13 and 14 of the report be approved on behalf of the city.

Reason: So that:

- York will be internationally recognised for its exceptional heritage and unique arts offer;
- Residents and businesses in York will benefit from York's unique cultural offer, leading to greater investment and participation in the city;
- The cultural offer for York's residents will be expanded beyond the city centre; and
- All citizens, irrespective of age or background, will be proud to be engaged with York's arts and heritage offer, which will include a wide range of inclusive opportunities.

105. The Guildhall Redevelopment Tender Evaluation & Project Business Plan Appraisal

The Corporate Director of Economy & Place presented a report which outlined a comprehensive scheme to refurbish and redevelop the Guildhall complex, generate income of around £848,000 per year and deliver 250 additional jobs, contributing £117m of GVA (Gross Value Added) to the local economy.

On 8 May 2018, Executive had given approval to take the detailed specification for the scheme back out to tender (Minute 167 of that meeting refers). Since then, additional works had been added to the scope, to reflect planning and listed building consent conditions and address structural defects. These and other factors, detailed in paragraph 21 of the report, had resulted in an overall construction budget of £16.5m and a scheme budget of £20.2m. The business case had been updated to show revised income estimates, assessment of demand for a business club model, updated operational costs and confirmed grant support. Two bids had been submitted in

response to tender, as detailed in exempt Annex 4 to the report, and an evaluation process had identified Bidder B as the successful bidder.

The total net revenue cost of the full revised scheme (Option 1) was £574k. Of the alternative options modelled (set out in Annex 5), only Option 2 (repair / refurbishment, with leased office space and no restaurant or cafe) led to a lower revenue cost. This option was not recommended as it would deliver limited public access with poor public facilities, only partial DDA compliance, and low revenue income. It would also need further procurement, causing more delay.

In response to questions from Members, Officers explained that the extent of the structural defects had only come to light after detailed surveys had been carried out. As identified at the outset, inflation, the length of the project and the addition of contingency were also factors in increasing the costs. The Chair commented that all other options had been explored and the project should now proceed. Having noted the comments made under public participation, it was

- Resolved:
- (i) That the additional construction costs necessary to address the structural instability of the Guildhall and to access the riverside site, as set out in paragraph 21 of the report, be noted.
 - (ii) That the additional costs arising due to inflation and contingency, as set out in paragraph 21, be noted.
 - (iii) That the 250 additional jobs with a Gross Value Added economic impact (GVA) of £117m over 5 years be noted.
 - (iv) That the redevelopment of the Guildhall at an additional cost of £7.372m, funded from prudential borrowing identified in the 2019/20 capital budget report, be approved.
 - (v) That the updated business case for the scheme be approved.
 - (vi) That it be agreed to proceed to the award of a contract to Bidder B as the construction contractor

for the Guildhall project and to delegate authority to the Director of Economy & Place, in consultation with the Assistant Director of Legal & Governance or his delegated officers, to take such steps as are necessary to enter into the contract and, subject to contract, to commence the construction works.

(vii) That approval be given to seek tenants for the commercial space to maximise income to the council and that authority be delegated to the Director of Economy & Place, in consultation with the Executive Leader (incorporating Finance & Performance) to agree the length of the lease(s).

Reason: To ensure the future viability and effective re-use of the Guildhall as one of the city's most significant historic buildings.

106. Consultation on Disposal of Open Space at Rowntree Park Lodge and Update of Financial Business Case

[See also under Part B]

The Assistant Director of Regeneration & Asset Management presented a report which informed Members of comments received under Section 123 of the Local Government Act 1972 (the Act) regarding the proposed 'disposal of open space' at Rowntree Park Lodge and provided an updated business case for the proposal.

On 25 January 2018, the Executive had approved the lease of the upper floors of the Lodge as a holiday let, with revenue to be ring-fenced for the upkeep of the Park (Minute 108 of that meeting refers). This change in use was classed by the Act as a disposal of open space, requiring public advertisement and consideration of any responses. 42 responses had been received, all objecting to the proposals, as summarised in paragraphs 17-18 of the report. Officers' responses to the objections were set out in paragraph 19.

An update to the original business case was set out in paragraphs 20-30. This reflected the development of the proposal to provide a greater area of accommodation with a higher specification, resulting in an increased projected income, and the cost of this and of further works to remove asbestos and

replace the roof of the dormer section. The revised scheme cost and funding were shown in the table at paragraph 29. The additional costs would require a further £110k budget, funded from prudential borrowing to be paid back over 15 years, during which time a net profit of £380k was projected for use in the Park.

The Executive Member for Culture, Leisure & Tourism endorsed the proposals while stressing the need to maintain the trust of local residents, in particular the Friends of Rowntree Park, and engage them in further consultation. Officers confirmed that, although a recommendation to Council on the budget was required today, a decision on delivery of the scheme could be deferred to an Executive Member Decision Session.* Ideally, work on site would begin in September, subject to planning consent in July. Having noted the comments made under public participation, it was

Resolved: (i) That the objections raised to the proposal be noted.

(ii) That approval be given to continue with the proposal previously endorsed by the Executive in January 2018 to convert the upper two floors into holiday let accommodation.

Reason: To support Rowntree Park and its stakeholders in developing the facilities on a long term sustainable basis.

(iii) That it be noted that all net revenue generated will be ring-fenced for the benefit of Rowntree Park, as per the Executive decision in January 2018, and that the public will have an input in setting priorities for the use of the fund, which is projected to deliver £380k over the next 15 years.

(iv) That it be noted that the Explore Reading cafe will be closed for a period of 12 weeks during the development works.

* See Part B minute

107. 2018/19 Finance and Performance Monitor 3

The Director of Customer & Corporate Services presented a report which detailed the council's overall finance and performance position for the period 1 October 2018 to 31 December 2018, together with an overview of any emerging issues.

The financial pressures facing the council were projected at £525k, slightly higher than previous years' forecasts at this stage. Variations within each directorate were detailed in paragraphs 8 to 33 of the report and summarised in Table 1 at paragraph 7. It was noted that allocations from contingency, currently standing at £648k, might be needed to deal with some of these pressures. However, it was expected that by the end of the year an underspend would again be achieved.

Performance against the core indicators that monitored the priorities in the 2015-19 Council Plan was set out in paragraphs 44 to 99 of the report. Indicators identified as improving or declining were highlighted in paragraphs 42 and 43 respectively. Details of performance relating to major projects, employees and customers were provided in paragraphs 100 to 113. All performance data was available to view on the council's open data platform at www.yorkopendata.org.

In summary, key statutory services continued to perform well and, during a period of continued challenge for local government, the overall financial and performance position provided a sound platform from which to deal with future challenges.

Resolved: (i) That the finance and performance information be noted.

(ii) That the position on the overall budget, and the need to retain some of the additional business rates income to cover potential cost pressures, be noted.

Reason: To ensure that expenditure is kept within the approved budget.

108. Capital Programme - Monitor 3 2018/19

[See also under Part B]

The Director of Customer & Corporate Services presented a report which set out the projected out-turn position of the council's 2018/19 capital programme, including any under or overspends and adjustments.

A net decrease of £15.952m was reported on the approved capital budget, resulting in a revised programme of £106.291m. Variances in each portfolio area were outlined in Table 1 at paragraph 6 of the report, and detailed in paragraphs 8 to 57. The effect of the revisions was shown in Table 2, at paragraph 58.

The changes included a request from contingency for £120k to cover additional structural and conservation works at the Mansion House.

Resolved: (i) That the 2018/19 revised budget of £106.291m, as set out in Table 1 at paragraph 6 of the report, be noted.

(ii) That the re-stated capital programme for 2018/19-2022/23, as set out in Table 2 at paragraph 58 and detailed in Annex A, be noted.

(iii) That the use of £120k from capital contingency to the Mansion House scheme, as set out in paragraphs 56-57, be approved.

Reason: To enable the effective management and monitoring of the council's capital programme.

109. Financial Strategy 2019/20 to 2023/24

[See also under Part B]

The Director of Customer & Corporate Services presented a report which set out the financial strategy for 2019/20 to 2023/24, including detailed revenue budget proposals for 2019/20.

The budget reflected the council's priorities, with significant revenue and capital investment in a number of critical services, including adult social care, children's services, waste and street cleansing and libraries. The income and expenditure proposals, if approved, would result in a 3.25 % increase in the City of York element of the council tax, of which 1.5% would relate to the social care precept.

Members welcomed the investment in front line services, against a background of reduced government funding across the country, indicating that there was a need to balance the council's ambitions against an increase in council tax that was fair to York residents. Having noted the comments made under public participation, it was

Resolved: (i) That the average rent decrease of 1% to be applied to all 'social housing rents' for 2019/20 be approved, as required by legislation and as shown in table 16 at paragraph 169 of the report and described in paragraph 168.

(ii) That the average rent increase of 3.4% to be applied to all rents which fall outside the definition of 'social housing rents' for 2019/20, with the exception of a 2.7% increase on the Gypsy, Roma and Traveller Community site rents, be approved, as described in paragraphs 170 and 172.

Reason: To ensure the ongoing financial stability of the HRA and allow work on improving the quality of the council's affordable housing to continue.

110. Chief Officer Redundancy

[See also under Part B]

The Chief Executive presented a report which notified Executive of the proposed redundancy of a Chief Officer, as required by the council's Constitution, and sought approval to use an existing reserve fund to meet the pension strain costs that would result from the redundancy.

Under Section 4D(6) of the Constitution, Executive Members could object to the proposed redundancy no later than 5 working days after the meeting. Alternatively they could confirm at this

stage that they had no objections, approve a virement to cover the cost and refer the proposal to Council for formal approval.

Resolved: (i) That Executive Members confirm to the Leader that they have no objections to the proposed redundancy, in accordance with the arrangements set out in paragraph 5 of the report.

(ii) That a virement from the pay related matters reserve be approved, to cover the cost associated with the pension strain and enable the proposed redundancy to progress, subject to the Chief Executive being satisfied that there are no 'material' or 'well founded' objections to the proposal from Executive Members under Section 4D(6) of the council's Constitution.

Reason: To ensure that the decision on the proposal is made in accordance with statutory and constitutional provisions.

Part B - Matters Referred to Council

111. Consultation on Disposal of Open Space at Rowntree Park Lodge & Update of Financial Business Case

[See also under Part A]

The Assistant Director of Regeneration & Asset Management presented a report which informed Members of comments received under Section 123 of the Local Government Act 1972 (the Act) regarding the proposed 'disposal of open space' at Rowntree Park Lodge and provided an updated business case for the proposal.

On 25 January 2018, the Executive had approved the lease of the upper floors of the Lodge as a holiday let, with revenue to be ring-fenced for the upkeep of the Park (Minute 108 of that meeting refers). This change in use was classed by the Act as a disposal of open space, requiring public advertisement and consideration of any responses. 42 responses had been received, all objecting to the proposals, as summarised in paragraphs 17-18 of the report. Officers' responses to the objections were set out in paragraph 19.

An update to the original business case was set out in paragraphs 20-30. This reflected the development of the proposal to provide a greater area of accommodation with a higher specification, resulting in an increased projected income, and the cost of this and of further works to remove asbestos and replace the roof of the dormer section. The revised scheme cost and funding were shown in the table at paragraph 29. The additional costs would require a further £110k budget, funded from prudential borrowing to be paid back over 15 years, during which time a net profit of £380k was projected for use in the Park.

The Executive Member for Culture, Leisure & Tourism endorsed the proposals while stressing the need to maintain the trust of local residents, in particular the Friends of Rowntree Park, and engage them in further consultation. Officers confirmed that, although a recommendation to Council on the budget was required today, a decision on delivery of the scheme could be deferred to an Executive Member Decision Session. Ideally, work on site would begin in September, subject to planning consent in July. Having noted the comments made under public participation, it was

Recommended: (i) That Council allocate a further £110,000 capital budget, funded from prudential borrowing, to facilitate the regeneration of Rowntree Park Lodge in accordance with the revised business case, this allocation to be funded from the revenue receipts from the holiday lets together with funds from existing budgets to deal with property maintenance.

(ii) That the decision to commence delivery of the scheme be delegated to a future Decision Session of the Executive Leader (Incorporating Finance & Performance) following further consultation and engagement with the Friends of Rowntree Park and local residents to establish how funding priorities will be identified using the net income from Rowntree Lodge.

Reason: To support Rowntree Park and its stakeholders in developing the facilities on a long term sustainable basis.

112. Capital Programme - Monitor 3 2018/19

[See also under Part A]

The Director of Customer & Corporate Services presented a report which set out the projected out-turn position of the council's 2018/19 capital programme, including any under or overspends and adjustments.

A net decrease of £15.952m was reported on the approved capital budget, resulting in a revised programme of £106.291m. Variances in each portfolio area were outlined in Table 1 at paragraph 6 of the report, and detailed in paragraphs 8 to 57. The effect of the revisions was shown in Table 2, at paragraph 58.

The changes included a request from contingency for £120k to cover additional structural and conservation works at the Mansion House.

Recommended: That Council approve the adjustments resulting in a decrease of £15.952m in the 2018/19 budget, as detailed in the report and in Annex A.

Reason: To enable the effective management and monitoring of the council's capital programme.

113. Financial Strategy 2019/20 to 2023/24

[See also under Part A]

The Director of Customer & Corporate Services presented a report which set out the financial strategy for 2019/20 to 2023/24, including detailed revenue budget proposals for 2019/20.

The budget reflected the council's priorities, with significant revenue and capital investment in a number of critical services, including adult social care, children's services, waste and street cleansing and libraries. The income and expenditure proposals, if approved, would result in a 3.25 % increase in the City of York element of the council tax, of which 1.5% would relate to the social care precept.

Members welcomed the investment in front line services, against a background of reduced government funding across the country, indicating that there was a need to balance the council's ambitions against an increase in council tax that was fair to York residents. Having noted the comments made under public participation, it was

Recommended: That Council approve the budget proposals outlined in the report; in particular:

- a) The net revenue expenditure requirement of £123.372m;
- b) A council tax requirement of £90.066m;
- c) The revenue growth proposals as outlined in the body of the report;
- d) The 2019/20 revenue savings proposals as outlined in Annex 2;
- e) The fees and charges proposals outlined in Annex 3;
- f) The HRA (Housing Revenue Account) budget set out in Annex 4, the HRA savings proposals set out in Annex 5 and the 30 year HRA Business Plan set out in Annex 6;
- g) The dedicated schools grant proposals outlined from paragraph 173;
- h) The use of £100k of funds previously set aside in a Public Health Grant Reserve, to fund one off investment and £51k New Homes Bonus to fund recurring expenditure, as outlined in paragraph 83;
- i) The use of the remaining £522k New Homes Bonus funding and £300k funding from the business rates pool to create a Service Risk Reserve for future use, as outlined in paragraph 84.
- j) The use of £1.5m funding from the LCR and NWY business rates pools to allocate into the venture fund to deal with future cashflow or revenue implications regarding major planned developments, including Castle Gateway and Castle Museum, as referred to in the Capital Strategy report

and to be subject to future reports to Executive.

Reason: To ensure that a legally balanced budget is set.

114. Capital Financing & Investment Strategy

The Director of Customer & Corporate Services presented a report which provided an overview of how the council's capital expenditure and financing contributed to the provision of services and how the associated risk was managed, and asked Executive to recommend the capital and investment strategy to Council.

This was a new statutory report, to be considered alongside the Treasury Management Strategy Statement and revenue and capital reports. The revised Prudential Code 2017 had introduced a requirement for councils to approve an annual strategy, partly in response to increasing commercialisation within local authorities. The strategy for 2019/20 was attached as Annex A to the report.

Recommended: That Council approve the capital and investment strategy at Annex A to the report.

Reason: To meet the statutory obligation to comply with the Prudential Code 2017.

115. Capital Budget 2019/20 to 2023/24 (formerly Capital Programme 2019/20 and 2023/24)

The Director of Customer & Corporate Services presented a report which set out the Capital Strategy for 2019/20 to 2023/24, and new capital schemes in particular, for recommendation to Council.

The report set out details of £185.898m new investment over the five year period, of which £33.491m was externally funded, £106.022m to be met from the Housing Revenue Account (HRA) and £46.385m to be funded by the council. Key priority areas for new or increased investment included housing, transport schemes highways, the Guildhall, IT development, school buildings disabled facilities grants and libraries. Other major schemes to be brought forward as individual reports were listed in paragraphs 93-110.

The Executive Member for Environment welcomed the clean air and energy efficiency measures that had been factored in and the Chair remarked on the ambition of the programme. Having noted the comments made under public participation, it was

Recommended: That Council:

- (i) Agree to the revised capital programme of **£579.762m** reflecting a net overall increase of **£185.898m**, as set out in table 13 at paragraph 92 of the report and in Annex A, key elements of which include:
- New schemes funded by prudential borrowing totalling £28.960m as set out in table 3 and summarised in table 13.
 - New schemes funded by a combination of Prudential borrowing and external funds of £28.7m, as set out in table 4 and summarised in table 13;
 - Extension to existing schemes of £7.372m funded by prudential borrowing, as set out in table 5 and summarised in table 13;
 - Extension of prudential borrowing funded Rolling Programme schemes totalling £6.903m, as set out in table 6 and summarised in table 13;
 - Extension of externally funded Rolling Programme schemes totalling £7.941m, as set out in table 7 and summarised in table 13;
 - An increase in HRA funded schemes totalling £106.022m, funded from a combination of HRA balances / Right to Buy receipts, as set out in table 8 and summarised in table 13.

- (ii) Note that the total increase in council borrowing as a result of new schemes being recommended for approval, the details of which are considered within this report and the Financial Strategy report, is £46.385m.
- (iii) Approve the full re-stated programme, as set out in table 13 and summarised in Annex B, totalling **£579.762m** and covering the financial years 2019/20 to 2023/24.

Reason: In accordance with the statutory requirement to set a capital budget for the forthcoming financial year.

116. Treasury Management Strategy Statement and Prudential Indicators for 2019/20 to 2023/24

The Director of Customer & Corporate Services presented a report which asked Executive to recommend to Council the treasury management strategy and prudential indicators for the 2019/20 financial year.

This regular annual report covered the council's capital plans (including prudential indicators), minimum revenue provision policy, treasury management strategy and annual investment strategy. The revised reporting required for the 2019/20 reporting cycle was outlined in paragraph 8; this included the introduction of a capital financing and investment strategy report, as considered at Agenda Item 12 (Minute 114 refers).

Recommended: That Council approve:

- a) The proposed treasury management strategy for 2019/20, including the annual investment strategy and the minimum revenue provision policy statement;
- b) The prudential indicators for 2019/20 to 2023/24 in the main body of the report;
- c) The specified and non-specified investments schedule at Annex B; and

- d) The scheme of delegation and the role of the Section 151 Officer at Annex D.

Reason: To enable the continued effective operation of the treasury management function and ensure that all council borrowing is prudent, affordable and sustainable.

117. Chief Officer Redundancy

[See also under Part A]

The Chief Executive presented a report which notified Executive of the proposed redundancy of a Chief Officer, as required by the council's Constitution, and sought approval to use an existing reserve fund to meet the pension strain costs that would result from the redundancy.

Under Section 4D(6) of the Constitution, Executive Members could object to the proposed redundancy no later than 5 working days after the meeting. Alternatively they could confirm at this stage that they had no objections, approve a virement to cover the cost and refer the proposal to Council for formal approval.

Recommended: That Council approve the proposed redundancy.

Reason: In accordance with legal and constitutional procedures.

Cllr I Gillies, Chair

[The meeting started at 5.30 pm and finished at 7.20 pm].

Forward Plan: Executive Meeting: 7 March 2019

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 18 March 2019

Title and Description	Author	Portfolio Holder
<p>A Sustainable Future for York with Hyper Hubs <i>(item added under urgency procedures)</i> Purpose of Report To update Executive on the detail of the council’s successful bid for ERDF funding to support the implementation of ‘Hyper hubs’ for electric vehicles at York Hospital and Monks Cross and Poppleton Bar Park & Ride sites.</p> <p>Executive will be asked to: approve the creation of a budget to accept the additional funding and grant approval to proceed with planning and procurement processes in order to deliver the scheme.</p>	Dave Atkinson	Executive Member for Transport & Planning
<p>School Capital Maintenance Programme 2019/20 Purpose of Report To set out details of the proposed schools capital maintenance programme and provide options for funding including the virement of funds from the current basic need to the capital maintenance budget.</p> <p>Executive will be asked to: agree the funding proposals.</p>	Mark Ellis	Executive Member for Education, Children & Young People
<p>Various Community Asset Transfers Purpose of Report To propose the letting of buildings at Clarence Gardens, Little Knavesmire and Burnholme to community organisations on long leases, in accordance with the Council’s Community Asset Transfer Policy, as part of the implementation plan for the Community and Operational Asset Strategy.</p> <p>Executive will be asked to: approve the lettings of these buildings to the community</p>	Philip Callow	Executive Leader (Incorporating Finance & Performance)

Title and Description	Author	Portfolio Holder
organisations.		
<p>Investment in the Redevelopment of Lincoln Court Independent Living Scheme</p> <p>Purpose of Report To provide an update on the progress made on the redevelopment of Lincoln Court and seek approval to invest in an enhanced scheme, with photovoltaic cells to reduce living costs, enhanced community facilities and additional apartments.</p> <p>Executive will be asked to: approve the enhanced design for the scheme, approve the budget for the scheme and agree to appoint the preferred bidder to carry out the development work.</p>	Vicky Japes	Executive Member for Housing & Safer Neighbourhoods
<p>Internal Audit</p> <p>Purpose of Report To seek approval for a new contract with Veritau for internal audit and counter fraud.</p> <p>Executive will be asked to: agree the service specification and enter into a new 10 year contract with Veritau.</p>	Debbie Mitchell	Executive Leader (incorporating Finance & Performance)
<p>Health, Housing & Adult Social Care Policy & Scrutiny Committee: Report of the Substance Misuse Review Task Group</p> <p>Purpose of Report To present the findings of the Task Group set up to undertake the Substance Misuse scrutiny review and provide information on the impact and potential outcomes of planned reductions, particularly in funding to alcohol services in York.</p> <p>Executive will be asked to: endorse the recommendations of the review, as endorsed by the Health, Housing & Adult Social Care Policy & Scrutiny Committee on 12 February 2019.</p>	David McLean	Executive Member for Adult Social Care & Health

Title and Description	Author	Portfolio Holder
<p>Financial Inclusion Scrutiny Review Final Report Purpose of Report To present the final report arising from the scrutiny review of Financial Inclusion.</p> <p>Executive will be asked to: approve the recommendations arising from the review.</p>	Steven Entwistle	Executive Member for Adult Social Care & Health
<p>Residents' Priority Parking Scrutiny Review Final Report Purpose of Report To present the final report arising from the scrutiny review of Residents' Priority Parking.</p> <p>Executive will be asked to: approve the recommendations arising from the review.</p>	Steven Entwistle	Executive Member for Transport & Planning
<p>Scrutiny Operations and Functions Review Final Report <i>(Item added under urgency procedures)</i> Purpose of Report To present the final report arising from the scrutiny review of the operations and functions of Scrutiny in York.</p> <p>Executive will be asked to: approve the recommendations arising from the review.</p>	Christopher Elliott	Executive Member for Economic Development & Community Engagement
<p>Single-use Plastics Scrutiny Review Final Report Purpose of Report To present the final report arising from the scrutiny review of Single-use Plastics.</p> <p>Executive will be asked to: approve the recommendations arising from the review.</p>	Steven Entwistle	Deputy Leader / Executive Member for Environment

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 27 June 2019

None

Table 3: Items Slipped on the Forward Plan

Title & Description	Author	Portfolio Holder	Original Date	Revised Date	Reason for Slippage
<p>School Capital Maintenance Programme 2019/20 See Table 1 for details.</p>	<p>Mark Ellis</p>	<p>Executive Member for Education, Children & Young People</p>	<p>7/3/19</p>	<p>18/3/19</p>	<p>This item has been deferred to an additional meeting of the Executive to allow for the completion of outstanding Executive business.</p>
<p>Various Community Asset Transfers See Table 1 for details.</p>	<p>Philip Callow</p>	<p>Executive Leader (Incorporating Finance & Performance)</p>	<p>7/3/19</p>	<p>18/3/19</p>	<p>This item has been deferred to an additional meeting of the Executive to allow for the completion of outstanding Executive business.</p>
<p>Investment in the Redevelopment of Lincoln Court Independent Living Scheme See Table 1 for details.</p>	<p>Vicky Japes</p>	<p>Executive Member for Housing & Safer Neighbourhoods</p>	<p>7/3/19</p>	<p>18/3/19</p>	<p>This item has been deferred to an additional meeting of the Executive to allow for the completion of Executive business.</p>

<p>Placement Review – Foster Carer Review Purpose of Report To provide an update and recommendations on the Placement Review, outlining the intended approach to meet the sufficiency of placements for children in care by retaining and recruiting more foster carers and procuring other provisions.</p> <p>Executive will be asked to: consider proposed changes to the foster carer additional allowances and options for other provision.</p>	<p>William Shaw & Sophie Keeble</p>	<p>Executive Member for Education, Children & Young People</p>	<p>7/3/19</p>	<p>19/3/19 (EMDS)</p>	<p>This item will now be considered by the Executive Member for Education, Children & Young People on 19 March 2019.</p>
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Executive**7 March 2019**

Report of the Director of Economy and Place

Portfolio of the Executive Leader (incorporating Economic Development & Community Engagement)

York Local Plan Update**Summary**

1. The purpose of this report is to update members on the Local Plan examination including additional technical evidence regarding the Objective Assessment of Housing Need (OAN) which was submitted to the Planning Inspectorate (PINS) on 29th January 2019 following approval by the Corporate Director of Economy and Place in consultation with relevant Members in accordance with the delegated authority from Council.
2. The report also updates members on further work undertaken in relation to the Habitat Regulation Assessment (HRA) and the implications for the submitted Plan. These issues will be considered at Local Plan Working on the 27th February 2019 and the minutes will be circulated to Executive.

Recommendations

3. The Executive are asked to:
 - i) Note the additional OAN evidence already submitted to PINS following approval by the Director of Economy and Place in consultation with the relevant Members under delegated powers.

Reason: To allow Officers to progress York's Local Plan through to hearing sessions to determine the OAN.

- ii) Approve the modification schedule attached at Annex E to the report for submission to PINS for examination.

Reason: So that York's Local Plan can progress through examination.

Background

4. As Members are aware the Local Plan was submitted for examination on 25th May 2018. The Council has been appointed two Inspectors, Simon Berkeley and Andrew McCormack to undertake the examination. The Inspectors wrote to the Council on 24th July 2018 setting out their initial observations in relation to the Plan. Key issues raised were in relation to OAN, green belt and infrastructure delivery. Officers reported an update on the response to LPWG on 20th September 2018 following the release of revised sub-national household projections by Office for National Statistics (ONS).
5. The Council responded to the Inspectors in detail on 13th November 2018 and advised that since the publication of new national evidence on population and household projections in September which showed a marked downward trend in forecast growth for York we had been in dialogue with the Ministry of Housing, Communities and Local Government (MHCLG) regarding the assessment of housing need. Specifically the letter set out the intention of the Council to commission an update to the OAN to look at any potential implications of the new evidence with the suggestion to Inspectors that they should consider allowing early hearings on this matter specifically. The letter also confirmed the Council's approach to greenbelt and the delineation of greenbelt boundaries and confirmed that we would produce an addendum to Topic Paper 1 (Approach to York's Greenbelt) providing the additional clarification that the Inspectors have requested.
6. The Inspectors wrote back to the Council on 14th December confirming that the York Local Plan would be examined under transitional arrangements applying the 2012 NPPF, acknowledging the provision of additional evidence and agreeing to a phased approach to hearing sessions, with the first phase dealing with Duty to Co-operate, legal matters, OAN and Greenbelt principle.

Objective Assessment of Housing Need (OAN)

7. The Council has now received the OAN Update from consultants GL Hearn (Annex A) which was issued to PINS on 29th January 2019 and

published on the York Local Plan examination webpage (www.york.gov.uk/localplanexamination) along with a covering letter updating on other related matters including the HRA and greenbelt (Annex B). This evidence was approved for submission to the Examination by the Corporate Director of Economy and Place in consultation with relevant members, in accordance with the delegated authority from Council.

8. The OAN Update report concludes that overall the 2016 based subnational population projections (SNPP) for York show an average annual population growth over the period 2012 to 2037 of 24,036, significantly lower than the previous (2014 based) figure of 36,348 for the same period upon which the submitted Local Plan was based. GL Hearn's analysis of the components of population change suggest that the 2016 based population projections provide a more robust assessment of population growth for York than their predecessor which is also ratified by more recent population estimates in the Mid Year Estimates (2017, ONS). The main reason for this change relates to updated forecasts of international migration along with a downward trend in fertility rates and revised assumptions for increases in life expectancy.
9. These population figures are then translated into household growth and a dwelling requirement using a range of assumptions on household representative rates and also including a vacancy rate of 3%. The household formation rates analysis undertaken identifies a potential constraint within the official projections particularly for those aged 25-34 yrs. GL Hearn have therefore developed an alternative household representation rate scenario whereby the rates for this age group, and those aged 35 to 44 yrs are part returned to the household formation rates seen in the 2008 based (pre-recession) projections. These calculations result in an adjusted dwelling requirement of 679 per annum (an increase on the demographic starting point (DSP) of 484 dwellings per annum).
10. In accordance with National Planning Practice Guidance (NPPG) applied under transitional arrangements GL Hearn have then considered whether it would be appropriate to consider any uplifts to account for economic growth or to improve housing affordability (market signals). They have calculated the housing need required to meet an economic growth of 650 jobs per annum (based on the Local Plan target underpinned by the Employment Land Review Update, 2017). Using a series of assumptions including economic activity rates from the Office

of Budget Responsibility (OBR) results in an economic led need for housing of up to 790 dwellings per annum.

11. GL Hearn have also provided an updated analysis of housing market signals which show that house prices are relatively high in York and that housing affordability is a significantly worsening issue over the last five years. Affordable Housing needs remains at 573 dpa. In accordance with NPPG an uplift to improve affordability is required and considering the evidence GL Hearn proposes a 15% uplift. When applied to the demographic starting point (484 dpa) this 15% uplift would result in an OAN of 557 dpa which is some way short of the economic led need of 790 dpa.
12. The report therefore concludes that the OAN in York is 790 dpa which would be sufficient to respond to market signals, including affordability adjustments as well as making a significant contribution to affordable housing needs. Only by providing this level of housing growth would the population be sufficient to meet the economic growth potential whilst ensuring that there will be improvements to household representative rates among younger persons.
13. The updated OAN of 790 confirms to the Council that the robustness of submitted plans housing supply, based on the OAN of 867 dwellings per annum, is strengthened further by the reduction in the OAN. Officers consider that the submitted plans proposed housing supply can be robustly demonstrated to meet the revised OAN of 790 dwellings per annum both for the plan period (to 2033) and post plan period (to 2038). The proposed housing supply in the submitted Plan will provide the required flexibility in order to be able to demonstrate to the Inspector that the Plan can respond to unforeseen circumstances over the duration of the plan period. In addition the submitted Plan proposes to create a green belt boundary for York which will endure beyond the end of the plan period to meet longer term development needs, a requirement of the National Planning Policy Framework (NPPF, 2012) against which the Plan will be examined, applying transitional arrangements.
14. The new revised evidence updates the previous OAN evidence submitted with the plan – the 2017 Strategic Housing Market Assessment (SHMA) Update. This evidence was approved for submission to the Examination by the Corporate Director of Economy and Place in consultation with relevant members, in accordance with the delegated authority from Council.

Habitat Regulations Assessment (HRA) - Strensall Common Special Area of Conservation (SAC)

15. Habitat Regulation Assessment (HRA) is a requirement of the Conservation of Habitats and Species and Planning (various amendments) (England and Wales) Regulations 2018 ("HRA Regs"). This requires that an assessment of the impacts of the Local Plan on sites designated under the EU Directive (92/431/EEC Habitats Directive) must be undertaken. The purpose of the Habitat Regulations Assessment (HRA) is to identify any aspects of the Local Plan that would have the potential to cause a likely significant effect on Natura 2000 or European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar sites), (either in isolation or in combination with other plans and projects), and to identify appropriate avoidance and mitigation strategies where such effects are identified.
16. There is a legal requirement for all Local Plans to be subject to a HRA. The need for HRA is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats & Species Regulations 2018. For York, this requires assessment of 'likely significant effects' on Strensall Common Special Area of Conservation (SAC), River Derwent SAC and the Lower Derwent Valley Special Protection Area (SPA/ RAMSAR) as well as 4 sites within 20km of the authority boundary.
17. The purpose of the Habitats Directive is to "*maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest*" (Habitats Directive, Article 2(2)). This relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status. European sites (also called Natura 2000 sites) can be defined as actual or proposed/candidate Special Areas of Conservation (SAC) or Special Protection Areas (SPA).
18. The Habitats Directive applies the precautionary principle to protected areas. Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. The process for assessing the potential effects on European protected sites included a screening stage, where an assessment of whether likely significant effects exist. Following that, an appropriate assessment (AA) is undertaken to establish whether adverse effects on the integrity of protected sites would occur

19. The screening exercise undertaken as part of the submitted HRA concluded that significant effects from recreational pressure on the dry and wet heathland communities at Strensall Common Special Area of Conservation (SAC) could not be ruled out alone, therefore an appropriate assessment was undertaken to establish whether adverse effects on the integrity of protected sites would occur. The AA concluded that if the proposed modifications to the Publication Draft Local Plan were adopted that *'the Council can ascertain that Policies SS19/ST35 (Queen Elizabeth Barracks, Strensall), E18 (Towthorpe Lines) and H59 (Land at Howard Road, Strensall) will have no adverse effect on the integrity of Strensall Common European site in terms of recreational pressure and that there would be no residual effects and no need for an in combination assessment'*. The conclusion was based on the adoption of a suite of modifications to policy SS19 (Queen Elizabeth Barracks, Strensall) including but not limited to, the erection of a barrier between the allocation and the Common, the management of open space within the policy area and the development of a funded wardening service to influence public behaviour on the SAC of existing and future residents. Drawing on the experiences of other proposals elsewhere in the country it was believed that these mitigation measures would provide sufficient confidence to allow effects on the integrity of the site to be ruled out.
20. Following submission of the Local Plan in May 2018, with the proposed modifications outlined in paragraph 19 above [CD003], the Council received correspondence from Natural England regarding the HRA. Natural England stated in their letter dated 4th June 2018 (EX/CYC/1) that in reference to the threat posed by recreational pressure that they *'did not agree that adverse effects on integrity can be ruled out based on the evidence available'* and went on to recommend that *'robust and comprehensive visitor assessment will be necessary to determine whether the mitigation outlined in policy SS19 are adequate to offset the impact of the proposal and the wider impact of the plan and allocation H59 in particular'*.
21. Accordingly the Council commissioned Footprint Ecology to undertake this assessment and advised Natural England that we would seek to agree the visitor survey methodology to ensure it meets expectations.
22. The Visitor survey was commissioned in June 2018 using and the methodology was discussed and agreed with Natural England in July 2018. Surveys were undertaken in August and September 2018 at the Lower Derwent Valley SPA, Skipwith Common SAC and Strensall

Common SAC. Final reports were issued in December 2018 and February 2019 respectively.

23. Key findings from the Strensall Common Visitor Survey included the following:
- 73% of interviewed visitors brought their dogs – of the 190 dogs observed 45% of them were off-lead during the interview;
 - 43% of dog walkers visited daily;
 - 78% of all interviewees visited regularly throughout the year;
 - The median distance travelled to the site, as the crow flies, was 2.4km and 75% of visitors came from within a radius of 5.5km, the median length travelled whilst on the Common was 2.5km;
 - Overall visits were expected to increase by 24%, reflecting a 61% increase in housing within 500m of the SAC;
 - Recreational impacts, typically comprising trampling, fires, eutrophication from dog fouling etc was evident although these were mainly limited in extent and severity and generally found in close proximity to car parks;
 - The report also identified that the worrying of livestock by dogs is already resulting in a loss of animals and may jeopardise future grazing – future grazing will be a vital tool in restoring the SAC to favourable condition; and
 - The report concluded (in the absence of mitigation) that given the scale of the increase in access predicted from the visitor surveys, the proximity of new development and concerns relating to the current impacts from recreation, adverse impacts on the integrity of the SAC cannot be ruled out as a result of the quantum of development proposed. In addition for the individual allocations that are adjacent to the site it will be difficult to rule out adverse effects on integrity.
24. The report then considers potential mitigation measures but in the main these comprise a range of measures similar to those already proposed in the existing modified policy SS19. Drawing on the outcomes of the evidence it is imperative that the mitigation measures can be shown robustly to not only address the causes of the evidence of harm occurring on the site but especially to reduce the worrying of livestock. The report casts doubt particularly in relation to the effectiveness of the open space proposed within site ST35 (Queen Elizabeth Barracks).
25. The submitted Plan includes a 7ha allocation of open space (OS12) as part of the ST35 site adjacent to the site and the Common. It is doubted

whether this amount of space would be sufficient to enable the provision of a circular route of 2.5km (that represented the median distance walked by visitors to the common). It is estimated that in order to create a circular route of this length it would require an area of land of circa 30ha. It is also considered that the creation of new open space adjacent to the Common would lack the natural setting which is highlighted by many visitors as one of the main reasons to visit the SAC currently. This new evidence suggests that the proposed new open space would prove less attractive than previously anticipated and that new residents would still seek access to the Common with their dogs.

26. The report recognises that a permanent barrier (as currently proposed in policy SS19) could restrict direct access to the common but it refers to evidence from a similar case at Talbot Heath in Dorset where the Secretary of State questioned the effectiveness of a barrier to reduce access to the adjacent SAC/SPA because its permanence could not be guaranteed and refused the application. The report acknowledges that the MODs current presence gives greater confidence that a barrier could be maintained but questions whether this can be guaranteed, particularly in the longer term. The report also states that around the Thames Basin Heath European site (SPA) all residential development is precluded within 400m of the heathland to reduce the magnitude of the threat applying the pre-cautionary principle. Whilst the Thames Basin Heath is a SPA, designated for the protection of birds, rather than a SAC it is considered that the proximity issue is a relevant consideration in relation to the distance of the proposed allocations (ST35 and H59) to the Strensall Common SAC.
27. Evidence from around the country shows that all the proposed mitigation measures already suggested in Policy SS19 of the submitted Local Plan and those considered in the Footprint Ecology report could potentially contribute to a reduction in harmful impacts from increased recreational pressure. However, the Habitat Regulations Assessment Handbook states that for mitigation measures to be taken into account they should be effective, reliable, timely, guaranteed to be delivered and as long term as they need to be. The Visitor Survey report provided by Footprint provides objective evidence that concludes that the effectiveness of the measures proposed are likely to be of varying success and that the long term implementation of such measures would be challenging. The report concludes that *'At Plan level HRA it will be necessary to have confidence that the above mitigation measures are feasible and achievable in order to rule out adverse effects on integrity on Strensall*

Common SAC as a result of increases in recreation there needs to be confidence that the measures will be successful'.

28. It is considered that the Visitor Survey report provides new, strong evidence (or objective information) that the proposed mitigation cannot be completely relied upon. Therefore the Council, as the competent authority, would not be able to conclude that site allocations ST35 and H59 and the associated site specific policy SS19 would not undermine the conservation objectives for the SAC (which require the maintenance or restoration of the extent and distribution of the heathland features). This new evidence also contradicts the expectation of the submitted HRA that the additional requirement for a wardening service would remove the threat of an adverse effect on the integrity of the SAC; the increase in visitor numbers of 24% is particularly compelling. Fundamentally this scale of increase, the uncertainty surrounding the effectiveness of mitigation and the associated increase in the worrying of livestock ensures that adverse effects on integrity (AEOI) cannot be ruled out.
29. To avoid an AEOI it is recommended by the HRA that the ST35 and H59 allocations are both removed from the Plan. The updated HRA report is attached as Annex C to this report. H59 is proposed to be removed alongside ST35 because there is no meaningful way to mitigate the effects of recreation arising from the general site allocation either on site or in-combination with the larger site allocation ST35. It is considered that it would also be difficult to limit access to the common from the site given the location of the allocation in close proximity to Scott Moncrieff Car Park. Removal of both sites is therefore proposed in the schedule of modifications (Annex E).
30. The effect of removing both allocations (ST35 and H59) reduces the residual increase in recreational pressure from the remaining Local Plan allocations to 6%. It should also be noted that in arriving at this figure the report did not consider the open space associated with these other strategic allocations which could reasonably be expected to reduce the number of a least some of these visits. Therefore it is concluded that there is no need for additional mitigation for these allocations.
31. The previous HRA ruled out AEOI from site E18 (Towthorpe Lines) a 4ha employment allocation adjacent to the southern boundary of the SAC on account of its employment function and the lack of threat posed by employees. It is considered that workers and business visitors and the anticipated absence of dogs will pose little threat to the SAC.

Outside business hours it is possible that if left unsecured the site could be used as a car park for visitors to the Common. However, it is considered that this potential threat can be removed by relatively simple measures that preclude the use of the site outside business hours and to be a secure site. Annex E to this report provides a proposed modifications schedule which includes suggested amendments to policy EC1 (Employment allocations) and GI2 (Biodiversity) to strengthen the submitted Plan in relation to the E18 allocation.

Habitat Regulations Assessment (HRA) – Lower Derwent Valley Special Protection Area (SPA) and Skipwith Common Special Area of Conservation (SAC)

32. The Visitor Survey for the Lower Derwent Valley (LDV) and Skipwith Common SAC was commissioned in conjunction with Selby District Council). Key findings include:
- Virtually all (92%) of interviews were with those who had undertaken a day trip/short visit directly from home that day;
 - The most frequently recorded activity across all survey points was dog walking (32% of interviewees). Walking (30% interviewees) and bird or wildlife watching (20%) were also frequently recorded activities;
 - There were markedly different activities recorded at the different survey points. Dog walking was mostly at Skipwith Common, rather than the LDV and no dog walkers were interviewed at all at Bank Island (Wheldrake), where walkers (44% of interviewees there) predominated;
 - Dog walkers were the group who visited the most frequently, with 19% visiting daily or most days;
 - Overall, most (90%) of interviewees had travelled by car, with only small numbers arriving on foot (4%), by bicycle (4%) or by bus (1%). Cars were the main mode of transport at all survey points.;
 - Overall the scenery/variety of views was the most common given reason for the choice of site to visit that day, cited by 42% of interviewees (across both the LDV and Skipwith survey points);
 - Close to home featured much more strongly as a reason for site choice at Skipwith Common, where it was cited as frequently as the scenery/variety of views.;

- Across all survey points and all interviewees, the median distance from home postcode to interview locations was 11.7km and 75% of interviewees had come from within 15.5km;
 - The median distance from home postcode to interview location at Skipwith Common was 8.8km, compared to 11.2 at Wheldrake Ings and 13.2 at Bank Island; and
 - At Bank Island and Wheldrake Ings the data show people moving along the river between the two survey points and at Wheldrake Ings the route to the hides is the key focus, with some visitors following the river bank and others walking directly across the field.
33. Overall the results show that the two sites are used for a variety of recreational activities, but the data suggests relatively low levels of use. There were some differences between the LDV and Skipwith Common. The LDV appears to draw people from a wider area predominantly for walking and for the wildlife. The site is promoted as a nature reserve and many interviewees were coming for that reason. Marked trails and hides provide the main routes, and are designed to minimise impacts.
34. The report considers that the closest points of open access on to the LDV from York are well managed and likely to attract people specifically interested in wildlife. It also suggests that of the two sites, Skipwith Common is the more vulnerable due to the particular issues relating to dogs off leads and grazing.
35. In conclusion the Visitor Report considers that there are likely significant effects from development on both LDV and Skipwith Common. However, at the plan level HRA, it is considered that the results presented should be sufficient to rule out adverse effects on the integrity for both sites with respect to recreation for any single development alone, unless they are large-scale and within 1km. The submitted Local Plan does not include proposed allocations within 1km of either LDV or Skipwith Common SAC. The report also states that the results should be able to rule out adverse effects on the integrity of the sites in relation to recreational pressure for the quantum of development as a whole (i.e. in-combination) but considers that monitoring and review should be included within the plan to understand whether future avoidance or mitigation measures will be required. Annex E to this report includes a proposed modifications schedule which suggests an additional monitoring and review mechanism to ensure the outcomes of the report can be reflected in order to understand whether future avoidance or mitigation measures will be required.

36. Overall, the outcome of the Visitor Survey concurs with our HRA Appropriate Assessment (2018) the outcomes of which are reiterated in the revised HRA report (Annex C). This provides confidence in the existing mitigation proposed in the Local Plan and as part of the schedule of modifications submitted in May 2018 (CD003).

Natural England (NE)

37. City of York Council (as the 'Competent authority') at the Appropriate Assessment stage must consult Natural England and have due regard to any representations they make.
38. Officers met with Natural England on 4th February 2019 to discuss the potential implications of the Visitor Survey evidence on the submitted Local Plan. Natural England has since confirmed their initial thoughts on these surveys and the letter is appended as Annex D to this report.
39. For the Lower Derwent Valley (LDV) and Skipwith Common SAC NE concur with the results of the survey which suggests that additional visitor pressure resulting from housing allocations within the Plan are unlikely to result in an adverse effect on integrity. They do also highlight anecdotal information about recreation pressure occurring from adjacent village communities and comment that the survey did not assess visitor pressure from adjacent villages such as East Cottingwith, Ellerton and Thorganby which lie outside of the CYC boundary and may have therefore under recorded recreational pressures.
40. For Strensall Common SAC NE conclude that they concur with the conclusions of the Visitor Survey that '*given the scale of increase in access predicted from the visitor surveys, the proximity of new development and concerns relating to current impacts from recreation, adverse integrity on the SAC cannot be ruled out as a result of the quantum of development proposed. In addition, for individual allocations that are adjacent to the site it will be difficult to rule out adverse effects on integrity*'. It also states, in relation to potential approaches to mitigation that '*Natural England does not believe it is possible to rule out an adverse effect on the integrity of the Strensall Common SAC as a result of allocations currently included in the draft York Local Plan*'.

Ministry of Defence (MOD)

41. Officers met with representatives from the Defence Infrastructure Organisation (DIO) and their agents Avison Young on 12th February to

discuss the above implications for the site allocations at Queen Elizabeth Barracks following an earlier meeting in November when the draft findings of the Visitor Survey were shared. A letter was sent to the Council on 21st February from the DIO which is provided at Annex F to this report.

42. Officers met with the DIO and their agents in November 2018 to advise of the draft findings of the Visitor Survey for Strensall Common after agreeing the methodology for the survey with both the DIO and NE in July 2018. At this meeting officers discussed their concerns regarding the outcomes of the draft report and informed the DIO that we would be requesting a meeting with NE as soon as possible. Due to Natural England's capacity issues they were unable to meet the Council until 4th February 2019. As noted in paragraph 20 of this report the Visitor Survey was specifically requested by Natural England in their letter of 4th June 2018 in order to determine whether the mitigation outlined in policy SS19 of the submitted Local Plan was adequate to offset the impact of the proposed Queen Elizabeth Barracks site allocation (ST35) and the wider impact of the plan and allocation H59 in particular.
43. The Local Plan has been submitted and is now being examined by PINS. Following consideration of the Visitor Survey and the discussion with Natural England Officers recommend that the Strensall Barracks site is removed from the Local Plan so that it remains sound. Whilst the commitment from the DIO to explore further mitigation measures is welcomed the Council, as the competent authority, must apply the precautionary principle as required by the Habitat Regulations. On the basis of the additional evidence it is considered that the proposed mitigation in the submitted Plan cannot be completely relied upon. Therefore the Council cannot conclude that site allocations ST35 and H59 and the associated site specific policy SS19 would not undermine the conservation objectives for the SAC (which require the maintenance or restoration of the extent and distribution of the heathland features).
44. As outlined in paragraphs 46 and 47 of this report it is possible that the proposed modifications outlined in this report and attached as Annex E could be subject to formal consultation if required by the Inspectorate through the examination process and the DIO would be able to engage in this statutory process. It is important that the Council continues to demonstrate progress with the Local Plan and that it deals with the matters outlined in this report swiftly. The letter to PINS from the Council on 29th January 2019 confirmed that the Council would be meeting with Natural England on 4th February and that should any outcomes from the

meeting result in main modifications to sites that we would be in a position to put that forward to PINS by mid March.

Modifications to the submitted Local Plan

45. Annex E to this report sets out officers proposed modifications to the submitted Local Plan as a result of the Visitor Survey and updated HRA. These modifications propose the removal of housing sites ST35 and H59 resulting in the deletion of 545 dwellings from the submitted plans housing supply. Officers consider that the submitted plans proposed housing supply can be robustly demonstrated to meet the revised OAN of 790 dwellings per annum both for the plan period (to 2033) and post plan period (to 2038). The proposed housing supply in the submitted Plan provides the required flexibility in order to be able to demonstrate to the Inspector that it can respond to unforeseen circumstances over the duration of the plan. In addition the submitted Plan proposes to create a green belt boundary for York which will endure beyond the end of the plan period to meet longer term development needs, a requirement of the National Planning Policy Framework (NPPF, 2012) against which the Plan will be examined, applying transitional arrangements.

Next steps

46. Officers have received an indication from the Planning Inspectorate (PINS) that now they have received the revised OAN and with the potential for implications arising from the HRA that further targeted consultation may be required prior to hearings to ensure that interested parties can make their views known prior to holding hearing sessions. It is anticipated that this consultation would be required to be directed to those parties who made a representation at the Regulation 19 stage (Publication consultation, Feb-April 2018) for a six week period.
47. Officers are requesting that this consultation takes place after the purdah period ahead of York's local elections which starts on the 26th March 2019 and this will therefore effect the timetabling of hearing sessions. It is important to continue to demonstrate progression to PINS particularly having regard to the threat of intervention and therefore it is imperative that issues in relation to the HRA and Strensall Common SAC are dealt with swiftly.

Consultation

48. As detailed in paragraph 46 above further targeted consultation may be required on the additional OAN evidence already submitted to PINS and proposed modifications to the submitted Plan as a result of the updated HRA. This consultation would be for a six week period and would be specifically with those parties who have made a representation at Regulation 19 stage.
49. When examination hearings commence on issues set out in the Local Plan, a statutory 6 weeks notice period will be given to allow interested parties to attend the meeting. Those able to take part will have registered their interest through the Regulation 19 consultation held between 21st February and 4th April 2018. Our appointed Programme Officer will ensure participation by registered parties is appropriate for the session.
50. Any further modifications made to the plan to make it legally compliant or sound in line with national policy during the examination process, will be consulted on prior to adoption of the plan. This will be a citywide consultation seeking comments on the changes prior to Members consideration at committee.

Implications

51. In terms of procedural compliance it is the HRA that carries the highest potential residual risk. HRA's are a requirement of the Conservation of Habitats and Species and Planning (various amendments) (England and Wales) Regulations 2018 ("HRA Regs") and must assess the impacts of the Local Plan on sites designated under the EU Directive (92/431/EEC Habitats Directive).
52. The HRA has been an iterative process throughout Plan production and concluded at Submission stage that, with mitigation, adverse effects on the integrity on SACs, SPA's and RAMSARs could be ruled out. The new evidence produced highlights that the increase in development at Strensall common is likely to be lead to adverse impacts on the integrity of the site. In order to satisfy the HRA Regulations, the Council will need to need to make a modification to the plan to remove site allocations ST35 and H59.

Risk

53. Legal – The procedures which the Council is required to follow when producing a Local Plan derive from the Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012.
54. The legislation states that a local planning authority must only submit a plan for examination which it considers to be sound. This is defined by the National Planning Policy Framework as being:
- **Positively Prepared:** based on a strategy which seeks to meet objectively assessed development and infrastructure requirements;
 - **Justified:** the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective:** deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - **Consistent with national policy:** enable the delivery of sustainable development in accordance with the policies in the Framework.
55. In order for the draft Local Plan to pass the tests of soundness, in particular the ‘justified’ and ‘effective’ tests, it is necessary for it to be based on an adequate, up to date and relevant evidence base. The Council also has a legal duty to comply with the Statement of Community Involvement in preparing the Plan. (S19(3) 2004 Act).
56. In addition the Council also has a legal “Duty to Co-operate” in preparing the Plan. (S33A 2004 Act).
57. Financial – **Financial (1)** – The work on the Local Plan is funded from specific budgets set aside for that purpose. Over the last four years, significant sums have been expended on achieving a robust evidence base, carrying out consultations, sustainability and other appraisals, policy development and financial analyses. Whilst this work remains of great value it is important that progress is made to ensure that unnecessary additional costs do not occur.
58. **Financial (2)** - It should also be considered that if the approach taken is subsequently judged to be non compliant with Government Guidance either before or after submission this could lead to further technical work and additional consultation adding to the identified costs and creating delay.

59. **Financial (3)** - Managing the planning process in the absence of a Plan will lead to significant costs to the council in managing appeals and examinations.

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Report Approved



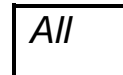
Date 18/02/2019

Specialist Implications Officer(s):

Legal Implication: Alison Hartley, Legal Services Manager (Corporate Governance)

Financial Implication: Patrick Looker, Finance Manager

Wards Affected: *List wards or tick box to indicate all*



For further information please contact the author of the report

Back ground Papers:

Letter from Natural England to City of York Council, 4th June 2018

https://www.york.gov.uk/downloads/file/16322/letter_from_natural_england_-_04_june_2018

Letter from City of York Council to Natural England, 19th June 2018

https://www.york.gov.uk/downloads/file/16323/response_to_natural_england_from_cyc_-_19_june_2018

Letter from Inspectors to City of York Council setting out their initial observations on the submitted York Local Plan, 24th July 2018 (EX/INS/1)

**[https://www.york.gov.uk/downloads/file/16579/exins1 -
initial observations 24 july 2018](https://www.york.gov.uk/downloads/file/16579/exins1-_initial_observations_24_july_2018)**

Response from City of York Council to Inspectors on their initial observations, 13th November 2018 (EX/CYC/7)

**[https://www.york.gov.uk/downloads/file/17066/excyc7 -
city of york letter of response to inspectors 13 november 2018](https://www.york.gov.uk/downloads/file/17066/excyc7-_city_of_york_letter_of_response_to_inspectors_13_november_2018)**

Letter of response from Inspectors to City of York Council, 14th December 2018 (EX/INS/2)

**[https://www.york.gov.uk/downloads/file/17204/exins2_inspectors_i
nitial observations 14 dec 2018](https://www.york.gov.uk/downloads/file/17204/exins2_inspectors_initial_observations_14_dec_2018)**

Letter to Inspectors from City of York Council outlining progress on the submission of additional evidence as requested by the Inspectors and enclosing Housing Needs Update (GL Hearn), 29th January 2019 (EX/CYC/8)

**[https://www.york.gov.uk/downloads/file/17379/excyc8 -
response to pins 290119](https://www.york.gov.uk/downloads/file/17379/excyc8-_response_to_pins_290119)**

CD003 – Modifications schedule submitted with York Local Plan (May 2018)

**[https://www.york.gov.uk/downloads/file/15871/cd003 -
_city of york local plan publication draft schedule of minor m
odifications to 25th may 2018 pdf](https://www.york.gov.uk/downloads/file/15871/cd003_-_city_of_york_local_plan_publication_draft_schedule_of_minor_modifications_to_25th_may_2018_pdf)**

Annexes:

Annex A: Housing Needs Update (GL Hearn, 2019)

Annex B: City of York Council letter to PINS, January 2019

Annex C: Updated Habitat Regulations Assessment (2019)

Annex D: Letter from Natural England (February 2019)

Annex E: Proposed Modifications Schedule

Annex F: Letter from Defence Infrastructure Organisation (DIO), February 2019

Annex G: Better Decision Making Tool

List of abbreviations used in this report:

OAN – Objectively Assessed Housing Need
PINS – Planning Inspectorate
HRA – Habitat Regulations Assessment
ONS – Office for National Statistics
MHCLG – Ministry for Housing, Communities and Local Government
NPPF – National Planning Policy Framework
SNPP – Sub-national Population Projections
SNHP – Sub-national Household Projections
DSP – Demographic Starting Point
NPPG – National Planning Practice Guidance
OBR – Office of Budget Responsibility
SHMA – Strategic Housing Market Assessment
SAC – Special Area of Conservation
EU – European Union
SPA – Special Protection Area
RAMSAR – Internationally important wetlands
AA – Appropriate Assessment
NE – Natural England
MOD – Ministry of Defence
DIO – Defence Infrastructure Organisation
AEOI – Adverse effect on integrity
LDV – Lower Derwent Valley

City of York – Housing Needs Update

City of York Council

January 2019

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Public

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Quality Standards Control

The signatories below verify that this document has been prepared in accordance with our quality control requirements. These procedures do not affect the content and views expressed by the originator.

This document must only be treated as a draft unless it is has been signed by the Originators and approved by a Business or Associate Director.

DATE
January 2019

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Limitations

This document has been prepared for the stated objective and should not be used for any other purpose without the prior written authority of GL Hearn; we accept no responsibility or liability for the consequences of this document being used for a purpose other than for which it was commissioned.

1 INTRODUCTION

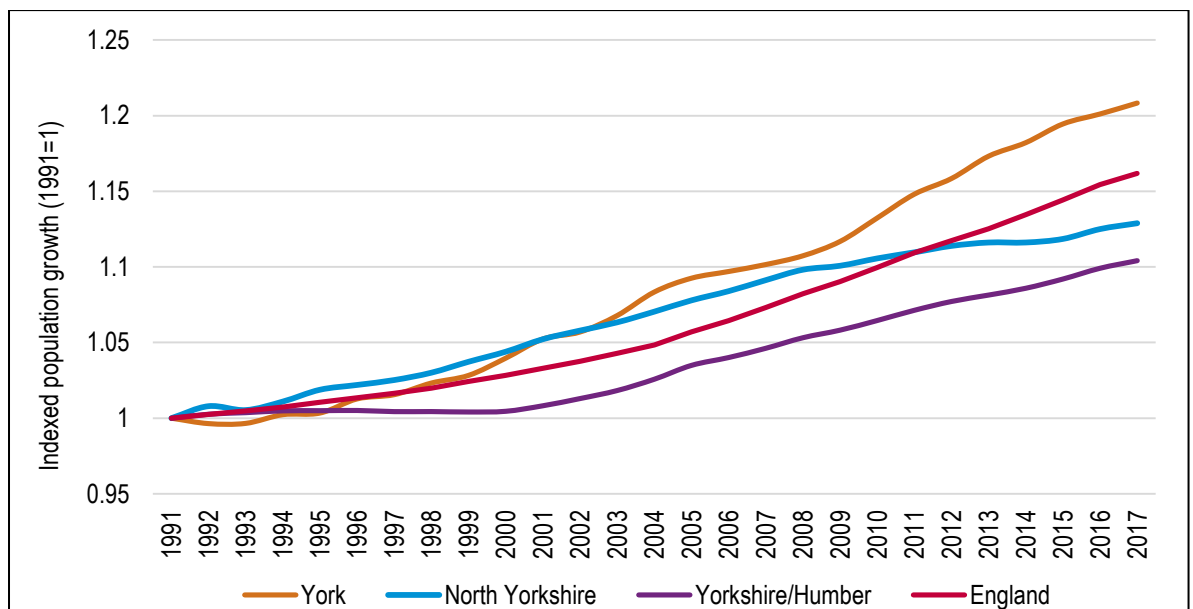
- 1.1 The latest set of (2016-based) Sub-National Population Projections (SNPP) were published by the Office for National Statistics (ONS) in May 2018. Drawing from these, in September 2018, ONS published the 2016-based Sub-National Household Projections (SNHP). In between these publications the most up to date demographic evidence was published by way of the 2017 Mid-Year Population Estimates (MYE).
- 1.2 This report seeks to interrogate the 2016-based SNPP, 2016-based Household Projections and the latest mid-year estimates (2017) to consider the potential implications for household growth and housing needs in York.
- 1.3 The SNPP provides an estimate of the future population of local authorities, it assumes continuation of recent local trends when disaggregating from the national level. This includes examining and adjusting for trends in fertility, mortality and internal migration; assumptions on international migration at a national level are based on trends over the past 25-years (period to mid-2016) but then assigned to local areas on the basis of data over the previous six years. The SNPP are constrained to the assumptions made for the 2016-based National Population Projections so that totalling up all local authority data will tally with national estimates.
- 1.4 The SNPP and SNHP are not forecasts and do not attempt to predict the impact that future government or local policies, changing economic circumstances or other factors might have on demographic behaviour. The primary purpose of the SNPP is to provide an estimate of the future size and age structure of the population of local authorities in England.
- 1.5 The SNPP are also used as a common framework for informing local-level policy and planning in a number of different fields as they are produced in a consistent way.
- 1.6 The analysis herein looks at housing need over the period from 2012-37 to be consistent with the Local Plan. Because the projections are 2016-based and there is a known population for 2017 this essentially means that data for 2012-17 is fixed by reference to published population estimates (from ONS).
- 1.7 The report is split into a number of short sections considering a range of different outputs related to the new projections. These are summarised below:
- Section 2: Population and Household Growth;
 - Section 3: Housing Market Signals and Affordable Housing Need;
 - Section 4: Economic-Led Housing Need; and
 - Section 5: Conclusions.

2 POPULATION AND HOUSEHOLD GROWTH

2.1 This section sets out the projected population growth in the 2016-based SNPP and compares the findings to the 2014-based SNPP figures. However, it is worthwhile understanding historic growth to contextualise this data.

2.2 As shown in the figure below growth in York has seen significantly faster growth than any of the wider comparators over the last 26 years and particularly since the millennium. Since around 2004, population growth has broadly tracked nationwide growth, this is a faster rate of growth than observed across North Yorkshire or the region.

Figure 1: Population Growth (1991-2017)



Source: ONS, Mid-Year Population Estimates, 2018

2.3 The table below shows projected population growth from 2016 to 2039 in the City of York and a range of comparator areas. The data shows that the population of York is projected to grow by around 17,600 people. This is an 8.5% increase – this is below the projected increase nationally but notably above the projected increase in the region and for North Yorkshire.

Table 1: Projected Population Growth (2016-39) – 2016-based SNPP

	Population 2016	Population 2039	Change in population	% change
York	206,920	224,542	17,622	8.5%
North Yorkshire	609,538	628,028	18,490	3.0%
Yorks/Humber	5,425,370	5,779,821	354,451	6.5%
England	55,268,067	61,534,998	6,266,931	11.3%

Source: ONS

2.4 It is also possible to compare the 2016-based SNPP with the previous full set of projections (the 2014-based SNPP). This comparison is shown for York in the table below. This shows that the latest projections show a very significantly lower level of population growth (12,000 fewer people – equivalent to a 41% reduction in projected population growth) over the 2016-39 period.

Table 2: Projected Population Growth (2016-39) – comparing projection releases

	2014-based SNPP	2016-based SNPP	Difference
York	29,622	17,622	-12,000

Source: ONS

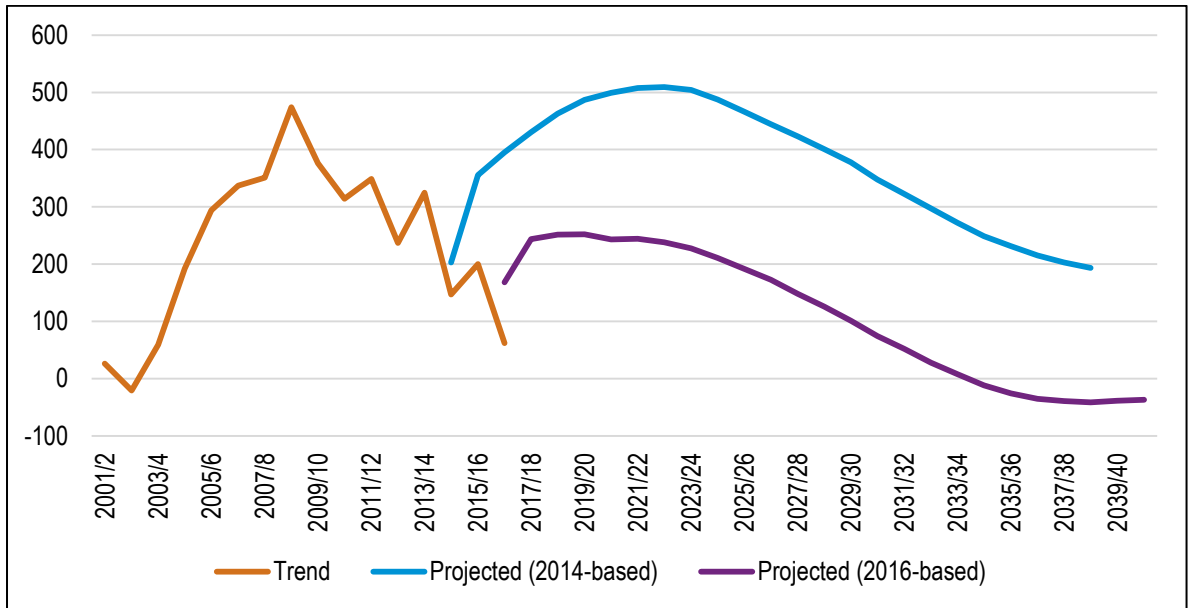
2.5 The reason for such a reduction stems from the 2016 National Population Projections. The national reduction can be explained by the following:

- ONS' long-term international migration assumptions have been revised downwards to 165,000 per annum (beyond mid-2022) compared to 185,000 in the 2014-based projections. This is based on a 25-year average;
- The latest projections assume that women will have fewer children, with the average number of children per woman expected to be 1.84 compared to 1.89 in the 2014-based projections; and
- ONS is no longer assuming a faster rate of increase in life expectancy of those born between 1923 and 1938, based essentially on more recent evidence. Life expectancy still increases, just not as fast as previously projected.

2.6 In examining how these have influenced population growth at a York level we have looked at each of the main components of change. The first of which is natural change (births – minus deaths). As shown in the figure below neither the 2014 nor 2016-based projections have an immediately obvious relationship with past trends.

2.7 However, on balance given the more recent trend of falling rates the 2016-based projections looks to reflect this to a greater extent than the 2014-based projections which show an immediate and significant improvement which is not founded on the most recent trends.

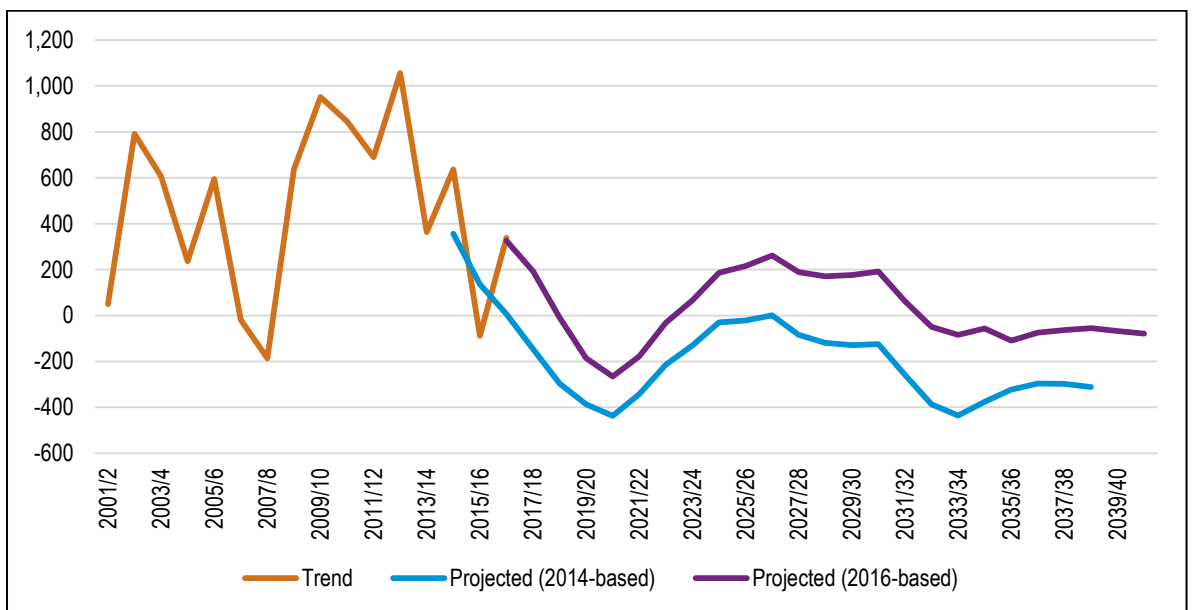
Figure 2: Past and Projected Trends in natural change – York



Source: ONS

2.8 As shown in Figure 3 for net internal migration the 2016-based population projection is actually slightly more positive than its predecessor. It would also more closely align with more recent trends as the 2014-based projection has a substantial and immediate fall greater than has subsequently been estimated as having actually occurred.

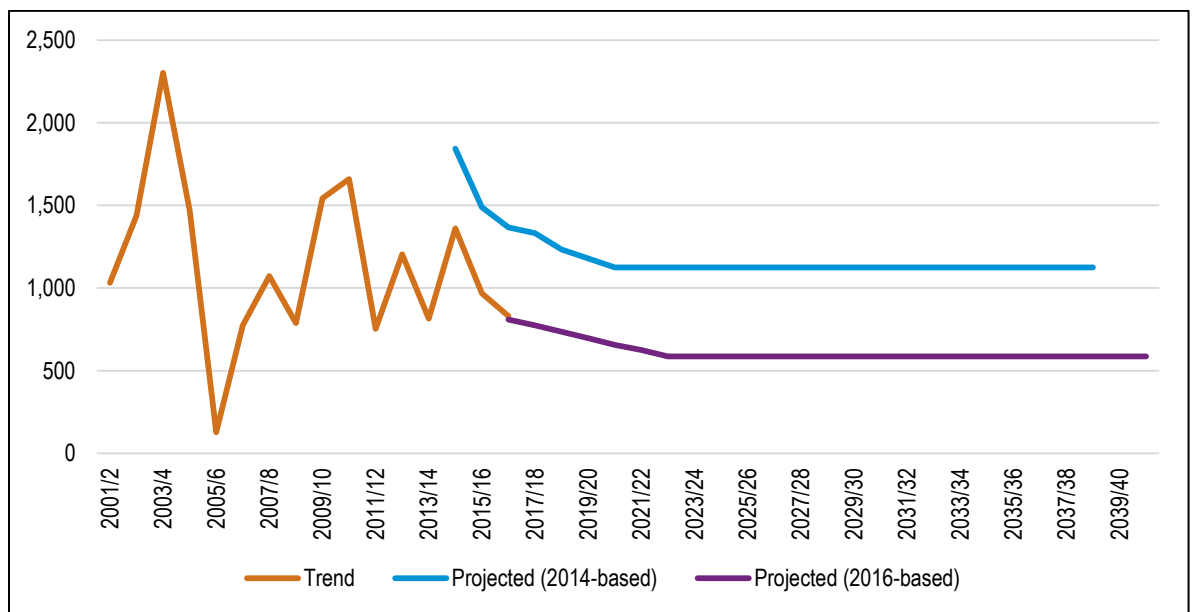
Figure 3: Past and Projected Trends in net internal migration – York



Source: ONS

- 2.9 However, the most significant difference arrives with the review of international migration. Neither trend projects any change beyond 2021 but the 2016- based trend more closely follow on from the more recent trends.

Figure 4: Past and Projected Trends in net international migration – York



Source: ONS

- 2.10 By examining the Mid-Year Population Estimates for the interim period since their release it is also now known that the first few years of the 2014-based projection have been inaccurate for the City. As shown in the table below, migration within the 2014-based projection was significantly higher than actually recorded by ONS.
- 2.11 The same exercise can also be undertaken for the single year since the publication of the 2016-based projections. This shows a very close level of alignment albeit slightly lower than what actually happened.

Table 3: Comparing recorded migration (in the MYE) and projected levels

	MYE recorded	2014-based SNPP	2016-based SNPP
2014/15	1,360	1,844	-
2015/16	968	1,489	-
2016/17	831	1,366	808

Source: ONS

- 2.12 As a final sense check we can also observe that the Patient Register shows lower growth than the MYE, adding weight to the 2014-based SNPP being too high and giving further credence to the 2016-based population projection.

Table 4: Estimated population change (2011-2017) using different sources– York

	Population 2011	Population 2017	Change in population	% change
MYE	197,790	208,200	10,410	5.3%
Patient Register	203,430	211,870	8,440	4.1%

Source: ONS

Alternative Demographic Scenarios

- 2.13 As well as reviewing the official projections the guidance also advises consideration of more recent evidence (MYE) and examining any potential short-term influences on the demographic projections. This may include any particular contractions or growth in the population in the period feeding into the projections (2010/11 to 2016 for the latest projections).
- 2.14 In order to mitigate against any shorter term trends we have sought to look at trends over a longer (10-year) period. This is a fairly commonplace timeframe to examine trends when undertaking this type of work. We have therefore developed two further scenarios:
- Including 2017 mid-year population data and retaining other assumptions in the SNPP – 2016-SNPP (+MYE); and
 - Implications of 10-year migration trends – 10-year migration
- 2.15 As demonstrated in the table below these alternative scenarios do not diverge substantially from the latest population projection but also that 2014-based SNPP is very much the outlier of the scenarios examined.

Table 5: Projected population growth (2012-2037) – alternative scenarios – York

	Population 2012	Population 2037	Change in population	% change
2014-based SNPP	200,018	236,366	36,348	18.2%
2016-based SNPP	199,567	223,603	24,036	12.0%
2016-SNPP (+MYE)	199,567	224,035	24,468	12.3%
10-year migration	199,567	225,645	26,078	13.1%

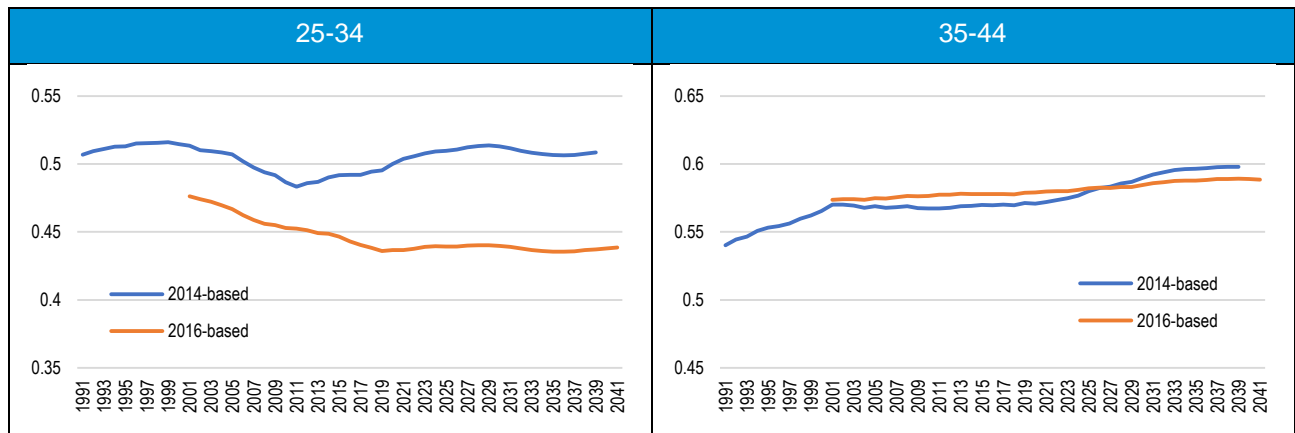
Source: Demographic projections

Household Growth

- 2.16 Having studied the population growth and the age/sex profile of the population the next step in the process is to convert this information into estimates of the number of households in the areas. To do this, the concept of headship rates (or reference rates) is used. Headship rates can be described in their most simple terms as the number of people who are counted as heads of households (or the more widely used Household Reference Person (HRP)).

- 2.17 The latest sets of household reference rates were published as part of the 2016-based subnational household projections (SNHP) in September by ONS¹. However, it is fair to say they have not been met uncritically.
- 2.18 The criticism mostly stems from the fact that the new projections do not have the ability to meet the Government's housing target of 300,000 homes per annum once the standard methodology is applied to them.
- 2.19 The methodology for the population projections which underpin the household projections has not faced much criticism as this has not changed. However, the responsibility for production of the household projections has changed from the MHCLG to ONS and as a result some changes have been implemented.
- 2.20 The main change is the period from which household formation rates trends have been drawn. Previously these were based on trends going back to 1971 but in the most recent projections trends have only been taken from 2001.
- 2.21 It is argued that by focussing on shorter term trends ONS have effectively locked in deteriorations in affordability and subsequently household formation rates particularly within younger age groups in that time.
- 2.22 The figure below illustrates the impact of this in York for those aged 25-34 and 35-44. For the oldest of these age groups household formation appears largely unaffected although they do eventually fall behind the 2014-based rates. However, for the 25-34 age group the 2016-based projections show a much lower level of household formation with (unlike the 2014-based projections) no improvement going forward.

¹ Note that although the 2016-based household projections were published after the 2017 Mid-Year Population Estimates they did not incorporate the latter.

Figure 5: Projected HRRs by age of head of household (selected age groups) – York

Source: Derived from ONS and CLG data

- 2.23 The question remains whether this is both an accurate assessment of current and future household formation and also positive planning to assume that certain age groups will not be able to form households in the same way that they once did.
- 2.24 To examine this further we have used three different household representative rate scenarios. These scenarios have been used as described below:
- Linking directly to 2016-based SNHP – 2016-SNHP HRRs;
 - Linking directly to 2014-based SNHP – 2014-SNHP HRRs; and
 - Linking to the 2014-based SNHP but with a part-return to previous trends for the 25-34 and 35-44 age groups – 2014-PRT
- 2.25 The last of these scenarios was initially suggested by the Local Plans Expert Group in their now defunct standard methodology proposal and while they hold no weight in guidance terms, they do address deterioration within even the 2014-based HRR.
- 2.26 The result of applying these rates to the 2016-based population growth figures (as set out in Table 5) is shown below. This also includes a vacancy rate of 3% (a fairly standard number to use in assessments of this nature). The official projections result in a need for 484 dpa. This according to the planning practice guidance is the official starting point for assessing need and from which any market signals adjustment should be benchmarked.
- 2.27 The analysis using alternative HRR show a significantly higher level of growth reflecting the difference between the forecasts, the extent of deterioration in HRR and the scale of the 25-34 age group.
- 2.28 The use of the 2014-based HRR in York would increase the housing need to 610 dpa when applied to the 2016-based population projections. This increases further when the PRT HRR applies

resulting in a housing need of 660 dpa. For the full period this scenario results in a need for 16,493 dwellings.

- 2.29 Such a level of need represents a 40% uplift above the starting point. If no other adjustments are required, then this would be the OAN i.e. if economic potential was low and there were few affordability pressures in the City. However, as the next two sections show, this is not the case in York and therefore this figure does not represent a robust OAN.

Table 6: Projected Household Growth 2012-37 – 2016-based Population Projections

	Households 2012	Households 2037	Change in households	Per annum	Dwellings Per Annum
2016-SNHP HRRs	83,522	95,266	11,744	470	484
2014-SNHP HRRs	84,064	99,320	15,256	610	629
Part-return to trend	84,064	100,556	16,492	660	679

Source: Derived from ONS and CLG data

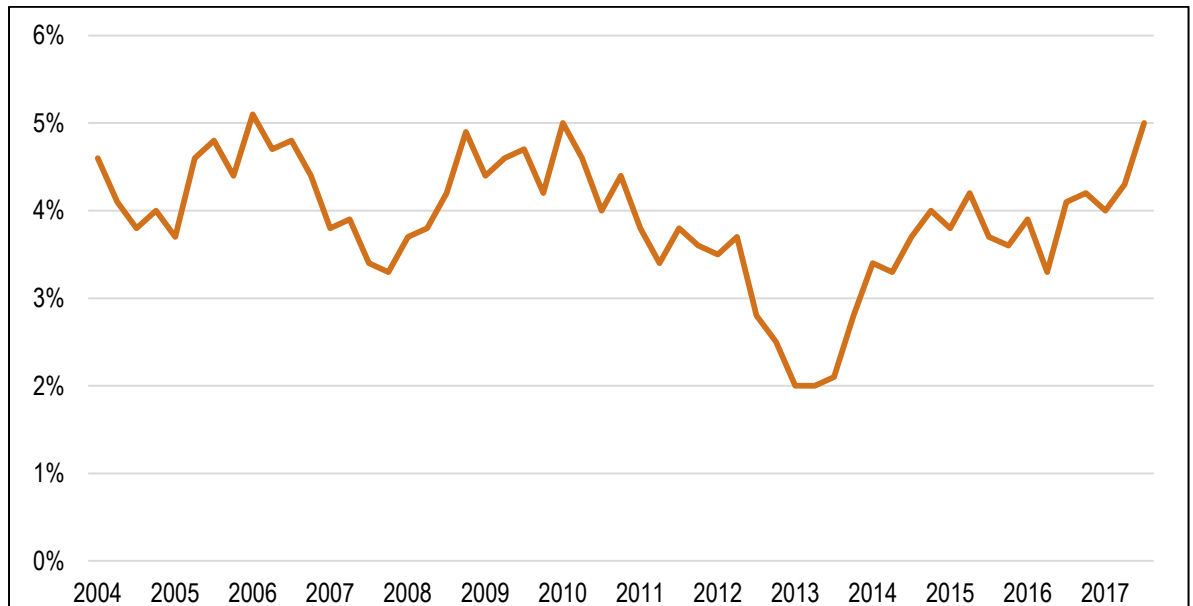
3 ECONOMIC LED HOUSING NEED

- 3.1 There are a number of documents which have tested the economic growth potential of the City of York using Oxford Economic and the Regional Econometric Model which is produced by Experian. The most recent of these was a sensitivity test undertaken using the REM outputs of December 2016 and were published in the ELR Update in September 2017 as part of the REG 18 consultation at Pre-Publication Plan stage.
- 3.2 Table 1 of the ELR update presents the different scenarios over the period 2015 to 2031 as this was the time period looked at in the original Oxford Econometrics (OE) forecasts in the ELR 2016. This included Scenario 2 which was a locally led adjustment to the OE baseline to reflect local circumstances.
- 3.3 The ELR Update concluded that Scenario 2 was the most appropriate to take forward within the draft Local Plan. Before this occurred, the scenarios had to be moved onto a 2014 baseline as shown in Table 2 of the ELR update taking account of BRES change in the period 2012 to 2014.
- 3.4 This shows that the total forecast jobs growth for Scenario 2 it is +11,050 jobs over the remaining 17 years of the plan period (2014-31) reducing the economic growth potential in the City of York to 650 jobs per annum.

Modelling Assumptions

- 3.5 To consider the level of housing provision which might be needed to support the expected growth in jobs we need to make a number of modelling assumptions. Firstly, we have assumed that there will be no improvements to unemployment post 2017.
- 3.6 The second of which takes into account the number of people with more than one job (double-jobbing). At present around 3.3% of those working in York hold down more than one job. We have assumed this stays constant. This is taken from the long-term average from the Annual Population Survey (APS) and is set out in Figure 1 below.

Figure 6: Percentage of all people in employment who have a second job (2004-2017) – York



Source: Annual Population Survey (from NOMIS)

- 3.7 Similarly, we have assumed that commuting ratios as set out in the 2011 Census (which although dated is the best available evidence) also stay constant (see Table 7). As shown for every 1,000 people commuting in to the City for employment 959 commute out. There is therefore a very broad balance of commuting (actually a small net in-commute) and this is expected to continue to be the case.

Table 7: Commuting patterns in York

	Number of people
Live and work in Local Authority (LA)	62,209
Home workers	9,422
No fixed workplace	6,101
In-commute	25,734
Out-commute	21,451
Total working in LA	103,466
Total living in LA (and working)	99,183
Commuting ratio	0.959

Source: 2011 Census

- 3.8 Any changes to commuting patterns would need to be agreed with neighbouring authorities who may be relying on York residence to meet their economic growth.

- 3.9 Drawing these assumptions together it is possible to look at increase in resident workforce required to service the increase in number of jobs. As shown in the table below the 13,000 increase in jobs translates into an almost 12,000 increase in resident workforce.

Table 8: Forecast job growth and change in resident workforce with double jobbing and commuting allowance (2017-37) – York

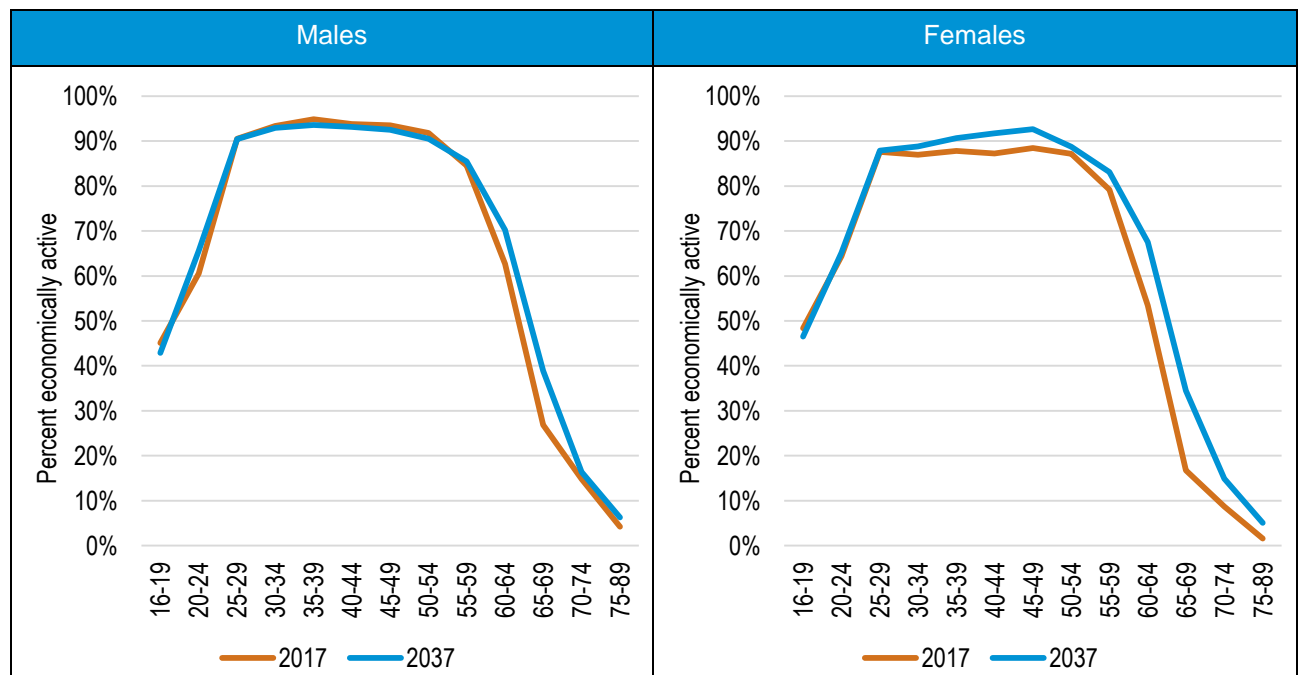
	LP (650 jpa)
Number of jobs (2017-37)	13,000
Double jobbing allowance	0.961
Number of workers required	12,493
Commuting ratio	0.959
Change in resident workforce	11,976

Source: Derived from a range of sources as described

- 3.10 The next stage recognises that not all of the population are economically active and seeks to model what level of population growth is required to provide the calculated increase in resident workforce. To do this we used assumptions on economic activity.

Economic Activity Rates

- 3.11 The most contentious part of the modelling assumptions generally focuses on Economic Activity Rates. This relates to the percentage of population in each age group and sex who will be economically active (i.e. in employment or looking for employment).
- 3.12 For the purposes of this report (and in a departure from the previous SHMA) we have used the Economic Activity Rates (EAR) as published by the Office of Budgetary Responsibility (OBR) from summer 2018. We have modelled from 2017 onwards assuming 650 jobs per annum through to 2037.
- 3.13 As shown in the figure below Economic Activity increases are assumed to occur in all male age groups from 55 onwards and for all woman aged 25 onwards. This reflects a wide range of factors but most notably increases to the state pension age and the trends for woman to be working in greater numbers and for longer.

Figure 7: Projected changes to economic activity rates (2017 and 2037) – York

Source: Based on OBR and Census (2011) data

3.14 This data has also been tabulated below and shows in particular the increase in those aged 60 to 69 linked directly to the change in pensionable age. There is also some reduction in the economic activity of those aged 16-19. This can be attributed to recent trends linked to changes to the compulsory education leaving age.

Table 9: Projected changes to economic activity rates (2017 and 2036) – York

	Males			Females		
	2017	2037	Change	2017	2037	Change
16-19	45.1%	42.9%	-2.2%	48.4%	46.5%	-1.8%
20-24	60.5%	65.6%	5.1%	64.4%	65.1%	0.7%
25-29	90.5%	90.4%	0.0%	87.6%	87.9%	0.3%
30-34	93.4%	92.9%	-0.4%	87.0%	88.8%	1.8%
35-39	94.8%	93.5%	-1.3%	87.8%	90.7%	2.9%
40-44	93.8%	93.1%	-0.7%	87.2%	91.7%	4.5%
45-49	93.5%	92.5%	-1.0%	88.5%	92.7%	4.2%
50-54	91.8%	90.5%	-1.3%	87.1%	88.7%	1.6%
55-59	84.5%	85.5%	1.0%	79.2%	83.1%	3.8%
60-64	62.6%	70.2%	7.6%	53.4%	67.5%	14.1%
65-69	26.8%	38.9%	12.1%	16.8%	34.5%	17.7%
70-74	14.8%	16.4%	1.6%	8.7%	14.9%	6.2%
75-89	4.2%	6.3%	2.1%	1.6%	5.1%	3.5%

Source: Based on OBR and Census (2011) data

- 3.15 The modelling starts with the official population projections and applies these economic activity rates to them. The official projections however do not provide enough of an increase in resident workforce to service the anticipated jobs growth using these economic activity rates.
- 3.16 In this circumstance the model then increases in migration (both international and internal) and decreases out-migration (both international and internal) by the same amount until the required increase in resident employment is achieved.
- 3.17 The final step is to translate this increase in population in to households and dwellings. As with the demographic growth we have run a number of scenarios in household representative rates and included a 3% vacancy allowance, the results of which is shown below.

Table 10: Projected housing need with different HRR scenarios (Local Plan job growth) – York

	Households 2012	Households 2037	Change in households	Per annum	Dwellings (per annum)
2016-SNHP HRRs	83,522	97,830	14,308	572	590
2014-SNHP HRRs	84,064	101,901	17,837	713	735
Part-return to trend	84,064	103,241	19,177	767	790

Source: Demographic projections

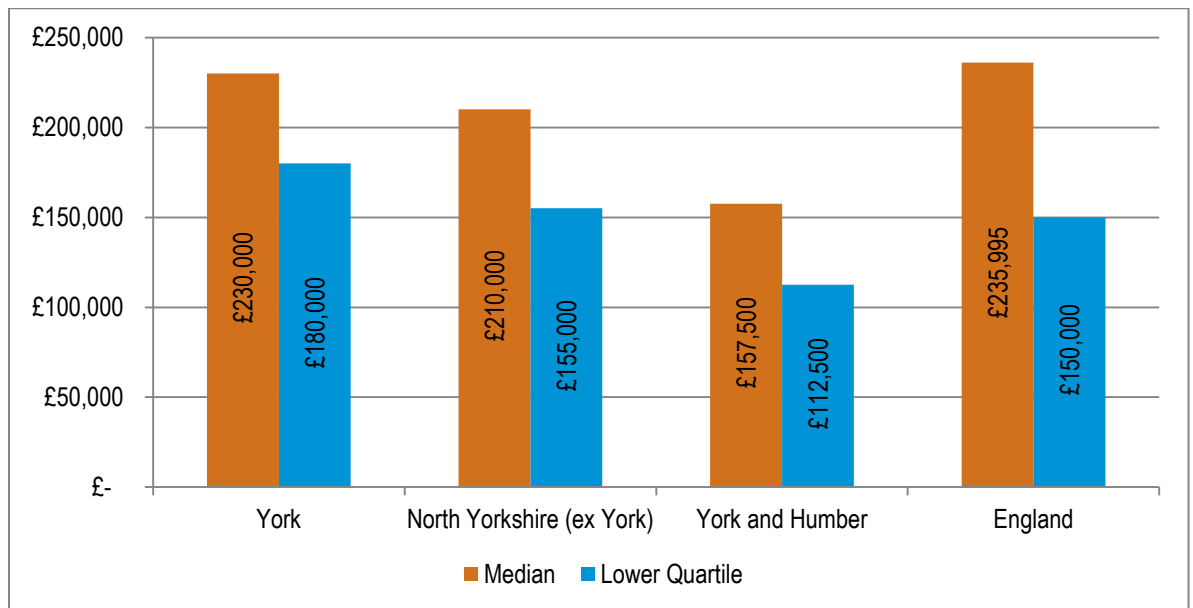
- 3.18 Using the official HRRs from the 2016-based projections results in a need for 590 dwellings per annum. This again assumes that the deterioration in household formation within younger age groups is acceptable.
- 3.19 However, by using the part return to trend HRRs we are again making the required improvements to avoid locking in these historic deteriorations and ensuring that these improve in future. Such an assumptions results in an **economic led housing need of 790 dwellings per annum**.
- 3.20 Only by providing this level of growth would the population be sufficient to meet the economic growth while also ensuring that there will be improvements to household representation rates among younger persons.
- 3.21 Any level of delivery below this will result in a combination of restricted economic growth (businesses not growing or moving out the City), unsustainable commuting patterns (increasing congestion and over-crowded public transport) or reduced household formation rates (greater levels of HMOs and/or non-dependent children living with their parents for longer and in greater numbers).

4 MARKET SIGNALS

House Prices

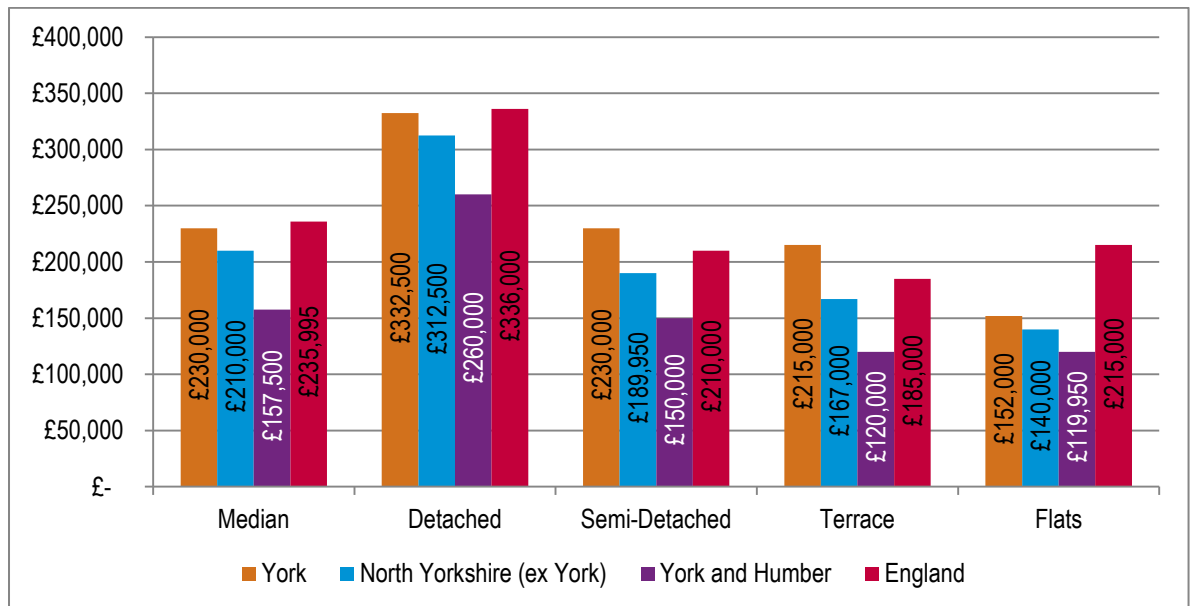
- 4.1 As shown in the figure below, the median house price in York sits at £230,000, near parity with England's median value of £235,995. The City is also more expensive than the North Yorkshire and Yorkshire and Humber equivalents of £210,000 and £157,500 respectively.

Figure 8: Median and Lower Quartile House Prices (2017)



Source: HM Land Registry, 2018

- 4.2 Perhaps even more interesting to note is that lower quartile house prices in York exceed that of England by £30,000 despite having a similar overall median house price. Relatively higher values within a lower quartile housing range suggests that those with lower incomes (such as first-time buyers) feel greater housing pressure and are less likely to be able to afford a property.
- 4.3 On examining house prices by type in summary we have identified that for detached, semi-detached, terrace and flats prices are all higher in York than for the County and Regional comparators. This is also the case for semi-detached and terraced homes in comparison to England.

Figure 9: House Prices by Type, 2018

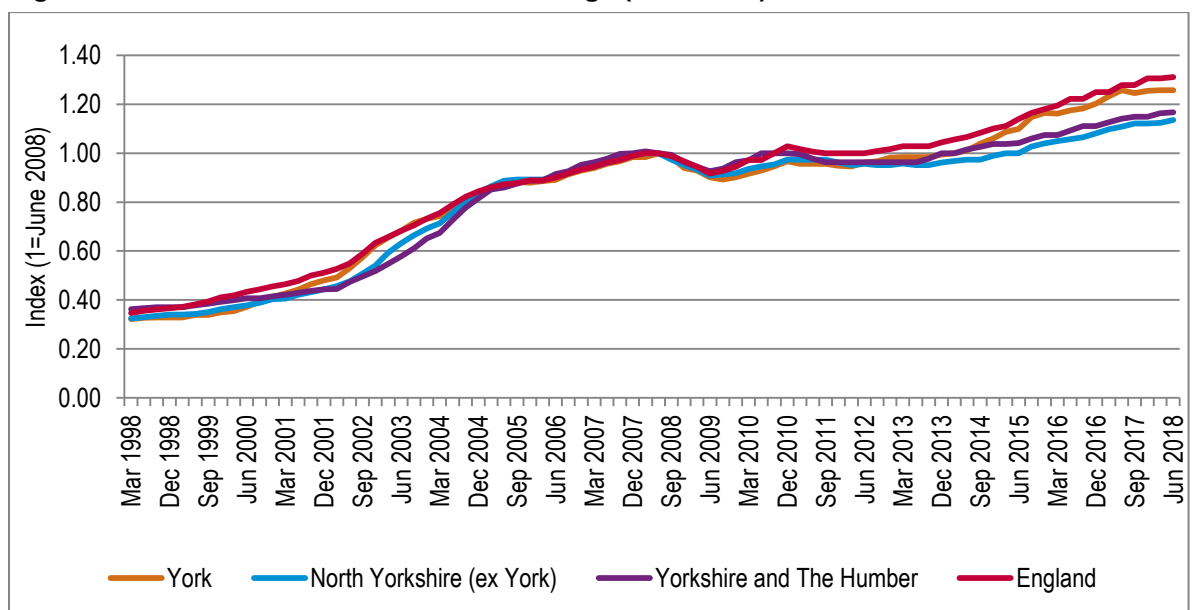
Source: HM Land Registry, 2018

- 4.4 Cost analysis based on detached houses reveals that the properties in York, valued at £332,500 are similar in value to the rest of England at £336,000. They are £20,000 higher than surrounding North Yorkshire and £72,500 higher than the Yorkshire and Humber region.
- 4.5 Analysis of semi-detached house prices reveals that median values in York are £230,000, this is some £20,000 higher than England, £40,050 higher than surrounding North Yorkshire figure and £80,000 greater than the Yorkshire and Humber region.
- 4.6 Terraced house price analysis reveals that in York the median value is £215,000, £30,000 higher than England, £48,000 higher than surrounding North Yorkshire and £95,000 greater than the Yorkshire and Humber region.
- 4.7 Finally, cost analysis based on flats reveals that those types of properties in York are valued at £152,000, £63,000 lower than England, £12,000 higher than surrounding North Yorkshire and £32,050 greater than the Yorkshire and Humber region.
- 4.8 Most interesting to note are that semi-detached and terraced homes are more expensive than all the other geographies, suggesting a shortage of housing related to this type. Flats, however, are a different case to the rest of England despite still being more expensive than its surrounding geography. One possible reason for the lower value of flats may be relating to the quality and size of the stock in the City.

House Price Change

- 4.9 The figure below reveals the indexed median house price change relative to values from 1998 to 2018. These are indexed to 2008 levels to show pre and post-recession changes. The graph can reveal the pace at which median house prices are rising or falling over time relative to the other geographies.
- 4.10 Most notably, the gap of growth between York and the surrounding North Yorkshire county has widened from 10 years ago. Since 2008 (the last recession), median housing price change for York has been approx. 1.25, more similar to the growth of prices for England overall sitting at 1.30.
- 4.11 The North Yorkshire county and Yorkshire and the Humber region, on the other hand, sit closer to just a change of 1.10. This divergence also shows a larger gap in house price change between the four geographies than at any time in the 20-year period, as visually shown below.

Figure 10: Indexed Median House Price Change (1998-2018)



Source: ONS based on Land Registry Data, 2018

Rental Market

- 4.12 The table below shows rental growth in York, Yorkshire and Humber, and England over the past one and five years, along with the relative growth figures for the lower quartile. The table reveals the pace at which median rental prices are rising or falling relative to properties on the lower end.
- 4.13 Of particular interest is the trend related to median rental growth. Median rental values in York are £745, £70 higher than the rest of England and £220 higher than Yorkshire and Humber region. In

the past five years, rental values have increased by 10%, 5% less than in England (15%). In the past year, however, prices have increased by 3% whereas there has been no growth for the rest of England and only 1% growth in the Yorkshire and Humber region. Indicating a narrowing of trends.

Table 11: Median and Lower Quartile Monthly Rents (2018)

	Median	1 Year Growth	5 Year Growth	Lower Quartile	1-year LQ Growth	5 Year LQ Growth
York	£745	3%	10%	£625	5%	14%
York & Humber	£525	1%	8%	£430	1%	9%
England	£675	0%	15%	£500	0%	11%

Source: Valuation Office Agency, 2018

- 4.14 In the lower quartile, more notably, York's rental growth has outpaced the rest of the country by 3%, sitting at total value increase of 14%. Similarly, rental prices have surged in the past year by 5% whereas there has been no increase in England.
- 4.15 The data demonstrated that rental housing has overall become more unaffordable in the past five years, but increasingly so amongst lower-value properties. This could be directly linked to a lack of affordability in the purchase market forcing a greater level of competition for rental properties.

Affordability

- 4.16 The table below shows the median and lower quartile affordability ratios of York, Yorkshire and Humber, and England in 2017, along with their 5-year change in values. The table demonstrates the relationship between incomes of those working in the City relative to property values.

Table 12: Median and Lower Quartile Affordability Ratios (2017)

	Median	5 Year Change	LQ 2017	5 Year Change
York	8.62	1.88	7.26	0.68
North Yorkshire	8.16	0.51	5.73	0.55
Yorkshire & Humber	5.90	0.55	-	-
England	7.91	1.14	9.11	1.38

Source: MHCLG, 2018

- 4.17 At the median level, York has the highest affordability ratio, and thus the least affordable housing, relative to surrounding North Yorkshire, Yorkshire and Humber, and England. In addition, the affordability ratio in York has also increased the most in the past five years relative to the other geographies – indicating a significant worsening in affordability.
- 4.18 The table also shows the lower quartile values and growth, although this data has not been published at a regional level. Affordability at a lower quartile level is relatively better and grew less than in England, however it still sits above the surrounding North Yorkshire equivalent at 7.26.

Despite appearing to be less than the rest of England, 7.26 is still high relative to incomes when compared to typical mortgage multiples.

- 4.19 The affordability statistics and the market signals reveal that as a whole, York is becoming increasingly more unaffordable and that a market signals adjustment in the City is necessitated.

Affordable Housing Need

- 4.20 The other necessary consideration in determining the scale of an affordability uplift for the calculation of OAN is affordable housing need. There has been no reassessment of affordable housing need within this short update report. The previous SHMA identified a net affordable housing need of 573 dwellings per annum.
- 4.21 The affordable housing evidence suggests that a modest uplift to the demographic-based need figure to improve delivery of affordable housing in the City may be justified. We have examined the key judgements as an illustration of the most appropriate response.

Kings Lynn v Elm Park Holdings (July 2015)

- 4.22 The case of Kings Lynn and West Norfolk Council vs. SSCLG and Elm Park Holdings, decided in July 2015, involved the Council's challenge to an inspector's granting of permission for 40 dwellings in a village. Although much of the case was about the approach to take with regards to vacant and second homes, the issue of affordable housing was also a key part of the final judgment.
- 4.23 Focussing on affordable housing, Justice Dove considered the "ingredients" involved in making a FOAN and noted that the FOAN is the product of the Strategic Housing Market Assessment (SHMA) required by paragraph 159 of the NPPF. It is noted that the SHMA must identify the scale and mix of housing to meet household and population projections, taking account of migration and demographic change, and then address the need for all housing types, including affordable homes.
- 4.24 He continued by noting that the scale and mix of housing is '*a statistical exercise involving a range of relevant data for which there is no one set methodology, but which will involve elements of judgement*'. Crucially, in paragraph 35 of the judgment he says that the '*Framework makes clear that these needs [affordable housing needs] should be addressed in determining the FOAN, but neither the Framework nor the PPG suggest that they have to be met in full when determining that FOAN. This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice*'.

- 4.25 This is an important point, given the previous judgements in Satnam and Oadby & Wigston. And indeed, in relation to Oadby and Wigston he notes that *'Insofar as Hickinbottom J in the case of Oadby and Wigston Borough Council v Secretary of State [2015] EWHC 1879 might be taken in paragraph 34(ii) of his judgment to be suggesting that in determining the FOAN, the total need for affordable housing must be met in full by its inclusion in the FOAN I would respectfully disagree. Such a suggestion is not warranted by the Framework or the PPG'*.
- 4.26 Therefore, this most recent judgement is clear that an assessment of affordable housing need should be carried out, but that the level of affordable need shown by analysis does not have to be met in full within the assessment of the FOAN. But should still be a consideration *in determining the FOAN*.
- 4.27 The approach in Kings Lynn is also similar to that taken by the inspector (Simon Emerson) to the Cornwall Local Plan. His preliminary findings in June 2015 noted in paragraph 3.20 that *'National guidance requires consideration of an uplift; it does not automatically require a mechanistic increase in the overall housing requirement to achieve all affordable housing needs based on the proportions required from market sites.'* A number of similar conclusions have been drawn at other local plan examinations.
- 4.28 It seems clear from this that the expectation is that it may be necessary, based on the affordable needs evidence to *consider* an adjustment to enhance the delivery of affordable housing, but that this does not need to be done in a "mechanical way" whereby the affordable need on its own drives the OAN.

Implications of Housing Market Signals

- 4.29 The updated market signals show that housing affordability is a worsening issue in York. House prices have increased in the past year and the affordability ratio between house prices and earnings has worsened. The housing market signals suggest that, in accordance with PPG, an uplift to the demographic projections is appropriate.
- 4.30 PPG sets out that "A worsening trend in any of the housing market signals indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections". In the context of the PPG, the appropriate test is therefore whether an upward adjustment should be made from the starting point household projections to take account of market signals.

4.31 There is however no guidance as to what an appropriate upwards adjustment should be instead the PPG sets out that it should be “at a level that is reasonable”. There have been a number of inspectors’ reports which have examined what is “reasonable”. These are set out below.

Inspectors’ Views on Market Signals Uplifts

4.32 Two of the earliest inspectors’ reports where market signals were considered in detail are in Eastleigh and Uttlesford. In both cases different inspectors suggested that the local authorities should consider increasing housing need by 10% as a result of the evidence. Key quotes from these reports are provided below.

- Eastleigh (February 2015) – *‘It is very difficult to judge the appropriate scale of such an uplift. I consider a cautious approach is reasonable bearing in mind that any practical benefit is likely to be very limited because Eastleigh is only part of a much larger HMA. Exploration of an uplift of, say, 10% would be compatible with the “modest” pressure of market signals recognised in the SHMA itself’*
- Uttlesford (December 2014) – *‘I conclude that it would be reasonable and proportionate, in Uttlesford’s circumstances, to make an upward adjustment to the OAN, thereby increasing provision with a view to relieving some of the pressures. In my view it would be appropriate to examine an overall increase of around 10%...’*

4.33 However more recently some inspectors have taken a stronger approach to market signals adjustments this includes:

- Waverley where the inspector applied a 25% uplift based on a median affordability ratio of 15.45;
- Mid Sussex where the inspector applied a 20% uplift based on a median affordability ratio of 12.6;
- Canterbury where the inspector applied a 20% uplift based on a median affordability ratio of 10.6;

4.34 All of the above examples are in locations where affordability is worse than in York. This would suggest that an uplift to these extents would be unnecessary. However, an uplift in the region of 15% would seem reasonable. Such an uplift applied to the demographic starting point (484 dpa) would arrive at an OAN of 557 dpa.

4.35 This is some way short of both the adjusted demographic growth and the economic growth. Therefore, the OAN should remain as 790 dwellings per annum in order to achieve both improvements to household formation and meet economic growth. This equates to an increase of 63% from the start point.

5 CONCLUSIONS

- 5.1 Overall, the 2016-based subnational population projections (SNPP) for York show an average annual population growth (2012-37) of 24,036, lower than the previous (2014-based) figure of 36,348 for the same period (12-37). Incorporating the latest mid-year population estimates off-sets this reduction to 24,468 persons over the same period.
- 5.2 Our analysis on the components of population change suggests that the 2016-based population projections provide a more robust assessment of population growth for York than their predecessor. This is also ratified by more recent population estimates.
- 5.3 To translate the 2016-based population projections into household growth and dwellings we ran a series of sensitivities on household representative rates and applied a vacancy rate of 3%.
- 5.4 The household formation rates analysis potentially identifies a constraint within the official household projections, particularly for those aged 25-34. We therefore developed an alternative scenario whereby the rates in this age group (and those aged 35-44) are part returned to those set out within the 2008-based projections (pre-recession).
- 5.5 These calculations resulted in a fairly wide range of growth of between 489 dpa to 679 dpa. Whereby the official projections are at the lower end of the range and the forecasts with adjusted HRR at the upper end.
- 5.6 In accordance with Planning Practice Guidance (PPG), we next considered whether it would be appropriate to consider any uplifts to account for economic growth or to improve housing affordability.
- 5.7 We have calculated the housing need required to meet an economic growth of 650 jobs per annum (based on the ELR Update and Draft Local Plan). Using a series of assumptions including economic activity rates from the Office of Budget Responsibility (OBR) resulted in an economic led need for housing of up to 790 dpa. This includes an adjustment to household formation rates.
- 5.8 We have also provided an updated analysis of housing market signals. These show that house prices are relatively high in York and that housing affordability is a significantly worsening issue over the last five years. This report has not re-assessed affordable housing needs. The SHMA had previously identified an affordable housing need of 573 dpa.
- 5.9 In accordance with Planning Practice Guidance (PPG), an uplift to improve affordability is required. Considering the above factors, we proposed a 15% uplift based on recent decisions and the significantly worsening affordability in York.

- 5.10 When applied to the demographic starting point (484 dpa) this 15% uplift would result in an OAN of 557 dpa. This some way short of the economic led need of 790 dpa.
- 5.11 This report therefore concludes that the OAN in York is 790 dpa. This would be sufficient to respond to market signals, including affordability adjustments, as well as making a significant contribution to affordable housing needs.
- 5.12 Only by providing this level of housing growth would the population be sufficient to meet the economic growth potential while ensuring that there will be improvements to household representation rates among younger persons.
- 5.13 Any level of delivery below this will result in a combination of restricted economic growth (businesses not growing or moving out the City), unsustainable commuting patterns (increasing congestion and over-crowded public transport) or reduced household formation rates (greater levels of HMOs and/or non-dependent children living with their parents for longer and in greater numbers).

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Inspector Simon Berkeley BA MA MRTPI and
Inspector Andrew McCormack BSc(Hons) MRTPI Date: 29th January 2019
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Dear Mr Berkeley and Mr McCormack

Many thanks for your letter dated 14th December regarding the examination of the City of York Local Plan. In our previous letter of 13th November we advised that we had been in dialogue with the Ministry of Housing, Communities and Local government (MHCLG) regarding the assessment of housing need in the light of the publication of the revised 2016 sub national population projections and household projections in May and September 2018 respectively.

Whilst it is clear that York's Local Plan has been submitted and is therefore subject to the transitional arrangements applying the 2012 National Planning Policy Framework (NPPF) we take the view that in order to achieve a robust and up to date Plan it is necessary to consider the implications of the newly published national evidence before a final OAN figure is settled through the examination process.

Both the NPPF (2012) and the associated PPG with regards to housing needs assessments are clear that the latest household projections published by the Office for National Statistics (ONS) should provide the starting point estimate of overall housing need.

The PPG is clear that wherever possible, local needs assessments should be informed by the latest available information and the NPPF is clear that Local Plans should be kept up-to-date. It is also clear that 'a meaningful change' in the housing

situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued¹.

The Office for National Statistics (ONS) released revised sub national population projections (2016-based) in May 2018 post the submission of the York Local Plan which show a marked discrepancy with the previous 2014 based figures on which our current OAN is calculated. This was further confirmed by the release of the 2016 based sub-national household projections by ONS in September 2018. We advised in our previous response that we would be conducting a review of the OAN in the context of the newly released evidence and that we would update you on its conclusions early in the New Year.

This review has now been undertaken by consultants GL Hearn and is enclosed for your consideration. The enclosed SHMA Update report advises that York's OAN is 790 dwellings per annum. This is based on a detailed review of the latest published evidence including the national population and household projections and the latest mid year estimate. The review has been undertaken based on applying the requirements of the National Planning Practice Guidance in relation to the assessment of housing need, under the 2012 NPPF. This confirms to the Council that the 867 dwellings per annum proposed in the submitted Plan can be shown to robustly meet requirements.

Habitat Regulations Assessment (HRA)

Following submission of the Local Plan in May 2018 we received correspondence from Natural England regarding the HRA (CD012). Natural England stated in their letter dated 4th June 2018 (EX/CYC/1) that in reference to recreational disturbance at Strensall Common SAC they '*welcome the additional assessment and further mitigation and avoidance measures set out in section 4 of the HRA. However we remain of the opinion that insufficient evidence has been provided to back up the*

¹ Paragraph 016. Planning Practice Guidance

conclusion of no adverse effects on integrity. We would expect to see a robust and comprehensive visitor assessment'.

The Council responded to Natural England on 19th June 2018 (EX/CYC/2) to advise that whilst we were satisfied that our HRA is adequate without the need for further supporting evidence we were in a position to commission expert advice in the form of a visitor survey to seek to address the matters that Natural England had raised without impacting on the examination timetable and in order for the outputs to inform, if necessary, the identification of further appropriate pragmatic and deliverable mitigation measures. We advised that we would commission the visitor survey as expeditiously as possible and that we would welcome working with NE to agree the visitor survey methodology to ensure it meets expectations.

The Visitor survey was commissioned in June 2018 using expert consultants Footprint Ecology and the methodology was discussed and agreed with Natural England in July 2018. Surveys were undertaken in August and September at the Strensall Common SAC and the Lower Derwent Valley SPA and a final draft report was issued in December 2018. This report has now been shared with Natural England who are in a position to meet with us and our HRA consultants on Monday 4th February 2019. We will be in a position to update you on any implications for the submitted Local Plan following this meeting.

Green Belt

The outcomes of the meeting with Natural England may result in implications for the addendum to Topic Paper 1 (Approach to York's Greenbelt) that PINS require in advance of timetabling of the hearing sessions and the drafting of matters, issues and questions. It is anticipated that should any outcomes from Natural England result in main modifications to sites that we would be in a position to put these forward to the Planning Inspectorate by mid March, together with the comprehensive addendum to the existing Topic Paper 1 – Approach to York's greenbelt [TP1] that provides additional clarification to the matters raised in your letter of 24th July 2018.

We will continue to keep you updated as to how these matters outlined progress and please do not hesitate to get in touch should you require any further information.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Neil Ferris', with a stylized flourish at the end.

Neil Ferris

Corporate Director - Economy and Place



Habitats Regulations Assessment of the City of York Council Local Plan

19 February 2019

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Quality Assurance – Approval Status

This document has been prepared and checked in accordance with Waterman Group's IMS (BS EN ISO 9001: 2015, BS EN ISO 14001: 2015 and BS OHSAS 18001:2007)

Issue	Date	Prepared by	Checked by	Approved by
First	19 February 2019	Bernie Fleming Fleming Ecology	Bernie Fleming Fleming Ecology	Niall Machin Associate Director
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Comments

Second

Comments



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SUMMARY

The City of York Council (the *Council*) formally submitted its Regulation 19 Publication Draft of its Local Plan in February 2018. This was accompanied by a Habitats Regulations Assessment (HRA) dated April, 2018. However, following comment by Natural England and the production of new evidence, it was found that the 2018 HRA had to be updated. This 2019 version of the HRA document replaces the 2018 edition and presents different outcomes.

The role of an HRA is to assess the impact of the proposed policies and allocations on the internationally important sites for biodiversity in and around the City. Together, these Special Protection Areas, Special Areas of Conservation and Ramsar sites are known as European sites.

HRA asks very specific questions of a local plan. Firstly, it *screens* the plan to identify which policies or allocations may have a *likely significant effect* on a European site, *alone or (if necessary) in combination* with other plans and projects. If likely significant effects can be ruled out, then the plan may be adopted but if they cannot, the plan must be subjected to the greater scrutiny of an *appropriate assessment* to find out if the plan will have an *adverse effect on the integrity* of the European sites. Typically, a Plan may only be adopted if an adverse effect on the integrity of the site can be ruled out. If necessary, a plan should be amended to *mitigate* any problems, which usually means that some policies or allocations will need to be modified or, more unusually, may have to be removed altogether.

This document follows best practice (drawing heavily, in particular, on guidance contained within the Habitats Regulations Assessment Handbook¹) and takes full account of policy and law. Where appropriate, this HRA also draws on previous draft HRAs completed in 2014 and 2017 and, in particular the 2018 HRA which accompanied the formal submission of the Plan.

The 2018 HRA concluded that the Plan would not have an adverse effect on the integrity of any European sites. This outcome was challenged by Natural England which prompted the production of visitor surveys at three European sites to assess the impact of recreational pressure - the Lower Derwent Valley, Skipwith Common and Strensall Common - and the re-evaluation of existing air quality data.

Natural England made similar comments in relation to the anticipated increase in air pollution associated with residential development promoted by the Plan with regard to the River Derwent and Strensall Common European sites. This too prompted further re-assessment.

In turn, this new evidence changed the outcomes of the previous HRA which are summarised below.

All policies plus associated allocations were screened; the individual outcomes of the initial screening of each policy and allocation can be found in Appendix B and are summarised in Tables 5 and 6. Overall, this HRA found that likely significant effects could be ruled out for the vast majority of policies and allocations which meant they could be excluded from any further scrutiny.

However, likely significant effects could not be ruled out alone in terms of Policies SS19/ST35, E18 and H59 because of anticipated increases in recreational pressure, changes to the hydrological regime and the effect of air pollution on the adjacent Strensall Common European site. Again, because of anticipated increases in recreational pressure, likely significant effects could not be ruled out alone for Policy ST33 on the Lower Derwent Valley European site. Finally, even though situated several kilometres from the Lower Derwent Valley, likely significant effects could not be ruled out alone for Policy SS13/ST15 for two reasons: again because of anticipated increases in recreational pressure but also for impacts on the bird communities of the European site that utilised land beyond the European site boundary.

¹ Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, November 2018 edition UK: DTA Publications Ltd



Accordingly, an appropriate assessment was carried out. The outcome of this further scrutiny was as follows:

With regard to air pollution, the evidence produced allowed a conclusion that an adverse effect on the integrity of the European sites could be ruled out, effectively confirming the outcomes described in the 2018 HRA.

In terms of recreational pressure, the additional work also confirmed that an adverse effect on the integrity could be ruled out at the Lower Derwent Valley, again effectively confirming the outcomes of the 2018 HRA.

At Strensall Common, in contrast, the survey identified, that there was existing evidence to show, *inter alia*, that the worrying of livestock by dogs was disrupting the grazing regime, an essential component of the management of the site. In addition, it calculated that access to the site was expected to increase by 24%, largely from the new residents of Policies SS19/ST35 and H59 and that the number of dogs would also rise. Furthermore, it raised doubts regarding the effectiveness of a range of mitigation measures. The survey concluded that (emphasis added):

Given the scale of increase in access predicted from the visitor surveys, the proximity of new development and concerns relating to current impacts from recreation, adverse (effects on the sic) integrity on the SAC cannot be ruled out as a result of the quantum of development proposed. In addition, for individual allocations that are adjacent to the site it will be difficult to rule out adverse effects on integrity.

Natural England subsequently concurred with this statement.

This latest edition of the HRA found no reasons to disagree with this new evidence and opinion.

Taking full account of these outcomes, this HRA identified that the addition of policy changes to the employment area E18 was possible and would be sufficient to remove the threat of an adverse effect on the integrity of the site, enabling E18 to be retained in the Plan and to leave the outcome of the 2018 HRA effectively unchanged.

In contrast, uncertainty over the effectiveness of the mitigation measures embedded within Policies SS19/ST35 and H59 led to the conclusion that they were not sufficient to remove the threat of an adverse effect on the integrity of Strensall Common European site. Therefore, for the Plan to be adopted, it was found necessary to recommend, that SS19/ST35 and H59 should be removed from the Plan. This would represent both a major modification to the Plan and a departure from the 2018 HRA.

All other factors remain the same as described in the previous edition of this HRA. Therefore, provided that all the modifications suggested above are adopted, the Council would be able to ascertain that an adverse effect on the integrity of the European sites would be avoided.

Lastly, although this HRA has been prepared to help the Council discharge its duties under the Habitats Regulations, the Council is the competent authority and it must decide whether to adopt this report or otherwise.



1. INTRODUCTION

Background

- 1.1. The City of York Council (the *Council*) has submitted its Regulation 19 Publication Draft of its Local Plan (February 2018). This will deliver the strategic vision and objectives in York over a 20 year period. When adopted, the Local Plan will influence all future development within the Council's boundaries.
- 1.2. The Habitats Directive requires local (or '*competent*') authorities to assess the impact of development plans on the Natura 2000 network of protected sites. The Directive is given domestic effect by the Habitats and Species Regulations 2018 ² (the '*Habitats Regulations*'). In England, this requirement is implemented via a *Habitats Regulations Assessment (HRA)* which comprises a series of mandatory tests.
- 1.3. A draft HRA (Amec, 2014)³ was prepared alongside a previous Local Plan Publication draft. However, consultation on this document and its supporting evidence base was halted following a decision by Full Council in October 2014 to undertake further work on the Local Plan evidence base in relation to housing numbers. Work continued to update the policies and portfolio of site allocations within the Plan until late 2017.
- 1.4. Subsequently, a further draft HRA was completed (Waterman, 2017)⁴ to evaluate the impact of these changes to the Plan. However, this only comprised an initial 'screening assessment (alone)' and did not explore the in combination or appropriate assessment (or AA) stages.
- 1.5. In April 2018, the formal HRA (Waterman, 2018⁵) was submitted alongside the Local Plan as part of the Regulation 19 consultation exercise. It concluded, after carrying out an appropriate assessment that the Plan would not have an adverse effect on the integrity of any European site.
- 1.6. However, in its letter of 4 May 2018, when referring to the effects of recreational pressure, Natural England stated:

(it did) not agree that adverse effects on integrity can be ruled out based on the evidence available.
- 1.7. Natural England also raised concerns about the assessment of recreational pressure on Skipwith Common. Similar points were made regarding anticipated changes in air quality with regard to the River Derwent and Strensall Common.
- 1.8. In response to this advice, the Council carried out further analysis of nitrogen deposition on the River Derwent and Strensall Common from road traffic. In addition, visitor surveys of the Lower Derwent Valley, Skipwith Common and Strensall Common were commissioned which were published in February 2019.
- 1.9. The outcome of both these exercises prompted production of this further HRA.
- 1.10. For presentational reasons, the Lower Derwent Valley and Skipwith Common Surveys were combined into one report but it should be noted that the Lower Derwent Valley Survey was co-funded with the neighbouring Selby District Council (which 'shares' the site with York) whereas the Skipwith Common Survey was entirely funded by Selby given (a) its location within that authority and (b) the large distances from any proposals within York's Plan.

² Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

³ City of York Council Habitats Regulations Assessment of the Local Plan. AMEC Environment & Infrastructure UK limited. September 2014 (DRFAT).

⁴ HRA of Plan Allocations. Habitats Regulations Assessment of City of York Council Local Plan. Waterman Infrastructure & Environment Limited. September 2017

⁵ Habitats Regulations Assessment of City of York Council Local Plan. Waterman Infrastructure & Environment Limited. April 2018.



- 1.11. Defra guidance⁶ (expanded in C12 of the Handbook⁷) allows competent authorities to reduce the duplication of effort by drawing on earlier conclusions where there has been no material change in circumstances. If there is any doubt, the allocation or policy is assessed normally. Consequently, this current HRA draws on the findings of both previous documents where possible but evaluates the Plan in the context of contemporary evidence and best practice.

Habitats Regulations Assessment of Local Plans, Natura 2000 and European sites

- 1.12. Natura 2000 is the cornerstone of European nature conservation policy; it is an EU-wide network of Special Protection Areas (SPA) classified under the 1979 Birds Directive and Special Areas of Conservation (SAC) designated under the 1992 Habitats Directive. Together, the network comprises over 27,000 sites⁸ and safeguards the most valuable and threatened habitats and species across Europe; it represents the largest, coordinated network of protected areas in the world.
- 1.13. In the UK, these sites are commonly referred to as 'European sites' which, according to Government policy⁹, also comprise 'Wetlands of International Importance', or Ramsar sites. Over 8.5% of the UK land area forms part of this network including, locally, sites such as Strensall Common, Skipwith Common, the Lower Derwent Valley and River Derwent. Further afield, it also incorporates such well known sites as the Yorkshire Dales and the North York Moors.
- 1.14. The Regulations employ a series of mandatory tests outlined in Fig 1 (derived from Circular 06/05).
- 1.15. In practical terms, experience gained from implementation of the process has encouraged the adoption of additional filters at the outset to explore if the plan even needs to be subject to HRA at all. This more sensible approach is laid out in Fig 2 where many of the component steps are given expression. It is the process described in Fig 2 that is followed in this HRA.
- 1.16. So, for example, the initial test adopted in this HRA (in Section 2) firstly explores if the plan can be excluded from the HRA simply because it is considered that it could not have any conceivable effect on a European site before exploring whether the plan is actually necessary for the management of a European site (in section 2 of this HRA).
- 1.17. If the plan cannot be ruled out at this stage, the competent authority (ie the Council) must then identify whether the plan is '... likely to have a significant effect on a European Site ... either alone or in combination with other plans or projects'. If significant effects are found to be absent or can be avoided, the plan may be adopted without further scrutiny.
- 1.18. An in-combination assessment is required where an impact is identified which would have an insignificant effect on its own ('a residual effect) but where likely significant effects arise cumulatively with other plans or projects. Together, these first few steps of Stage 1 (in Fig 2) are often referred to as 'Screening'.

⁶ Habitats Directive – Guidance on competent authority coordination under the Habitats Regulations, Defra (July 2012).

⁷ Tyldesley, D., and Chapman, C., (2013) *The Habitats Regulations Assessment Handbook*, November 2018 DTA Publications Ltd

⁸ Natura 2000 Barometer

<https://view.officeapps.live.com/op/view.aspx?src=http://ec.europa.eu/environment/nature/natura2000/barometer/docs/Natura%202000%20barometer.xlsx> accessed 14 February 2019

⁹ ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (16 August 2005)



Figure 1: Consideration of development proposals affecting European sites

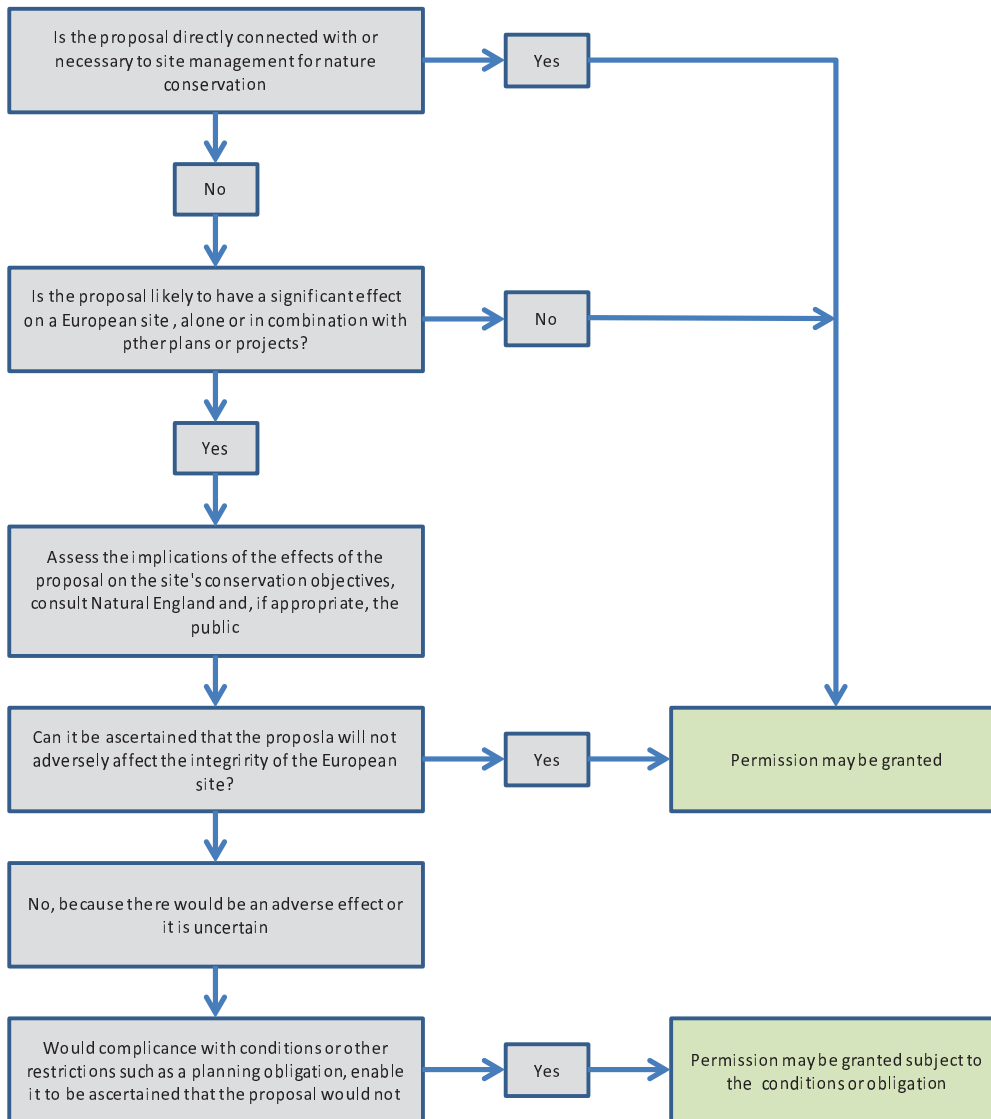
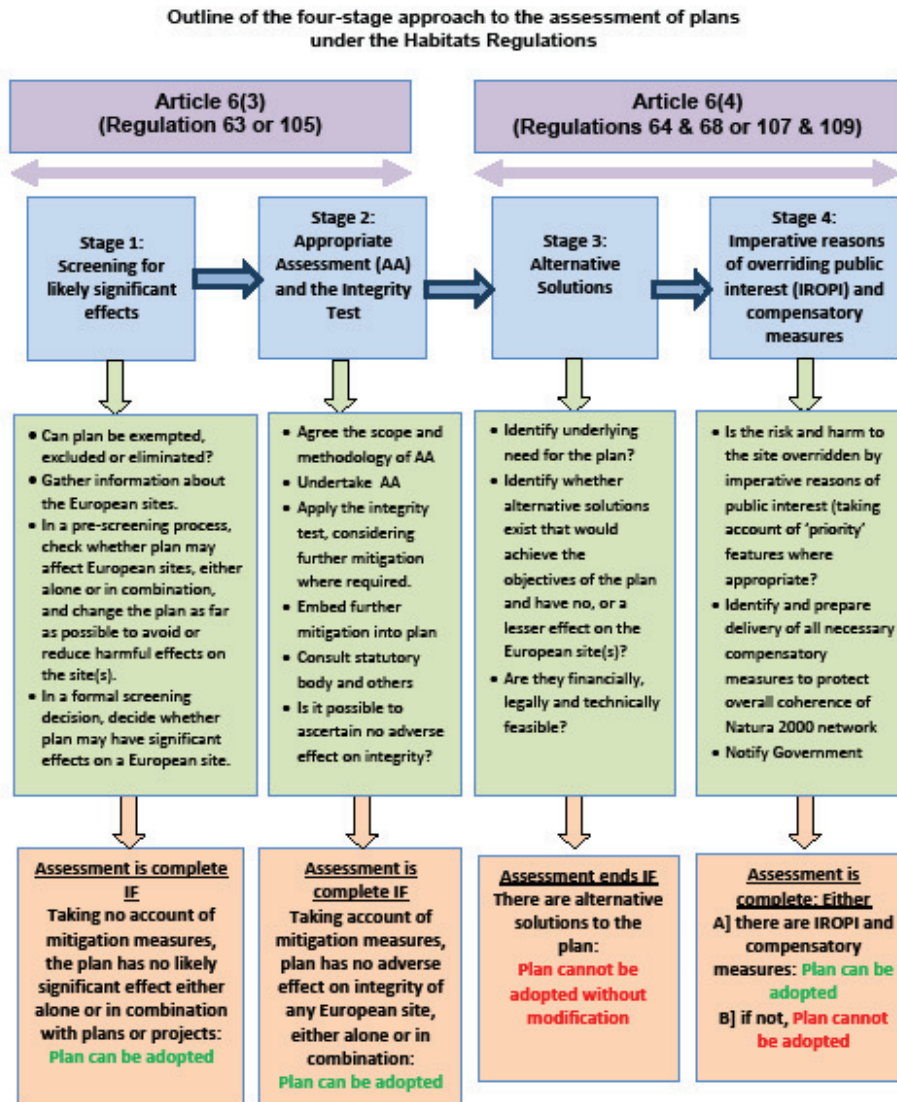




Figure 2: The four stage assessment of plans under the Habitats Regulations



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- 1.19. This HRA utilises guidance provided by the Habitats Regulations Assessment Handbook. The Handbook draws on best practice and case law at home and across the EU to identify over 180 principles that inform how HRA should be carried out. Subscribers to the Handbook include Natural England, the Environment Agency and the Planning Inspectorate which ensures that key decision-makers will be familiar with the approach shown in Fig 2.

Definitions, Evidence, Precautionary Principle and Case Law

- 1.20. The specific meaning of the key terms and tests in HRA is of considerable importance. Drawing again on Section C.7 of the Handbook and other sources the following definitions, embedded in case law, apply to key words, phrases and stages throughout the overall process:

Stage One - Screening

- *Likely* in the context of 'a likely significant effect' means a 'a possible significant effect; one whose occurrence cannot be excluded on the basis of objective information';¹⁰; therefore, 'likely' differs from the normal English meaning of a probability
 - *Significant*, in the same context, means 'any effect that would undermine the conservation objectives for a European site ...';¹¹
 - *Objective*, in this context, means clear verifiable fact rather than subjective opinion. ...
 - *There should be credible evidence to show that there is a real rather than a hypothetical risk¹² of effects that could undermine the site's conservation objectives. Any serious possibility of a risk that the conservation objectives might be undermined should trigger an 'appropriate assessment'.*
- 1.21. In other words, this means the initial screening phase should not be exhaustive, a point candidly described by Advocate General Sharpston in paragraphs 49 and 50 of the Sweetman case¹³ when describing the levels of scrutiny to be applied to each test as follows:

'The threshold at the first stage [the test for LSE] ... is thus a very low one. It operates merely as a trigger, in order to determine whether an appropriate assessment must be undertaken ... The threshold at (the second) [the appropriate assessment] stage is noticeably higher than that laid down at the first stage. That is because the question (to use more simple terminology) is not 'should we bother to check?' (the question at the first stage) but rather 'what will happen to the site if this plan or project goes ahead ...'.

- 1.22. This was amplified in the Bagmoor Wind case¹⁴ was similarly clear:

'If the absence of risk ... can only be demonstrated after a detailed investigation, or expert opinion, that is an indicator that a risk exists and the authority must move from preliminary examination to appropriate assessment'.

- 1.23. In other words, if there is any serious possibility of a risk that the conservation objectives might be undermined this should trigger an appropriate assessment.'

¹⁰ European Court of Justice Case C – 127/02 *Waddenzee* 7 September 2004

¹¹ Peter Charles Boggis and Easton Bavants Conservation v Natural England and Waveney District Council, High Court of Justice Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061 20th October 2009

¹² Peter Charles Boggis and Easton Bavants Conservation v Natural England and Waveney District Council, High Court of Justice Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061 20th October 2009

¹³ C-258/11 Sweetman reference for a preliminary ruling from the Supreme Court of Ireland. Opinion of the Advocate General 22 November 2012

¹⁴ Bagmoor Wind Limited v The Scottish Ministers Court of Sessions [2012] CSIH 93



- 1.24. For the avoidance of doubt, *an in combination* assessment is required only where an impact is identified which would have an insignificant effect on its own (a residual effect) but where likely significant effects may arise cumulatively with other plans or projects.

Stage Two – Appropriate Assessment and the Integrity Test

- 1.25. Fundamentally, the HRA process employs the precautionary principle and Regulation 105 ensures that where a plan is '*likely to have a significant effect*', it can only be adopted if *the competent authority* can ascertain (following an *appropriate assessment*) that it '*will not adversely affect the integrity of the European site*'. In simpler terms, it is not for the competent authority to prove harm but for the plan proposer to demonstrate the absence of harm.

- 1.26. The *integrity* of a European site was described in para 20 of ODPM Circ. 06/2005 as:

the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified.

- 1.27. Elsewhere, the CJEU (Sweetman)¹⁵ defined integrity as:

'the lasting preservation of the constitutive characteristics of the site ... whose preservation was the objective justifying the designation of that site

- 1.28. Whilst the Supreme Court (Champion)¹⁶ has found "appropriate" is not a technical term and indicates no more than that the assessment should be appropriate to the task in hand, it can be seen that when compared with the test at the screening stage for likely significant effect, the a '*appropriate assessment*' is more thorough.

Stages Three and Four – The Derogations

- 1.29. If an adverse effect on the integrity of the site can be avoided, the plan can be adopted (Fig 1). If not, derogations would have to be sought to allow the plan to continue; these are regarded as a last resort and considered only in exceptional circumstances. These explore whether *alternative solutions* are possible and if there are not, whether *imperative reasons of overriding public interest* apply and if so, whether compensation is feasible. These latter stages are not shown in Fig 1 but the entire process is summarised in Stages 2, 3 & 4 of Fig 2.

Overall approach

- 1.30. The HRA of development plans was first made a requirement in the UK following a ruling by the European Court of Justice in EC v UK¹⁷. However, the judgement¹⁸ recognised that any assessment had to reflect the actual stage in the strategic planning process and the level of evidence that might or might not be available. This was given expression in the UK High Court (Feeny¹⁹) which stated:

"Each ... assessment ... cannot do more than the level of detail of the strategy at that stage permits".

- 1.31. This is where a way has to be found that whilst mindful of the need for the precautionary principle to be applied, the HRA must strive to identify only those plausible effects and not the extremely unlikely.

¹⁵ Sweetman EU:C:2013:220 para 39

¹⁶ R (on the application of Champion) v. North Norfolk District Council [2015] UKSC 52.

¹⁷ Case C-6/04: Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland judgment of the Court 20 October 2005.

¹⁸ Opinion of advocate general Kokott, 9th June 2005, Case C-6/04. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland

¹⁹ Sean Feeny v Oxford City Council and the Secretary of State CLG para 92 of the judgment dated 24 October 2011 Case No CO/3797/2011, Neutral Citation [2011] EWHC 2699 Admin



- 1.32. Because this is a strategic plan, the ‘*objective information*’²⁰ required by the HRA is typically only available at a strategic or high level, without the detail that might be expected at the planning application stage.

Mitigation and recent case law

- 1.33. Recently, the European Court of Justice gave its ruling on the People Over Wind²¹ case which provided a new interpretation of when and how mitigation measures should be considered in an HRA. In departing from previous decisions, it clearly identifies that measures designed specifically to avoid or reduce likely significant effects should not be evaluated at the screening stage but reserved for the appropriate assessment. The implications of this recent judgment are still to be fully understood, in circumstances where the plan which the specific subject of consideration under the Directive and Regulations itself includes policies which provide for mitigation, but for the avoidance of doubt this HRA takes full account of this ruling by restricting consideration of any mitigation measures to the appropriate assessment.

Evidence

- 1.34. The owner of land affected by Policies SS19/ST35, H59 and E18 at Strensall, DIO, has produced two Shadow HRAs (December 2017)^{22 23} to inform their aspirations. Some evidence provided by the DIO has been taken into account in this HRA, where appropriate, but it should be noted that the DIO evaluated a ‘larger’ scheme and the Council has not accepted some of its conclusions.
- 1.35. Also landowners affected by Policies SS13/ST15 have independently produced ecological information in support of their proposals and this is taken account of in the evaluation of those policies.

Brexit

- 1.36. The requirement for this HRA is embedded in the European Union’s Habitats Directive and so the decision to leave the EU potentially throws doubt on the need for the HRA of this and other local plans. However, UK law and policy is currently unchanged and the need for HRA remains. The HRA of the Council’s Local Plan will therefore continue and the recommendations will be acted upon until such time as Government indicates otherwise.

Role of the competent authority

- 1.37. Lastly, although this HRA has been prepared to help the Council discharge its duties under the Habitats Regulations, the Council is the competent authority and it must decide whether to adopt this report or otherwise.

²⁰ European Court of Justice Case C – 127/02 *Waddenzee* 7 September 2004

²¹ [Case C/323-17 People Over Wind](#)

²² Amec Foster Wheeler Environment & Infrastructure Limited. December 2017. DIO York Sites: Queen Elizabeth Barracks (QEB). Information to support a Habitats Regulations Assessment.

^{23 23} Amec Foster Wheeler Environment & Infrastructure Limited. December 2017. DIO York Sites: Towthorpe Lines. Information to support a Habitats Regulations Assessment.



2. THE NEED FOR ASSESSMENT AND IDENTIFYING EUROPEAN SITES AT RISK

Exclusion, Elimination and Exemption from the need for Assessment

- 2.1. Prior to the identification of vulnerable European sites, Stage 1 of Fig.2 (elaborated in F3.2 – F3.4 of the Handbook) encourages a brief review of the plan to explore if it can be:
- **Excluded** from the HRA because 'it is not a plan within the meaning and scope of the Habitats Directive', or
 - **Eliminated** from the HRA because it can easily be shown that although 'it is a plan ... it could not have any conceivable effect on any European site', or
 - **Exempted** from the HRA because it is '... directly connected with or necessary to the management of the ... European site' (ie the first formal stage of the HRA - Fig 1).
- 2.2. Taking these in turn, **it is clear the Local Plan represents a real plan with the potential to harm European sites and so can neither be excluded nor eliminated from the HRA. Likewise, the purpose of the Plan is not the nature conservation management of any European sites and so it cannot be made exempt from further assessment.** Consequently, the next steps in Stage 1 of Fig 2 need to be pursued by identifying which European sites and which features may be vulnerable as follows.

Identification of European sites at risk

- 2.3. To encourage a consistent, reliable and repeatable process, the *Handbook* (Figure F4.4) identifies 16 generic criteria, listed below in Table 1 (Columns 1 & 2), that when evaluated generate a precautionary, 'long' list of European sites in Column 3 which might be affected by the Plan²⁴. However, when considered further, using readily available information and local knowledge (Column 4) the list of plausible threats can be refined and the list of affected sites reduced (Column 5). Albeit a coarse filter, this enables the exercise to comply with the Boggis case and attempts to only consider realistic and credible threats whilst avoiding the hypothetical or extremely unlikely.
- 2.4. If Column 5 remains empty of European sites, following the tests in Column 2, then no European sites will be considered to be at risk and no further scrutiny will be required. Note that sites identified against the first criterion (ie '1. All plans') should be ignored as this is simply a list of European sites within the City Council's boundary.
- 2.5. The search was restricted to those European sites found within 20km of the district boundary as this was considered to be the maximum extent that policies and allocations could seriously be considered to generate measurable effects. This focuses the attention of this HRA on the River Derwent, Lower Derwent Valley and Strensall Common European sites, which are all found within the Council boundary and, Kirk Deighton, Skipwith Common, the Thorne and Hatfield Moor complex and the Humber Estuary which are all found in neighbouring local authorities.
- 2.6. It is important to note that although the outcomes of this site identification task will reflect the type and location of activities proposed within the plan and/or the ecological characteristics of the European sites, it does not represent the test for likely significant effect (which follows later).

²⁴ This table is taken from the Handbook albeit with changes to the number and titles of Columns appropriate to this HRA.

Table 1: Potential mechanisms and the initial list of European sites that could be affected

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
1. All plans (terrestrial, coastal and marine)	Sites within the geographic area covered by or intended to be relevant to the plan	Lower Derwent Valley (SPA, SAC, Ramsar) River Derwent (SAC) Strensall Common (SAC)	This 'test' simply identifies all the European sites in the Council's geographic area. All sites present will be included. Effects considered are those associated with the physical presence of built development and the <i>localised</i> effects on surface/groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc.	Lower Derwent Valley River Derwent Strensall Common
2. Plans that could affect the aquatic environment	Sites upstream or downstream of the plan area in the case of river or estuary sites Open water, peatland, fen, marsh and other wetland sites with relevant hydrological links to land within the plan area, irrespective of distance from the plan area	Humber Estuary (SPA, SAC, Ramsar) Lower Derwent Valley (SPA, SAC, Ramsar) River Derwent (SAC)	No development is proposed that could lead to such effects in the vicinity of any of the three European sites. Therefore, effects on the aquatic environment of the Humber Estuary, the Lower Derwent Valley and the River Derwent can be ruled out and are removed from further consideration. Note that the <i>indirect</i> effects of changes to wastewater disposal are assessed separately under '7b'. Effects considered are those associated with the physical presence of built development and the <i>localised</i> effects on surface/groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc. No development is proposed that could lead to such effects in the vicinity of Skipwith Common.	None Strensall Common

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
3. Plans that could affect the marine environment	<p>Sites that could be affected by changes in water quality, currents or flows; or effects on the inter-tidal or sub-tidal areas or the sea bed, or marine species</p> <p>Sites in the same coastal 'cell', or part of the same coastal ecosystem, or where there are interrelationships with or between different physical coastal processes</p>	<p>Humber Estuary (SPA, SAC, Ramsar)</p>	<p>Therefore, effects on the aquatic environment of Skipwith Common can be ruled out and are removed from further consideration.</p> <p>However, this may not be the case at Strensall Common where development immediately adjacent to this wetland site is proposed. Consequently, adverse effects cannot be ruled out here and so Strensall Common will remain in the assessment.</p> <p>Note that the <i>indirect</i> effects of changes to wastewater disposal are assessed separately under '7b'.</p> <p>Given the distance and lack of public access to the closest parts of the Upper Estuary, it is considered almost inconceivable that any aspect of the Plan could affect any of the physical and biological processes/features of the Humber Estuary. Consequently, effects on the marine environment on the Humber Estuary are removed from any further consideration in this HRA.</p>	None
4. Plans that could affect the coast	None	None	N/A	None

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
<p>5. Plans that could affect mobile species</p>	<p>Sites whose qualifying features include mobile species which may be affected by the plan irrespective of the location of the plan's proposals or whether the species would be in or out of the site when they might be affected</p>	<p>Humber Estuary (SPA, SAC, Ramsar) Kirk Deighton (SAC) Lower Derwent Valley (SPA, SAC, Ramsar) River Derwent (SAC)</p>	<p>This considers direct impacts of plan proposals on mobile species. Given that the great crested newts of Kirk Deighton SAC are will be restricted to the breeding pond and surrounding land, and that no development is proposed nearby, then adverse effects can be ruled out. Therefore, effects on mobile species at Kirk Deighton SAC are removed from any further consideration in this HRA. However, impacts on various bird, mammal and fish populations of the Humber, River Derwent and Lower Derwent Valley cannot be ruled out at this stage and so these sites remain in the HRA for further consideration.</p>	<p>Humber Estuary Lower Derwent Valley River Derwent</p>
<p>6. Plans that could increase recreational pressure on European sites potentially vulnerable or sensitive to such pressure</p>	<p>(a) Such European sites in the plan area (b) Such European sites within an agreed zone of influence or other reasonable and evidence-based travel distance of the plan area boundaries that may be affected by local recreational or other visitor pressure from within the plan area</p>	<p>Lower Derwent Valley (SPA, SAC, Ramsar) River Derwent (SAC) Strensall Common (SAC) Humber Estuary (SPA, SAC, Ramsar) Kirk Deighton (SAC) Thorne Moor (SAC) Hatfield Moor (SAC) Thorne & Hatfield Moors (SPA) Skipwith Common (SAC)</p>	<p>Due to the proximity of development, impacts on the three European sites cannot be ruled out at this stage and so they remain in the HRA for further consideration. Kirk Deighton SAC lies around 15km from the nearest allocation on private land with no public access and so effects from recreational pressure at Kirk Deighton SAC are removed from any further consideration in this HRA. In terms of public pressure, the otherwise fragile sites of all the components of the Thorne & Hatfield Moors complex, display either restricted access and/or effective visitor management to strongly suggest that not only would visitor</p>	<p>Lower Derwent Valley River Derwent Strensall Common Humber Estuary Skipwith Common</p>

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
7. Plans that would increase the amount of development	(c) Such European sites within an agreed zone of influence or other evidence-based longer travel distance of the plan area, which are major (regional or national) visitor attractions such as European sites which are National Nature Reserves where public visiting is promoted, sites in National Parks, coastal sites and sites in other major tourist or visitor destinations	Peak District SPA and SAC Yorkshire Dales SPA and SAC Flamborough Head SPA	numbers would be low, but they are likely to be well managed and the sites (and associated mobile species) would be resilient to change brought about by this Plan. Therefore, effects of recreational pressure on the Thorne and Hatfield Moor sites are removed from any further consideration in this HRA. Impacts from recreational pressure on the Humber Estuary and Skipwith Common cannot be ruled out at this stage and so remain in the HRA for further consideration.	None
(a) Sites in the plan area or beyond that are used for, or could be affected by, water abstraction irrespective of distance from the	Kirk Deighton SAC Lower Derwent Valley (SPA, SAC, Ramsar)	The HRA of Yorkshire Water's Water Resources Management Plan found that there were unlikely to be any significant effects on European sites, either alone or in combination with other plans or		None

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
	plan area	River Derwent (SAC) Skipwith Common SAC Strensall Common (SAC)	projects ²⁵ . All potentially affected sites can therefore be ruled out from further scrutiny.	
(b) Sites used for, or could be affected by, discharge of effluent from waste water treatment works or other waste management streams serving the plan area, irrespective of distance from the plan area		Humber Estuary (SAC, Ramsar) Lower Derwent Valley (SAC, Ramsar) River Derwent (SAC)	Yorkshire Water has a legal duty to provide wastewater treatment for new dwellings. Policy GI2 (vii) effectively relates the construction of new development to the availability of capacity at wastewater treatment works across the area. Consequently, adverse effects on the receiving water bodies from the anticipated increase in wastewater disposal can be ruled out of this HRA with no residual effects. All potentially affected sites can be removed from further scrutiny.	None
7. Plans that would increase the amount of development	(c) Sites that could be affected by the provision of new or extended transport or other infrastructure	None	No such infrastructure proposed	None
(d) Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic		Lower Derwent Valley (SPA, SAC, Ramsar) River Derwent (SAC) Skipwith Common (SAC) Strensall Common (SAC)	Adverse impacts from increased air pollution can be possible on sites found within 200m of roads. Components of all four listed European sites are situated within this limit and so all are retained for further assessment; features that could be particularly vulnerable include heathlands at Strensall and Skipwith, and the grasslands and invertebrate communities of the River Derwent/Lower Derwent Valley complex	Lower Derwent Valley River Derwent Skipwith Common Strensall Common
8 Plans for linear developments or	Sites within a specified distance from the centre line of the	None	No such infrastructure proposed	None

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
infrastructure	proposed route (or alternative routes), the distance may be varied for differing types of site / qualifying features and in the absence of established good practice standards, distance(s) to be agreed by the statutory nature conservation body	None	No such activities proposed	None
9. Plans that introduce new activities or new uses into the marine, coastal or terrestrial environment	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the new activities proposed by the plan	None	No such activities proposed	None
10. Plans that could change the nature, area, extent, intensity, density, timing or scale of existing activities or uses	Sites considered to have qualifying features potentially vulnerable or sensitive to the effects of the changes to existing activities proposed by the plan	None	No such activities proposed	None
11. Plans that could change the quantity, quality, timing, treatment or mitigation of emissions or discharges to air, water or soil	Sites considered to have qualifying features potentially vulnerable or sensitive to the changes in emissions or discharges that could arise as a result of the plan	None	No such activities proposed	None

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
12. Plans that could change the quantity, volume, timing, rate, or other characteristics of biological resources harvested, extracted or consumed	Sites whose qualifying features include the biological resources which the plan may affect, or whose qualifying features depend on the biological resources which the plan may affect, for example as prey species or supporting habitat or which may be disturbed by the harvesting, extraction or consumption	None	No such activities proposed	None
13. Plans that could change the quantity, volume, timing, rate, or other characteristics of physical resources extracted or consumed	Sites whose qualifying features rely on the non-biological resources which the plan may affect, for example, as habitat or a physical environment on which habitat may develop or which may be disturbed by the extraction or consumption	None	No such activities proposed	None
14. Plans which could introduce or increase, or alter the timing, nature or location of disturbance to species	Sites whose qualifying features are considered to be potentially sensitive to disturbance, for example as a result of noise, activity or movement, or the presence of disturbing features that could be brought about by the plan	Lower Derwent Valley (SPA, SAC, Ramsar) River Derwent (SAC) Thorne & Hatfield Moors (SPA) Humber Estuary (SPA, SAC, Ramsar) Kirk Deighton (SAC)	For the purposes of this HRA, it is considered that the effects of this category will be captured effectively via the application of criteria 5 (mobile species) and/or 6 (recreation). Therefore, this criterion is screened out to avoid duplication and so impacts resulting from 'Disturbance' will be removed from further consideration in this HRA on all five European sites listed.	None

Types of plan (or potential effects)	Sites to scan for and check	Initial list of potentially affected European sites	Additional context	European sites selected
15. Plans which could introduce or increase or change the timing, nature or location of light or noise pollution	Sites whose qualifying features are considered to be potentially sensitive to the effects of changes in light or noise that could be brought about by the plan	None	No such activities proposed	None
16. Plans which could introduce or increase a potential cause of mortality of species	Sites whose qualifying features are considered to be potentially sensitive to the source of new or increased mortality that could be brought about by the plan	None	No such activities proposed	None

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- 2.7. The outputs of the review carried out in Table 1 rule out the possibility of any credible effects from any aspect of the Plan on Kirk Deighton SAC, Thorne Moor SAC, Hatfield Moor SAC and Thorne & Hatfield Moors SPA. These sites will therefore be ruled out of any further scrutiny in this HRA s.
- 2.8. In addition, the exercise reduces the number of factors at play and begins to clarify the nature of potential impacts. Importantly, it confirms that the focus of this HRA should be restricted to only the following European sites and issues:

European sites	Feature
(2) Aquatic environment	Strensall Common SAC
(5) Mobile species	Humber Estuary SPA, SAC and Ramsar Lower Derwent Valley SPA, SAC and Ramsar River Derwent SAC
(6) Recreational pressure	Humber Estuary SPA and Ramsar Lower Derwent Valley SPA, SAC and Ramsar River Derwent Skipwith Common SAC Strensall Common SAC
(7d) Airborne pollution	Lower Derwent Valley SPA, SAC and Ramsar River Derwent SAC Skipwith Common SAC Strensall Common SAC

- 2.10. The net result, and benefit to the HRA, is that the list of issues and sites potentially affected is reduced, making for a shorter and more focused HRA than would otherwise be the case.
- 2.11. However, as impacts on a number of European sites cannot be ruled out, further ecological information needs to be gathered to inform subsequent tests in the HRA. Drawing on the citations, conservation objectives, supplementary advice (where published) and site improvement plans, all five European sites that remain at risk are described in Table 2 and are accompanied by observations on their sensitivity to external factors – the latter informed by Table 1. Conservation objectives and threats and pressures extracted from the SIP are provided in full. Citation and qualifying features are provided in Appendix A.
- 2.12. For ease of access, references that influence Table 2 inform much of the rest of the HRA are listed immediately below.

References

Lower Derwent Valley SPA, SAC, Ramsar

Lower Derwent Valley SPA Citation. 1993

Conservation Objectives for Lower Derwent Valley SPA. 30 June 2014. (Version 2)

Draft Supplementary advice on conserving and restoring features. Lower Derwent Valley SPA. 25 January 2019

Lower Derwent Valley SAC Citation. 14 June 2005



Conservation Objectives for Lower Derwent Valley SAC. 27 November 2018. (Version 3)

Draft Supplementary advice on conserving and restoring features. Lower Derwent Valley SAC. 29 June 2016

Site Improvement Plan. Lower Derwent Valley. 6 October 2014. V1.0

Ramsar Information Sheet Lower Derwent Valley SAC Citation. 8 June 1993

River Derwent SAC

River Derwent SAC Citation. 14 June 2005

Conservation Objectives for River Derwent SAC. 27 November 2018. (Version 3)

Draft Supplementary advice on conserving and restoring features. River Derwent SAC. 27 March 2017 (Version 2)

River Derwent SAC Site Improvement Plan. Natural England. V1.0. 8 October 2014.

Skipwith Common SAC

Skipwith Common SAC Citation. 14 June 2005

Conservation Objectives for Skipwith Common SAC. 27 November 2018. (Version 3)

Draft Supplementary advice on conserving and restoring features. Skipwith Common SAC. 25 January 2019

Skipwith Common Site Improvement Plan, Natural England, v1.0, 18 December 2014

Strensall Common SAC

Strensall Common SAC Citation. 14 June 2005

Conservation Objectives for Strensall Common SAC. 27 November 2018. (Version 3)

Draft Supplementary advice on conserving and restoring features. Strensall Common SAC. 25 January 2019

Strensall Common Site Improvement Plan, Natural England, v1.0, 18 December 2014

Humber Estuary SPA, SAC, Ramsar

Humber Estuary SPA Citation. 31 August 2007

Conservation Objectives for Humber Estuary SPA. 30 June 2014. (Version 3)

Humber Estuary SAC Citation. 10 December 2009

Conservation Objectives for Humber Estuary SAC. 27 November 201. (Version 3)

Humber Estuary Site Improvement Plan, Natural England, v1.1. 8 July 2015

Humber Estuary Ramsar Information Sheet. 31 August 2007

Table 2: Description of European Sites

Description (including summary of qualifying features)	Conservation objectives	Pressures and threats (P/T)
<p>Lower Derwent Valley SPA, SAC, Ramsar</p> <p>The Lower Derwent Valley (LDV) supports the largest single expanse of wet, neutral (MG4) hay meadow in the UK. The site also hosts alder woodland and internationally important populations of breeding and wintering waterbirds. The habitats are reliant in part on the maintenance of a favourable hydrological regime, including periodic inundation, whilst mobile species remain susceptible to development, public pressure and disturbance both on and off the site on functionally-linked land outside the designated site, sometimes several kilometres distant. In common with the River Derwent SAC, the qualifying features include other which is similarly vulnerable.</p> <p>The Ramsar designation adds wetland invertebrates, passage birds, ruff and whimbrel. Most of the site is privately owned and farmed with limited public access but all is managed for nature conservation with Natural England, including the LDV National Nature Reserve. Limited car parking and a formal arrangement of paths and hides effectively reduces the impact of existing recreational pressure although some 'informal' access or trespass occurs. Despite this, the site is relatively robust but large increases in visitors may be difficult to accommodate without adequate mitigation.</p> <p>The grassland and water bodies remain vulnerable to nutrient enrichment - the addition of inorganic nitrogen fertiliser is not allowed - but birds and mammals are more resilient. There are five component SSSIs. All of Derwent Ings SSSI to be in 'favourable' or 'unfavourable recovering' condition. 99.2% of the River Derwent SSSI is 'favourable' or 'unfavourable recovering'; 0.8% is 'unfavourable no change' but the threat level is 'high' across a wider area. All Newton Mask SSSI, Brighton Meadows SSSI and Melbourne and Thornton Ings SSSI are in favourable condition but carry a range of threats.</p> <p>For the avoidance of doubt, the Ramsar site encompasses a similar area to the SPA but excludes the river (ie the River Derwent SAC). Given the overlap between the majority of Ramsar and SPA/SAC features, this HRA will restrict assessment to just the latter to reduce repetition. However, the 'unique' wetland invertebrate assemblage of the Ramsar site is not reflected in the corresponding SAC.</p> <p>This assemblage forms an integral component of the grassland, wetland and woodland complex of the Lower Derwent Valley and it is considered that the assessment of impacts on this group is fundamentally linked to those of its supporting habitats. Therefore, it is not assessed independently and instead, reflecting the ecology of the species and habitats, an approach based on the evaluation of just the SPA and SAC features is considered adequate to embrace this feature. This approach is given weight by the fact that as a Ramsar feature it does not benefit from bespoke conservation objectives not is it considered in Natural England's SIP or its supplementary advice.</p>	<p>SPA</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;</p> <p>The extent and distribution of the habitats of the qualifying features;</p> <p>The structure and function of the habitats of the qualifying features;</p> <p>The supporting processes on which the habitats of the qualifying features rely;</p> <p>The population of each of the qualifying features, and,</p> <p>The distribution of the qualifying features within the site.</p> <p>SAC</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <p>The extent and distribution of qualifying natural habitats and habitats of qualifying species;</p> <p>The structure and function (including typical species) of qualifying natural habitats;</p> <p>The structure and function of the habitats of qualifying species;</p> <p>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;</p> <p>The populations of qualifying species, and,</p> <p>The distribution of qualifying species within the site.</p>	<ol style="list-style-type: none"> 1. Hydrological changes (P); 2. Drainage (P); 3. Public access/Disturbance (T); 4. Invasive species (T); 5. Undergrazing (T); 6. Inappropriate scrub control (T); 7. Air pollution; impact of atmospheric nitrogen deposition (T); 8. Invasive species (Himalayan balsam) (T); 9. Invasive species (others) (T)

Description (including summary of qualifying features)	Conservation objectives	Pressures and threats (P/T)
<p>River Derwent SAC</p> <p>The River Derwent represents one of the best examples in England of a lowland river stretching from Ryemouth in the north to its confluence with the Ouse in the south of the District – a small section lies within the Lower Derwent Valley National Nature Reserve. It supports diverse communities of flora and fauna, notably floating vegetation dominated by water crowfoot; and river lamprey, sea lamprey, bullhead and otter. The mobile species utilise extensive stretches of water both upstream and downstream throughout the catchment beyond the boundaries of the SAC, and are critically dependent on the maintenance of a favourable hydrological (including physical and chemical) conditions throughout their range and so are vulnerable to pollution events and the creation of physical or chemical barriers; lamprey migrate to the open sea via the Derwent, Ouse and Humber Estuary providing an intimate link between both sites. The Derwent is meso/eutrophic and carries a high nutrient load providing a degree of resilience against air pollution, and whilst otter can be considered resilient, the floating vegetation communities and fish populations may be vulnerable. Overall, the site can be considered relatively robust but vulnerable to changes in water quality (especially inputs of phosphate) from wastewater disposal, for instance.</p> <p>Limited car parking and a formal arrangement of footpaths reduces the impact of existing recreational pressure (although informal access or trespass also occurs, although this is regarded to be limited to local residents) and the simple width of the channel reduces direct impacts. So, whilst bullhead and lamprey can be considered immune to such pressure, otter and the floating vegetation community may not be.</p> <p>There are two component SSSIs – the River Derwent and Newton Mask. Natural England has assessed 99.2% of the River Derwent SSSI to be in 'favourable' or 'unfavourable recovering' condition; 0.4% is 'unfavourable no change' but the threat level is considered to be 'high' across a much wider area. All of Newton Mask SSSI is considered to be in favourable condition but carries a 'medium' threat level.</p> <p>For the avoidance of doubt, the Lower Derwent Ramsar site encompasses a similar area to the SPA but excludes the River Derwent SAC.</p>	<p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <p>The extent and distribution of qualifying natural habitats and habitats of qualifying species;</p> <p>The structure and function (including typical species) of qualifying natural habitat;</p> <p>The structure and function of the habitats of qualifying species;</p> <p>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;</p> <p>The populations of qualifying species, and,</p> <p>The distribution of qualifying species within the site.</p>	<ol style="list-style-type: none"> 1. Physical modification (P/T); 2. Water pollution (T); 3. Invasive species (T); 4. Change in land management (T); 5. Water abstraction (T).

Description (including summary of qualifying features)

Conservation objectives

Pressures and threats (P/T)

Skipwith Common SAC

Skipwith Common supports extensive areas of both wet and dry heath, with rush pasture, mire, reedbed, open water and woodland. The entire European site is managed as a National Nature Reserve by Natural England, grazed with cattle and sheep and has been dedicated as open access land under CRoW. The number of visitors is thought to be increasing causing some erosion and disturbance of grazing animals, and the heathland could be vulnerable to nitrogen deposition. The site remains both fragile and vulnerable.

The underpinning Skipwith Common SSSI was assessed by Natural England to be in 'favourable' or 'unfavourable recovering' condition. The corresponding SIP for the European site identifies, *inter alia*, a number of threats including public pressure, air pollution and drainage.

- H4010. Northern Atlantic wet heaths with *Erica tetralix*; wet heathland with cross-leaved heath (or 'wet heath');
 H4030. European dry heaths (or 'dry heath').
1. Public access/Disturbance (P);
 2. Inappropriate scrub control (T);
 3. Drainage (T);
 4. Air pollution: impact of atmospheric nitrogen deposition (P).

Strensall Common SAC

Strensall Common is managed in part by the Yorkshire Wildlife Trust and MOD, and, at over 570ha, 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.

Vulnerable to nitrogen deposition, it is also subject to considerable visitor pressure although an established network of paths reduces trampling pressure; regular closures of much of the heath by the MOD to allow safe operation of the adjacent firing ranges also helps reduce the intensity of this threat. However, both the dry and wet heath habitats are particularly vulnerable, not only to erosion etc, but also changes to the local hydrological regime and so construction proposed nearby will require careful scrutiny.

The entire, underpinning SSSI was considered by Natural England in 2011 to be in favourable or unfavourable-recovering condition. However, the corresponding SIP identifies a number of threats including, *inter alia*, public pressure and air pollution. The draft Supplementary Advice, recently published by Natural England (February 2019) highlights the threat posed to the maintenance of the grazing regime by the worrying and subsequent disturbance of livestock by dogs. It states:

'any activity (*sic*) threatened the viability of this management could pose a risk to heathland habitat'.

- H4010. Northern Atlantic wet heaths with *Erica tetralix*; wet heathland with cross-leaved heath;
 H4030. European dry heaths.
1. Public access/Disturbance (P);
 2. Inappropriate scrub control (T);
 3. Air pollution: impact of atmospheric nitrogen deposition (P).

Description (including summary of qualifying features)

Conservation objectives

Pressures and threats (P/T)

Humber Estuary SAC, SPA & Ramsar

The Humber Estuary carries a high suspended sediment load which sustains a dynamic system of intertidal and subtidal mudflats, sandflats, saltmarsh and reedbeds extending to around 37,000ha. Other notable habitats include sand dunes, coastal lagoons and sub-tidal sandbanks. Qualifying (mobile) species include river and sea lamprey which migrate through the estuary to rivers in the Humber catchment.

Importantly, the estuary regularly supports around 150,000 wintering and passage waterbirds. At high tide, large mixed flocks congregate in key roost sites often beyond the European site boundary due to the combined effects of extensive land claim, coastal squeeze and lack of grazing marsh and grassland on both banks of the estuary. In summer, the site supports important breeding populations of Bittern, Marsh harrier, Avocet and Little tern. All could be vulnerable to development or recreational pressure on functionally-linked land.

Natural England has assessed 99% of the underpinning Humber Estuary SSSI to be in 'favourable' or 'unfavourable recovering' condition. Only 1% of the site is assessed to be in 'unfavourable no change' or 'unfavourable declining' condition. However, the 'threat' level is considered to be 'medium' or 'high' across a much wider area.

The corresponding SIP for the European site identifies, *inter alia*, a number of threats including water pollution and public pressure.

Whilst therefore potentially vulnerable to a wide range of factors, its size, considerable distance from any point sources within the Council area and relative robustness of many of the features make the likelihood of harmful effects remote.

The one possible exception to this is the population of lamprey which migrate from the sea, via the Humber to breeding grounds in the River Derwent. Physical or chemical barriers to migration may cause harm and so factors like wastewater disposal can require careful scrutiny if not addressed effectively in policy terms. Similarly, grey seals could also be vulnerable to similar factors.

Given the similarity between Ramsar and SPA/SAC features, this HRA will restrict assessment to just the latter to avoid repetition.

SPA objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:

The extent and distribution of the habitats of the qualifying features;

The structure and function of the habitats of the qualifying features;

The supporting processes on which the habitats of the qualifying features rely;

The population of each of the qualifying features; and,

The distribution of the qualifying features within the site.

SAC objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

The extent and distribution of qualifying natural habitats and habitats of qualifying species;

The structure and function (including typical species) of qualifying natural habitats;

The structure and function of the habitats of qualifying species; and the supporting processes on which qualifying natural habitats and habitats of qualifying species rely;

The populations of qualifying species; and,

The distribution of qualifying species within the site.

1. Water pollution (P/T);
2. Coastal squeeze (T);
3. Changes in species distributions (T);
4. Undergrazing (P);
5. Invasive species (T);
6. Natural changes to site conditions (P/T);
7. Public access/Disturbance (P);
8. Fisheries: Fish stocking; (P)
9. Fisheries: Commercial marine and estuarine (P);
10. Fisheries: Commercial marine and estuarine (T);
11. Direct and take from development (T);
12. Air pollution: impact of atmospheric nitrogen deposition (P);
13. Shooting/scaring (P);
14. Direct impact from third party (T);
15. Inappropriate scrub control (P)



2.13. The outputs of Table 1 allow this HRA to focus solely on a restricted number of possible impacts on five European sites: the Humber Estuary, Lower Derwent Valley, the River Derwent and both Skipwith and Strensall Commons. However, by drawing on the additional information provided in Table 2, the HRA is able to further refine the possible impacts to specific features, habitats and species. These, the key issues for the next, formal stage of this screening exercise are presented in Table 3.

Table 3: Summarised, initial list of European sites, affected features and potential effects

European site	Potential effects	Qualifying features at risk
Lower Derwent Valley SPA, SAC & Ramsar	(5) Impacts on mobile species	Breeding, non-breeding birds and otter
	(6) Impacts from recreational pressure	All habitats Breeding, non-breeding birds and otter
	(7d) Impacts from air pollution	All habitats
River Derwent SAC	(5) Impacts on mobile species	Otter, bullhead and lamprey
	(6) Impacts from recreational pressure	Otter Floating vegetation dominated by water crowfoot
	(7d) Impacts from air pollution	Floating vegetation dominated by water crowfoot River and sea lamprey, and bullhead
Skipwith Common SAC	(6) Impacts from recreational pressure	Wet heath and Dry heath
	(7d) Impacts from air pollution	Wet heath and Dry heath
Strensall Common SAC	(2) Impacts on the aquatic environment	Wet heath and Dry heath
	(6) Impacts from recreational pressure	Wet heath and Dry heath
	(7d) Impacts from air pollution	Wet heath and Dry heath
Humber Estuary SAC, SPA, Ramsar	(5) Impacts on mobile species	River and sea lamprey, grey seal and both breeding and non-breeding birds
	(6) Impacts from recreational pressure	Breeding and non-breeding birds

2.14. It is important to reiterate comments embedded in Table 2, regarding the assessment of Ramsar site features. The Humber Estuary Ramsar features are effectively duplicated by the SPA/SAC features. There is, therefore, no need for separate assessment and so further assessment in this HRA will focus entirely on the latter unless outcomes demand otherwise.

2.15. Whilst the same is true for the Lower Derwent Valley Ramsar and SPA bird communities, the relationship is not always so convenient. For instance, the wetland invertebrate assemblage in the Lower Derwent Valley Ramsar site is not represented in the corresponding SAC. However, there are strong reasons suggest that that assessment of the SAC habitats would be adequate to provide the necessary scrutiny to safeguard this assemblage.

2.16. This assemblage forms an integral component of the grassland, wetland and woodland complex of the Lower Derwent Valley and it is considered that the assessment of impacts on this group is fundamentally linked to those of its supporting habitats. Therefore, the wetland invertebrate



assemblage it is not assessed independently and instead, reflecting the ecology of the species and habitats, an approach based on the evaluation of just the SPA and SAC features is considered adequate to safeguard this feature and deliver the necessary scrutiny of Ramsar sites as required by current Government policy. Therefore, there will no specific reference to Ramsar features in the following screening exercise unless it is required for clarity.



3. SCREENING THE POLICIES – PROCESS AND OUTCOMES

Methodology

- 3.1. Section 2 of this HRA confirmed that the Local Plan could not be excluded from scrutiny and identified which European sites and which features might be affected by it. Again, by drawing on the Handbook, the next step, encompassing the second formal test from Fig 1, is to identify if there is a credible risk that a proposal in the Local Plan may lead to a LSE on a European site (by threatening to undermine its conservation objectives). It achieves this by evaluating the proposals in the plan against the following criteria to see if they are:
- **Screened out from further scrutiny** (because the individual policies or allocations are considered not 'likely to have a significant effect on a European site, either alone or in combination with other plans and projects');
 - **Screened in for further scrutiny** (because the individual policies or allocations are considered 'likely to have a significant effect on a European site, either alone or in combination with other plans and projects').
- 3.2. Mindful of the People Over Wind decision, section 6.3 of the Handbook describes a list of 'screening categories' (summarised in Table 4 below, itself adapted from an earlier edition of the Handbook) designed to evaluate both policy and site-based allocations to provide a rigorous and transparent approach to the screening process. Importantly, this process helps to provide a distinction between the *essential features and characteristics*, and *mitigation measures* of the Plan where relevant.

Table 4: Screening Categories

Code	Category	Outcome
A	General statement of policy/general aspiration	Screened out
B	Policy listing general criteria for testing the acceptability/sustainability of the plan	Screened out
C	Proposal referred to but not proposed by the plan	Screened out
D	Environmental protection/site safeguarding policy	Screened out
E	Policies or proposals which steer change in such a way as to protect European sites from adverse effects	Screened out
F	Policy that cannot lead to development or other change	Screened out
G	Policy or proposal that could not have any conceivable effect on a site	Screened out
H	Policy or proposal the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects (used when the location of a policy or allocation is unspecified)	Screened out
I	Policy or proposal with a likely significant effect on a site alone	Screened in
J	Policy or proposal with an effect on a site but not likely to be significant alone, so need to check for likely significant effects in combination	Check



Code	Category	Outcome
K	Policy or proposal unlikely to have a significant effect either alone or in combination (screened out after the in combination test)	Check
L	Policy or proposal which might be likely to have a significant effect in combination (screened in after the in combination test)	Check

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- 3.3. The impact of each potential effect is evaluated against the conservation objectives (Appendix A) of the relevant features of the European sites (Table 3) and categorised according to criteria in Table 4 for every policy and/or allocation in the Plan. This provides a bespoke screening opinion for each and every policy and/or allocation in the Plan. The outcomes are summarised in Tables 5 and 6 but given the large number of policies and allocations, the preliminary screening outcome for each policy and allocation is only presented in Appendix B. Where there is a risk of a likely significant effect alone and in combination, the issue will be categorised as Category I for simplicity but any in combination issues will still be considered below if necessary.
- 3.4. Issues of particular importance, arranged by potential effect, which influenced the outcome of this exercise, are discussed below taking each issue in turn.

Screening

Potential Effect – Aquatic environment

European site	Feature
Strensall Common SAC	Wet heath and Dry heath

Context

- 3.5. This potential effect is concerned with built development and its localised effects on surface and sub-surface flows both in terms of water quality and water resources resulting from changes in run-off, sedimentation, erosion etc. Table 3 shows that both the wet heath and dry heath communities of Strensall Common could be affected but as this criterion is restricted to localised threats, only three policies/allocations required evaluation.
- 3.6. The Council proposes development at three locations immediately adjacent or in close proximity to the Strensall Common European site (Policies SS19/ST35, E18 and H59). Together these comprise the development of 545 dwellings (500 under SS19/ST35 and 45 under H59) and a 4ha employment area. Despite supporting extensive areas of wet heath, a threatened habitat with a restricted distribution in the UK and beyond, changes to the hydrological regime are not identified as a key pressure or threat in the Strensall Common SIP (Table 1).

Screening opinions

Strensall Common

- 3.7. Wet and dry heath is found in the vicinity of all three proposed policies/allocations and extends across much of the European site. It is a fragile habitat, vulnerable to changes in the local surface or sub-surface hydrological regime. It is anticipated that construction of the proposed development, across all three allocations would be prolonged, extending over several years and



- would comprise substantial earthworks, the installation of drains and the storage of fuel and other potential contaminants, all with the potential to adversely affect the local hydrological regime.
- 3.8. Whilst it is not suggested that impacts from construction will adversely affect the entire site, it is possible that changes to drainage patterns could extend across localised but significant areas of the SAC. This would conflict with the conservation objective for Strensall Common to '*maintain ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats ...*'
 - 3.9. Whilst Policies H59 and E18 do not provide for any mitigation, the same cannot be said for SS19/ST35 which suggests measures are required to manage hydrological effects. The latter cannot be regarded as embedded characteristics of the policy and must therefore be subjected to further scrutiny via an appropriate assessment.
 - 3.10. Given the interrelationship between all three policies, all three will be subject to this further scrutiny, despite their differing approaches to mitigation.

Therefore, there is a risk that the proposals contained within Policies SS19/ST35, E18 and H59 could undermine the conservation objectives of the heathland features of Strensall Common SAC and that a likely significant effect cannot be ruled out (alone). Consequently, the policies must be screened in (Category I) and an appropriate assessment is required. Each policy is capable of resulting in a likely significant effect alone and, therefore, no residual effects are anticipated and there is no need for an in combination assessment at this stage.

Potential Effect – Mobile Species

European sites	Feature
Lower Derwent Valley SPA and SAC	Breeding and non-breeding birds, and otter
River Derwent SAC	Otter, bullhead and lamprey
Humber Estuary SPA, SAC and Ramsar	Lamprey, grey seals and both breeding and non-breeding birds

Context

- 3.11. Mobile Species are defined here as those that utilise ('functionally-linked') land or water beyond the European site boundary for some part of their life-cycle be it seasonally, diurnally or even intermittently. Consequently, they are vulnerable to a range of both localised and strategic effects away from protected areas. Therefore, in the case of fish and otter, effects on water quality and resources will have to be considered both up and downstream, and, in terms of bird populations, attention will have to be paid to land-take or disturbance on potentially wide areas of land.
- 3.12. Table 3 shows that a number of mobile species across three European sites (the Humber Estuary, River Derwent and Lower Derwent Valley) could be affected and potentially, a considerable number of policies/allocations could be implicated. All the potential European sites selected (except the River Derwent) identify 'disturbance' as a key pressure or threat in the relevant SIP (Table 1).
- 3.13. The individual features are considered in turn by site. Inevitably, because of some shared features, this introduces some repetition.



Screening opinions

Humber Estuary

- 3.14. Given the absence of proposed development in close proximity to the estuary or known, functionally-linked land, **it is considered highly unlikely that any proposals in the Plan could undermine the conservation objectives of the breeding and non-breeding bird populations of the Humber Estuary SPA and so likely significant effects (alone) can be screened out (Category G)**. There would be no residual effects and no need for an in combination assessment.
- 3.15. Similarly, and simply because of the distance between the Plan area and seal haul-out areas, **it is considered highly unlikely that any proposals in the Plan could undermine the conservation objectives of the grey seal populations of the Humber Estuary SAC and so likely significant effects (alone) can be screened out (Category G)**. There would be no residual effects and no need for an in combination assessment.
- 3.16. Furthermore, with the lack of proposals in the Plan for the creation of physical or other obstructions in watercourses, **it is considered highly unlikely that any proposals in the Plan could undermine the conservation objectives of the lamprey populations of the Humber Estuary SAC (or River Derwent SAC) and so likely significant effects (alone) can be screened out (Category G)**. There would be no residual effects and no need for an in combination assessment.

River Derwent

- 3.17. Otters are associated with waterways throughout the district and, in common with experiences across much of lowland England, populations have been steadily increasing as water quality, in particular, has improved. Otters are typically nocturnal and elusive and although they will range widely in the rivers and adjacent riparian habitats to forage, holts are typically established away from human influence. As no allocations promote obstructions in the rivers and all are situated far from water courses, no significant effects are anticipated.
- 3.18. Consequently, **it is considered highly unlikely that any proposals in the Plan could undermine the conservation objectives of the otter populations of the River Derwent (or Lower Derwent Valley SAC) SAC and so likely significant effects (alone) can be screened out (Category G)**. There would be no residual effects and no need for an in combination assessment.
- 3.19. Given the absence of proposals for the creation of physical or other obstructions in watercourses, **it is considered highly unlikely that any proposals in the Plan could undermine the conservation objectives of the lamprey and bullhead populations of the River Derwent (or Humber Estuary) SAC and so likely significant effects (alone) can be screened out (Category G)**. There would be no residual effects and no need for an in combination assessment.

Lower Derwent Valley

- 3.20. As with otters associated with the River Derwent (above), **it is considered highly unlikely that any proposals in the Plan could undermine the conservation objectives of the otter populations of the Lower Derwent Valley SAC (and River Derwent SAC) and so likely significant effects (alone) can be screened out (Category G)**. There would be no residual effects and no need for an in combination assessment.
- 3.21. The Lower Derwent Valley supports diverse, fragile breeding and non-breeding bird populations throughout the year, both within the SPA and on functionally-linked land beyond. All are equally vulnerable to disturbance from public pressure which could result in their disturbance or displacement.



- 3.22. However, only one policy is considered to affect the location of mobile species on functionally-linked land, the proposal for a new garden village at Elvington (SS13/ST15 – Land West of Elvington Lane). Evidence drawn from ecological reports prepared^{26, 27} by two landowners associated with this proposal has confirmed the presence of significant numbers of non-breeding golden plover and lapwing associated with the Lower Derwent Valley SPA utilise land in and around this major new settlement.
- 3.23. The policy wording provides comprehensive mitigation measures including the establishment of extensive areas of wet grassland which would represent ideal habitat for mobile species. However, the policy wording does not make it clear whether this is provided within the allocation boundary or as off-site mitigation. Consequently, there can be no confidence that the demands of the policy wording can be met and harm cannot be ruled out.
- 3.24. This would conflict with the conservation objective for the Lower Derwent Valley SPA to ‘ensure that the integrity of the site is maintained by ...*maintaining ... the extent and distribution ... the structure and function ... and the supporting processes on which the habitats of the qualifying features rely .. and the distribution of the qualifying features*’
- 3.25. Furthermore, the mitigation proposed cannot be regarded as embedded characteristics of the policy and must therefore be subjected to further scrutiny via an appropriate assessment.
- 3.26. Therefore, **there is a risk that the proposals contained within Policy SS13/ST15 could undermine the conservation objectives for the non-breeding birds of the Lower Derwent Valley SPA and that a likely significant effect cannot be ruled out (alone). Consequently, the policy must be screened in (Category I) and an appropriate assessment is required.** This policy is capable of resulting in a likely significant effect alone and, therefore, no residual effects are anticipated and there is no need for an in combination assessment at this stage
- 3.27. It should be noted that this evaluation is only concerned with direct effects from new development. Indirect effects resulting from an increased number of visits to the site or land nearby are considered immediately below.

Potential Effects – Recreation

European Sites	Feature
Humber Estuary SPA and Ramsar	Breeding and non-breeding birds
Lower Derwent Valley SPA, SAC and Ramsar	All habitats Breeding and non-breeding birds, and otter
River Derwent SAC	Floating vegetation community Otter
Skipwith Common SAC	Wet and Dry heath
Strensall Common SAC	Wet and Dry heath

Context

- 3.28. For those European sites around York, adverse ecological effects from recreational pressure are largely limited to walking (frequently with dogs).

<uris/document/document.jsf?text=&docid=200970&pageIndex=0&docla>



- 3.29. The most popular destinations can draw in visitors in great numbers from considerable distances and lead to erosion and disturbance. Less popular sites, or those with fewer facilities, have a smaller catchment, fewer visitors and the issue is typically less problematic. Alternatively, sites managed specifically to encourage large numbers of visitors can tolerate these pressures without causing significant harm.
- 3.30. Excessive recreational pressure typically leads to the disturbance of qualifying species, and a reduction in habitat quality/extent from trampling. It can be particularly problematic on land with open or unauthorised access where desire lines can be created and so compromise site management.
- 3.31. In addition, dogs can not only cause localised eutrophication but can also disturb grazing stock, reducing the effectiveness of site management and a decline in the condition of features not normally considered vulnerable.
- 3.32. Distance or accessibility remain key factors and in general, where modest residential allocations are situated over 5km from a vulnerable European site, then LSE (alone) can often (but not always) be ruled out. Of course, each site is different and other key factors will include the fragility of the feature, size of the development, the accessibility of alternative destinations, the availability of footpaths, public transport and so on
- 3.33. Of note, all purely employment allocations (except E18 which is situated immediately adjacent to Strensall Common SAC) are excluded from consideration in this category; given the reduced opportunities for workers to visit European sites nearby during the working day, any adverse impacts can be screened out, alone.
- 3.34. Table 3 shows that a number of features across five European sites (the Humber Estuary, River Derwent, Lower Derwent Valley and both Skipwith and Strensall Commons) and consequently, numerous policies/allocations could be affected. All the potential European sites selected identify 'disturbance/public access' as a key pressure or threat in the relevant SIP (Appendix A).
- 3.35. Following advice from Natural England, the Council (in collaboration with its neighbour, Selby District Council (reflecting their common interests in the site as it lies within both administrative areas) commissioned Footprint Ecology to carry out a visitor survey of the Lower Derwent Valley. Separately, Selby District Council commissioned Footprint Ecology to carry out the same task at Skipwith Common (which lies solely within its boundaries and far from any proposals in York's Plan). For presentational reasons both surveys were, however, submitted as one report²⁸ (see Appendix C). Independently, the City of York Council also commissioned the same company to perform a survey at Strensall Common²⁹ (Appendix D). The outcomes of these three surveys inform consideration of this issue below.
- 3.36. As with 'mobile species' previously, this evaluation is presented by European site to provide clarity albeit with some repetition.

Screening Opinions

Humber Estuary

- 3.37. Given the absence of proposed development nearby, limited access to the foreshore, compounded by private ownership of much of the functionally-linked land **it is considered highly unlikely that any proposals in the Plan could undermine the conservation objectives of the breeding and**

²⁸ Liley, D. (2018). Visitor surveys at the Lower Derwent SPA/SAC and Skipwith Common SAC. Unpublished report by Footprint Ecology for City of York Council and Selby District Council

²⁹ Liley, D. & Lake, S., (2019). Visitor surveys and impacts of recreation at Strensall Common SAC. Unpublished report by Footprint Ecology for City of York Council.



non-breeding bird communities of the Humber Estuary SPA and so likely significant effects alone can be screened out (Category G); a visitor survey in 2012³⁰ suggested that the median distance travelled by visitors (by car) was just 4.4km. There would be no residual effects and no need for an in combination assessment.

Lower Derwent Valley

- 3.38. The evaluation of this issue is similar to that provided for ‘mobile species’ above. Otters are found in and along the banks of the Lower Derwent Valley (and River Derwent). They are clearly associated with waterways throughout the district and populations have been steadily increasing as water quality, in particular, has improved. Otters are typically nocturnal and elusive and although they will range widely in the rivers and adjacent riparian habitats to forage, holts are typically established away from human influence. Given that access to the riverside is effectively (although not entirely) restricted by management measures and private ownership, adverse effects can be ruled out.
- 3.39. Consequently, **it is considered highly unlikely that any proposals in the Plan could undermine the conservation objectives of the otter populations of the Lower Derwent Valley (or River Derwent) SAC and so likely significant effects (alone) can be screened out (Category G).** There would be no residual effects and no need for an in combination assessment
- 3.40. Similarly, the network of formal paths and effective field boundaries provides confidence that trampling and other harm of the grassland, wetland and woodlands, combined with their relative resilience, will be avoided. Therefore, **it is considered highly unlikely that any proposals in the Plan could undermine the conservation objectives of the grassland, wetland and woodland habitats of the Lower Derwent Valley SAC and so likely significant effects (alone) can be screened out (Category G).** There would be no residual effects and no need for an in combination assessment.
- 3.41. Such mitigating factors do not apply to the bird communities and habitats of the Lower Derwent Valley. This comprises diverse, fragile breeding and non-breeding bird populations throughout the year, both within the SPA and on functionally-linked land beyond which are vulnerable to disturbance and displacement (and predation by domestic cats). In addition, the terrestrial habitats, especially the grassland communities, are all equally vulnerable to trampling, erosion and the disturbance of stock.
- 3.42. Whilst access to much of the SPA is managed and/or restricted, it is not completely controlled. Furthermore, whilst the majority of functionally-linked land is found on private land, access here can also not be fully managed and some trespass occurs (although this appears to be restricted to existing, local residents from adjacent villages where no further development is proposed via the York Local Plan). Consequently, given the location of the proposed large garden village at Elvington (Policy (SS13/ST15) within a few kilometres of the European site, and the more modest SS18/ST33 within 2km, harmful effects cannot be ruled out if recreational pressure is to increase considerably. All other policies/allocations are considered to be far too distant to result in a measureable effect and are ruled out of further scrutiny.
- 3.43. The policy wording provides comprehensive mitigation measures including the establishment of extensive open areas designed to provide alternative destinations to the European site for informal recreation (whilst also providing functionally-linked land for the SPA). However, the policy wording does not make it clear whether this is provided within the allocation boundary or as off-site mitigation. Consequently, there can be no confidence that the demands of the policy wording can be met and harm cannot be ruled out.



- 3.44. Regarding Policy SS18/ST33, this provides mitigation by ensuring that any new development must accord with principle (iv) to '*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*'. However, this fails to adequately describe a desired outcome and cannot be relied on to provide adequate mitigation.
- 3.45. Both Policies SS13/ST15 and SS18/ST33 could therefore conflict with the conservation objective for the Lower Derwent Valley SPA to '*ensure that the integrity of the site is maintained by ...maintaining ... the extent and distribution ... the structure and function ... and the supporting processes on which the habitats of the qualifying features rely .. the population ... and the distribution of the qualifying features*'
- 3.46. This observation is supported by the outcomes of the Visitor Survey (Appendix C) which, when considering the impacts of recreational pressure, states:
- ... there is the potential for Likely Significant Effects from development for ...the Lower Derwent Valley SPA ...*
- 3.47. Given that the acceptability or otherwise of this proposal is reliant on mitigation, which cannot be regarded as embedded characteristics of the policy, further scrutiny will require an appropriate assessment
- 3.48. Therefore, **it is considered that there is a risk that the proposals contained within Policies SS13/ST15 and SS18/ST33 could undermine the conservation objectives for the breeding and non-breeding birds of the Lower Derwent Valley European site and that a likely significant effect cannot be ruled out (alone). Consequently, the policy must be screened in (Category I) and an appropriate assessment is required.** Each policy is capable of a likely significant effect alone and so there would be no residual effects and no need for an in combination assessment.
- 3.49. It should be noted that despite its proximity to the Lower Derwent Valley, H39 is screened out of the need for further assessment due to the lack of local access other than to a small section of the riverbank where harmful effects are highly unlikely.

River Derwent

- 3.50. The relatively fragile floating vegetation communities could be considered vulnerable to recreational pressure but given its relative inaccessibility, (in this situation it is essentially restricted to the open water of the river channel) it can be assessed to be immune from such a threat.
- 3.51. Otters are also considered to avoid harm for the same reasons as expressed above for the Lower Derwent Valley.
- 3.52. Therefore, **it is considered highly unlikely that any proposals in the Plan could undermine the conservation objectives of the River Derwent SAC in terms of the floating vegetation community and otter populations and so likely significant effects (alone) can be screened out (Category G).** There would be no residual effects and no need for an in combination assessment.
- 3.53. For the avoidance of doubt, although the River Derwent runs through the Lower Derwent Valley European site, and is subject to similar levels of access and possible threats, it is argued that the inaccessibility of the aquatic features of the River Derwent make it immune from harm and the need for appropriate assessment identified for the Lower Derwent Valley does not apply to the River Derwent.



- 3.54. As with the Lower Derwent Valley immediately above, H39 is screened out of the need for further assessment due to the lack of local access allied with the intrinsic resilience of aquatic features to recreational pressure.

Skipwith Common

- 3.55. The dry and wet heathland communities of Skipwith Common SAC are vulnerable to recreational pressure. It is a popular site for (dog) walking with the small, local community but limited places to park currently appear to deter larger numbers from further afield. The site is carefully managed as a National Nature Reserve by Natural England and a mosaic of fenced grazing compartments effectively delineate a network of footpaths which largely prevent the damaging trampling of fragile habitats (although some erosion and widening of paths is evident). That said, even dogs on leads can have the subtle effect of driving grazing stock into cover reducing the effectiveness of the essential grazing management. These issues can only be expected to increase if the local population grows considerably.
- 3.56. However, there are no proposals for development of any scale in close proximity to the European site, with SS18/ST33 being 10km distant, and both ST36 and the garden village at Elvington (SS13/ST15) over 15km away by road.
- 3.57. Yet, this observation is not supported by the outcomes of the Skipwith Common Visitor Survey (Appendix C) which, when considering the impacts of recreational pressure, states:

... there is the potential for Likely Significant Effects from development for both the Lower Derwent Valley SPA and Skipwith Common SAC.

- 3.58. However, it should be noted here that the reasons which prompted this particular exercise largely relate to proposed development in the emerging Local Plan of the neighbouring Selby District Council. At the time of writing, it is currently considering a cluster of development in much closer proximity to the site. Whilst not explicitly stated in the report, it can safely be assumed that the above conclusion applies solely to proposed development in Selby and not York, Therefore, the threat of recreational pressure from the latter can be dismissed. Further confidence in this conclusion can be gained from the same report which went on to rule out an adverse effect on the integrity of Skipwith Common from recreational pressure.

Therefore, **it is considered highly unlikely that any proposals in the Plan could undermine the conservation objectives of the wet heath and dry heath at Skipton Common SAC and so likely significant effects (alone) can be screened out (Category G).** There would be no residual effects and no need for an in combination assessment.

Strensall Common

- 3.59. Strensall Common supports similar habitats to Skipwith Common and currently experiences similar issues. This large heathland attracts a greater number of visitors although access is heavily influenced by a network of footpaths, limited car parking and active management of parts by the Yorkshire Wildlife Trust; regular closure of large parts of the Common by the MOD to allow for firing practice on the adjacent ranges also reduces public pressure. However, the wet and dry heathland communities which represent a threatened habitat with a restricted distribution in the UK and beyond remain particularly vulnerable to increases in public pressure.
- 3.60. Of particular concern is the worrying of livestock by dogs, especially when off the lead and the degree to which. Given the importance of the grazing regime to site management and the achievement of the conservation objectives, this represents a considerable threat should the number of visitors and their dogs increase.



- 3.61. The Council proposes development at three locations immediately adjacent or in close proximity to the Strensall Common European site (Policies SS19/ST35, E18 and H59). Together these comprise the development of 545 dwellings (500 under SS19/ST35 and 45 under H59) and a 4ha employment area.
- 3.62. However, a number of mitigation measures are embedded in Policy SS19/ST35 that require any development to produce a visitor management strategy, informed by a range of visitor and ecological surveys, to deliver effective, deliverable, mitigation measures prior to any consent; the establishment of a wardening service is also required. In addition, development must provide extensive open space within the development, including a new area of strategic open space (OS12) and restrict direct access to the Common. It is reasonable to presume that together, these would reduce, to some extent, access to the Common by new residents and have some influence on the behaviour of those that did visit the European site (as well as existing visitors) provided that the increase in numbers was modest.
- 3.63. However, this proposed mitigation cannot be regarded as embedded characteristics of the policy and must therefore be subjected to further scrutiny via an appropriate assessment.
- 3.64. No such mitigation is proposed in the policy wording or explanatory text for neither the specific allocations (E18 and H59), nor their over-arching policies (EC1 and H1). Whilst the impact from both can be considered to be less than that provided by SS19/ST35, a function of scale and in terms of E18 its employment use, unrestricted access from both these allocations will still provide a threat.
- 3.65. Together, all three policies have considerable potential to increase public pressure on Strensall Common prompting further trampling, erosion and disturbance of stock. Consequently, the impact of these policies could conflict with the conservation objective for Strensall Common SAC to '*maintain or restore... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats ...*'
- 3.66. This observation is supported by the outcomes of the Strensall Common Visitor Survey (Appendix D) which although it did not address the risk of likely significant effects, moved directly to consider impact on the integrity of the site, the test normally associated with the appropriate assessment stage. When considering the impacts of recreational pressure, it stated:
- The most concerning impact is worrying of livestock by dogs, which is already resulting in loss of animals and may jeopardise future grazing. It went on to add:*
- (An) adverse integrity on the SAC cannot be ruled out as a result of the quantum of development proposed*
- 3.67. Given that the acceptability or otherwise of this proposal is reliant on mitigation, which cannot be regarded as embedded characteristics of the policy, further scrutiny will require an appropriate assessment
- 3.68. Therefore, given the uncertainty surrounding the impacts of Policies SS19, E18 and H59 **there is a risk that the proposals could undermine the conservation objectives for Strensall Common SAC and that a likely significant effect cannot be ruled out (alone). Consequently, the policy must be screened in (Category I) and an appropriate assessment is required.** Each policy is capable of a likely significant effect alone and given the distance of the European site from other residential allocations, it is considered that there would be no residual effects and no need for an in combination assessment.
- 3.69. All other policies and/or allocations were screened out of the HRA in terms of this potential effect.



Potential Effects – Air Pollution

European sites	Feature
Lower Derwent Valley SAC and Ramsar	All habitats
River Derwent SAC	Floating vegetation dominated by water crowfoot River lamprey, sea lamprey and bullhead
Skipwith Common SAC	Wet and dry heath
Strensall Common SAC	Wet and dry heath

Context

- 3.70. Development is typically associated with increased traffic and emissions which can increase the airborne concentration of nitrogen oxides (NO_x) and the rate of nitrogen deposition from the atmosphere. Impacts are assessed by calculating the relative contribution of the Plan in relation to the relevant *critical level* for NO_x and the *critical loads* for nitrogen deposition.
- 3.71. Both NO_x and nitrogen deposition have been associated with impacts on vegetation even though levels fall quickly in the first few metres from roads before gradually levelling out until, beyond 200m, it becomes difficult to distinguish from background levels. In other words, impacts at 10m, 50m or 200m can be very different from that at the roadside. Consequently, only those European sites found within 200m of a road are assessed.
- 3.72. The long-term environmental standard or critical level for NO_x is 30 $\mu\text{g m}^{-3}$. It is a precautionary threshold below which there is confidence that adverse effects on vegetation will not arise. The critical loads for nitrogen deposition are specific to each individual feature. These are presented as a range of values and, as a precautionary approach, only the lower values are used as these will exaggerate any negative outcomes.
- 3.73. The contribution made by traffic flows associated with the Plan is termed the '*Process Contribution*' (PC) and is used to calculate the total '*Predicted Environmental Concentration*' (PEC) which equates to the combination of the PC with the existing baseline concentration.
- 3.74. Defra and Environment Agency online guidance states that emissions can be considered to be insignificant where the PC in terms of both critical levels and critical loads is less than 1% and the PEC less than 70% of the long-term environmental standards, respectively. However, building on recent case law in Sussex³¹, this must be considered in combination, not only with other policies in the Plan but also with those in neighbouring authorities. As a consequence, all air quality data took account of local, regional and national trends and evidence.
- 3.75. However, this is not a simple mathematical relationship. Account must be taken of the type of habitats - some are more resilient than others - and the distribution of the designated features - not all are distributed evenly across sites. Furthermore, roadside communities are often highly modified from roadworks, informal footpaths, boundary features, salt spreading in winter and the need for roadside management such as the regular cutting of vegetation. This means that the conservation objectives of a European site may not apply to land in close proximity to a road where the greatest impact from vehicle emissions is likely to be experienced, and where there is little realistic prospect of successfully restoring the site to a favourable condition.

³¹ This table is taken from the Handbook albeit with changes to the number and titles of Columns appropriate to this HRA.

³¹ Water Resource Management Plan 2014 Strategic Environmental Assessment Post Adoption Statement, Cascade/ Yorkshire Water



- 3.76. It can be seen, therefore, that the additional contributions that might arise from increased traffic are therefore only likely to be significant where the European site lies within 200m of a road, where a feature is known to be sensitive to such effects and where the appropriate critical loads and levels are either exceeded or approaching exceedance.
- 3.77. It should also be noted that employment allocations have the potential to generate specific, point-sourced emissions that may or may not adversely affect European sites. As no information is provided on the latter, it is assumed that for this stage in the assessment process, that no such processes are proposed allowing this assessment to focus solely on road traffic emissions.
- 3.78. Reflecting these and other issues, Natural England's SIPs and supplementary advice (Table 1) all identified air pollution as a key pressure or threat for all four sites identified in this HRA: Lower Derwent Valley, River Derwent, Skipwith Common and Strensall Common.

Screening opinion

- 3.79. The site assessments below rely heavily on information drawn from the Air Pollution Information System (APIS)³² and the air quality assessment³³ commissioned by the Council which evaluated data not only from across the City of York but also from neighbouring authorities so providing the cumulative or in combination assessment required. As before, each site is taken in turn.

River Derwent

- 3.80. The Air Quality Report suggests a mean NO_x concentration of 16.26 $\mu\text{g m}^{-3}$ in 2015, falling over the Plan period to 10.40 $\mu\text{g m}^{-3}$. Despite being a mean value, it can be safely assumed that concentrations of NO_x are currently below the annual Critical Level of 30 $\mu\text{g m}^{-3}$ across the entire European site and are expected to fall further.
- 3.81. Further analysis at three crossing points along the river where emissions from road traffic would be at their highest showed that in terms of NO_x concentrations, PC and PEC contributions would equate to 4.6% and 39.3% of the long-term environmental standard. Whilst the latter suggests an insignificant outcome, falling well below 70%, the former exceeds the 1% threshold.
- 3.82. The most vulnerable features, the floating vegetation community and fish populations do not benefit from defined critical loads making similar analysis impossible. Although data is presented for the SSSI features, these are not directly comparable to the European site features and so are not relied upon heavily here. However, the mesotrophic/eutrophic nature of the River suggests a tolerance of these existing conditions.
- 3.83. Despite this, given these circumstances, it is uncertain if nitrogen deposition from road traffic would conflict with the conservation objective for the River Derwent SAC ensure *that the integrity of the site is maintained by ... maintaining ... the extent and distribution ... the structure and function ... the supporting processes of the qualifying habitats and species*. Consequently, further scrutiny of the site characteristics is required to thoroughly evaluate the level of threat.
- 3.84. Given the uncertainty associated with the assessment of air pollution impacts at this site, **there is a risk that emissions from road traffic associated with policies in the Plan could undermine the conservation objectives for the floating vegetation community and fish populations of the River Derwent European site and that a likely significant effect cannot be ruled out (alone and in combination). Consequently, the policies must be screened in (Category I) and an appropriate assessment is required.**

³³ Air Quality Assessment: Air Quality Modelling Assessment. Waterman Infrastructure & Environment Ltd, April 2018



- 3.85. Given the requirements of the Wealden decision, this opinion is expressed as alone and in combination as traffic anticipated to be generated by the entire plan has been considered in the air quality assessment. However, given that there is only one, major allocation in close proximity to the river at Elvington (SS13/ST15) with others far distant, it is reasonable, for now, to link this issue with this policy to maintain the overall structure of the HRA. Should the appropriate assessment identify adverse effects on the integrity of the river, then further air quality analysis would be required to identify the particular sources or policies contributing to this effect. Therefore, the subsequent appropriate assessment will evaluate it under Policy SS13/ST15 unless the outcomes demand otherwise.

Lower Derwent Valley

- 3.86. The Air Quality Report suggests a mean NO_x concentration of 17.18 $\mu\text{g}\text{m}^{-3}$ in 2015, falling over the Plan period to 11.00 $\mu\text{g}\text{m}^{-3}$. Despite being a mean value, it can be safely assumed that concentrations of NO_x are currently below the annual Critical Level of 30 $\mu\text{g}\text{m}^{-3}$ across the entire European site and are expected to fall further.
- 3.87. Evaluating nitrogen deposition against these critical loads, the Air Quality report predicts that nitrogen deposition will fall over the Plan period from 17.36 $\text{kgNha}^{-1}\text{yr}^{-1}$ to 11.31 $\text{kgNha}^{-1}\text{yr}^{-1}$ reflecting wider, anticipated improvements in air quality despite an increased contribution from development promoted by the Plan. Despite being a mean figure, it is reasonable to assume that nitrogen deposition levels across the Lower Derwent Valley also fall below the minimum critical loads of 20-30 $\text{kgNha}^{-1}\text{yr}^{-1}$ (for the representative feature) both now and in the future. Therefore, in terms of nitrogen deposition, the effect of the Plan is considered to be insignificant.
- 3.88. Further analysis showed that in terms of NO_x concentrations, PC and PEC contributions would equate to 0.1% and 36.8% of the long-term environmental standard. Both fall well below the 1% and 70% thresholds strongly suggesting an insignificant outcome.
- 3.89. The critical loads identified for the habitat of the qualifying breeding and wintering birds struggle to relate to the habitats at the SPA as they tend to describe the more typically associated upland and coastal communities of these species. It is considered that use of these would lead to a flawed outcome and they have been put to one side. However, by adopting figures for the low altitude hay meadows more typical of the Lower Derwent Valley SAC, critical loads of 20-30 $\text{kgNha}^{-1}\text{yr}^{-1}$ are found and are utilised. Critical loads are similarly not available for the alder woodland feature.
- 3.90. Therefore, in terms of nitrogen deposition, this suggested that PC and PEC contributions would equate to 0% and 56% of the lowest critical load. Again, both fall well below the 1% and 70% standards and also strongly suggest an insignificant outcome.
- 3.91. As the European site occupies the same geography to the River Derwent, this outcome is heavily influenced by the lack of major roads nearby. Although the site extends over a large area (1092ha), roads of any magnitude within 200m of the river are few and far between; these comprise a 500m stretch of the A163 that runs alongside the hay meadows just to the west of the river crossing at Bubwith, and two locations found south-east of Wheldrake and in the centre of Thorganby where relatively discrete parcels of land lie within 50m of Church Lane.
- 3.92. Given the low PC and PEC values, no transects were carried out for these specific locations. These meadows are considered sensitive to nitrogen deposition and in order to maintain floristic diversity of the SAC feature and to provide the vegetative structure to support the breeding and wintering birds of the SPA, the use of nitrogen-based inorganic fertiliser is not allowed. Yet, further evidence can be drawn from the ecological characteristics of the valley.
- 3.93. Almost the entire European site is subject to regular, annual flooding. Not only will periodic flooding contribute far greater amounts of nitrogen to the grassland and other habitats than air



- pollution but it is regarded as an integral component of the (semi-) natural system. Recent events suggest that flooding is affecting more land and is becoming more frequent and prolonged.
- 3.94. The River Derwent is described as meso/eutrophic, reflecting its high nutrient load, itself a function of the erosion of soil particles from within its extensive, rural and heavily farmed catchment. The nitrogen load of the river is therefore high, and in flood, is likely to add far more nitrogen to the meadows of the European site than contributions ever could.
 - 3.95. Furthermore, APIS data for the Lower Derwent Valley suggests only 4% of overall nitrogen deposition is caused by local road traffic. Although an approximation and often an underestimate, this strongly suggests the contribution from road traffic will be minor with other sources, such as livestock farming contributing an order of magnitude more.
 - 3.96. Although not assessed by the Air Quality report, it is reasonable to presume that despite the projected increases in traffic across the authority area, the electrification of vehicles and improved efficiency of conventional engines will lead to the overall contribution from road traffic being less at the end of the Plan period than at the start. In effect, the Plan doesn't meaningfully increase nitrogen deposition, it simply slows down the rate of improvement.
 - 3.97. When the impact of flooding is considered alongside the outputs of the air quality study and allied with just the handful of locations where air pollution could affect the site, harmful effects on the habitats of the European site from road traffic can be discounted.
 - 3.98. Given these factors, **it is considered highly unlikely that any proposals in the Plan that would increase the volume of road traffic and air pollution could undermine the conservation objectives (alone and in combination) of the habitats of the Lower Derwent Valley European site and so likely significant effects can be screened out (Category G)**. There would be no residual effects and no need for an in combination assessment.
 - 3.99. This outcome fully takes into account the requirements of the Wealden decision by considering the impact of air pollution from all components of the Plan alongside with those from neighbouring authorities.

Skipwith Common

- 3.100. The (minimum) critical load for nitrogen deposition at Skipwith Common ($10\text{--}20 \text{ kgNha}^{-1}\text{yr}^{-1}$) is already and clearly exceeded with an average rate of $19.2 \text{ kgNha}^{-1}\text{yr}^{-1}$ which almost exceeds the maximum critical load.
- 3.101. APIS data for Skipwith Common suggests that 10% of overall nitrogen deposition is caused by local road traffic. Although an approximation and often an underestimate, this strongly suggests the contribution from road traffic will be minor with other sources, such as livestock contributing three times as much. This site was not assessed by the air quality study.
- 3.102. The site extends to almost 300ha across a rural landscape. It is, however, bordered by a minor road to the east and is even bisected by another (although the latter is impassable to most vehicles and so is disregarded by this HRA).
- 3.103. However, the eastern boundary of the site is dominated by a dense scrub and woodland easily extending beyond 20m width at its narrowest point. This is not representative of the designated heathland habitats and also provides an effective barrier to the widespread dispersal of airborne nitrogen.
- 3.104. Although not assessed by the Air Quality report, it is reasonable to presume that despite the projected increases in traffic across the authority area, the electrification of vehicles and improved efficiency of conventional engines will lead to the overall contribution from road traffic being less at



the end of the Plan period than at the start. In effect, the Plan doesn't meaningfully increase nitrogen deposition, it simply slows down the rate of improvement.

- 3.105. Given these factors, **it is considered highly unlikely that any proposals in the Plan could undermine the conservation objectives (alone and in combination) of the features of Skipwith Common SAC and so likely significant effects can be screened out (Category G).** There would be no residual effects and no need for an in combination assessment.
- 3.106. This outcome fully takes into account the requirements of the Wealden decision by considering the impact of air pollution from all components of the Plan alongside with those from neighbouring authorities.

Strensall Common

- 3.107. The Council proposes development at three locations immediately adjacent or in close proximity to Strensall Common European site (Policies SS19/ST35, E18 and H59). Together these comprise development of 545 dwellings and a 4ha employment area. They will all contribute to higher traffic flows in the area as will other allocations across the city and, potentially, beyond.
- 3.108. The Air Quality report suggests a mean NO_x concentration of 13.13 $\mu\text{g m}^{-3}$ in 2015, falling over the Plan period to 8.40 $\mu\text{g m}^{-3}$. This means that concentrations of NO_x are currently below the annual Critical Level of 30 $\mu\text{g m}^{-3}$ across the entire European site and are expected to fall further. Therefore, in terms of NO_x the effect of the Plan is considered to be insignificant.
- 3.109. Further analysis showed that in terms of NO_x concentrations, PC and PEC contributions would equate to 6.5% and 34.5% of the long-term environmental standard. Whilst the latter suggests an insignificant outcome, falling well below 70%, the former clearly exceeds the 1% threshold.
- 3.110. In terms of nitrogen deposition, the report suggested that PC and PEC contributions would equate to 2.8% and 157% of the lowest critical load.
- 3.111. Given these circumstances, air pollution would conflict with the conservation objective for the Strensall Common SAC to '*maintain or restore ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats ...*'. Consequently, further scrutiny of the site characteristics is required to thoroughly evaluate the level of threat.
- 3.112. Given the level of exceedance, a likely significant effect cannot be ruled out and **there is a risk that emissions from road traffic associated with Policies SS19/ST35, E18 and H59 could undermine the conservation objectives for Strensall Common SAC and that a likely significant effect cannot be ruled out (alone and in combination). Consequently, the policies must be screened in (Category I) and an appropriate assessment is required.**
- 3.113. Given the requirements of the Wealden decision, this opinion is expressed as alone and in combination as traffic from the entire plan has been considered in the air quality assessment. However, only these three allocation lie in close proximity to the Common (SS19/ST35, H59 and E18)) with others far distant and the cause of any exceedance can be considered likely to originate from here. Therefore, the subsequent appropriate assessment considers it under these three policies.

Summary of the Screening Exercise and Next Steps

Summary

- 3.114. The outcomes of this stage of the formal screening assessment are brought together in Table 5 which lists those sites and issues where it has been found that the conservation objectives may be



undermined and where likely significant effects cannot be ruled out. Table 6 lists all the policies in the Plan and summarises the outcome of each preliminary screening decision; the full assessment is provided in Appendix B.

3.115. It should be noted that the conservation objectives in the Table above are heavily summarised, all other policies have been screened out of the need for further scrutiny and that the conclusions in terms of no need for any in combination effects could be subject to review following the appropriate assessment.



Table 5: Summary of the Screening of the Policies and Allocations

European site	Issue	Policies	Feature affected	Conservation objectives*	Undermined?	Residual effects?	In combination effect?***	Outcome
Strensall Common SAC	Aquatic environment	SS19/ST35, H59, E18	Heathland communities	Extent and distribution of qualifying habitats	Uncertain	None	None	Appropriate assessment required
	Air pollution	SS19/ST35, H59, E18		Structure and function of qualifying habitats	Uncertain	None	None	
	Recreational pressure	SS19/ST35, H59, E18		Supporting processes for qualifying habitats	Uncertain	None	None	
Lower Derwent Valley SPA	Mobile species	SS13/ST15	Non-breeding birds	Extent and distribution of habitats of qualifying features	Uncertain	None	None	Appropriate assessment required
				Structure and function of habitats of the qualifying features	Uncertain	None	None	
				Supporting processes on which habitats rely	Uncertain	None	None	
	Recreational pressure	SS13/ST15 & SS18/ST33	Breeding and non-breeding birds	Population of qualifying features	Uncertain	None	None	
				Distribution of qualifying features	Uncertain	None	None	
				Structure and function of qualifying habitats	Uncertain	None	None	
River Derwent SAC	Air pollution	SS13/ST15	Floating vegetation communities	Supporting processes for qualifying habitats	Uncertain	None	None	Appropriate assessment required
				Extent and distribution of qualifying habitats and those of qualifying species	Uncertain	None	None	



European site	Issue	Policies	Feature affected	Conservation objectives*	Undermined?	Residual effects?	In combination effect?***	Outcome
			Bullhead, River and sea lamprey	Structure and function of qualifying habitats	Uncertain	None	None	
				Structure and function of habitats of qualifying species	Uncertain	None	None	
				Supporting processes on which habitats rely	Uncertain	None	None	
				Populations of qualifying species	Uncertain	None	None	
				Distribution of qualifying species	Uncertain	None	None	

*** note that in combination assessment is implied in all air pollution assessments.



3.116. Note, that to avoid confusion between housing policies and allocations which share the same names, eg H3, actual allocations have been renamed with an '(A)' eg H3(A) and housing policies with a '(P)' eg H3(P). This nomenclature is followed throughout the rest of this HRA where a potential for misunderstanding arises. .

Table 6: Summary of the Formal Preliminary Screening of the Policies and Allocations by Category

Screening outcome	Policies
A	DP1
General statement of policy	SS2
Screened out	ED1
B	DP2, DP3, DP4, SS1
General criteria for testing acceptability of proposals	EC1, EC2
Screened out	R1, R2, R3, R4 H1(P), H2(P), H3(P), H4(P), H8(P), H9(P), H10(P) HW1, HW2, HW3, HW4, HW5, HW7 ED6, ED8 D1, D2, D3, D4, D5, D6, D7, D8, D9, D10, D11, D12, D13, D14 GI7, GB1, GB2, GB3 CC1, CC2, CC3, ENV3, ENV4, ENV5 T1, T7, T8 DM1
C	WM1, WM2
Proposal referred to but not proposed by the Plan	T2
Screened out	
D	GI1, GI2, GI3, GI4, GI5, GI6
Environmental protection policy	OS1, OS2, OS5, OS6, OS7, OS8, OS9, OS10, OS11, OS12
Screened out	ENV1, ENV2
E	None
Policies or proposals which steer change in such a way as to protect European sites	
Screened out	
F	None
Policy that cannot lead to development or other change	
Screened out	
G	SS3, SS4, SS5, SS6, SS7, SS8, SS9, SS10, SS11, SS12, SS14, SS15, SS16, SS17, SS20, SS21, SS22, SS23, SS24
No conceivable effect on a European site	EC3, EC4, EC5
Screened out	E8, E9, E10, E11, E16 H5(P), H6(P), H7(P) H1a(A), H2b(A), H3(A), H5(A), H6(A), H7(A), H8(A), H10(A), H20(A), H22(A), H23(A), H29(A), H31(A), H38(A), H39(A), H46(A), H52(A), H53(A), H55(A), H56(A), H58(A), SH1 HW6



Screening outcome	Policies
	ED2, ED3, ED4, ED5, ED7 GB4, T3, T4, T5, T6, T9 C1
H Policy or proposal with unspecified location which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects)	None
I Likely significant effect alone cannot be ruled out Screened in	SS13(ST15), SS18 (SS18/ST33), SS19 (ST35) E18 H59(A)
J Likely significant effect in combination cannot be ruled out Screened in	None
K Policy or proposal with no likely significant effect alone but which lead to in combination effects	None
L Policy or proposal considered to have in combination effects	None – no in combination assessment has been shown to be necessary. Note that the impacts of air pollution are considered in combination as a matter of course.

3.117. It should be noted that some policies will be screened out for certain potential effects and screened in for others. Where this happens, the Policy is categorised according to the most important outcome. Policy SS19/ST35 is a good example. It is screened out (G) in terms of impacts on mobile species but screened in in terms of air pollution (I). Therefore, it is identified in Table 6 and Appendix B as Category 'I'.

Next Steps

3.118. Overall, this exercise found that it was not possible to screen out likely significant effects alone (Category I) for Policies SS13/ST15, SS18/ST33, SS19/ST35, E18 and H59 for a range of possible but credible impacts regarding air pollution, mobile species and recreational pressure affecting three European sites: the Lower Derwent Valley, River Derwent and Strensall Common. Consequently, an appropriate assessment is required which is presented in Section 4 below.

3.119. All other policies and allocations were screened out of further scrutiny by the HRA.

3.120. An appropriate assessment is now required that will assess whether it can be ascertained that an adverse effect on the integrity of the European sites can be ruled out. Drawing on the recent People Over Wind ruling, this will explore if embedded or additional mitigation measures can avoid a negative outcome.



4. APPROPRIATE ASSESSMENT AND INTEGRITY TEST

- 4.1. The screening assessment has identified that likely significant effects have been ruled out for all policies except those listed below which require an appropriate assessment.

European site	Policies	Issue	Feature affected
Strensall Common SAC	SS19/ST35, H59 & E18	Aquatic environment	Wet and dry heathland habitats
		Air pollution	
		Recreational pressure	
Lower Derwent Valley SPA	SS13/ST15	Mobile species	Non-breeding birds
		Recreational pressure	Breeding/non-breeding birds
	SS18/ST33	Recreational pressure	Breeding/non-breeding birds
River Derwent SAC	SS13/ST15	Air pollution	Floating vegetation community River and sea lamprey, and bullhead

- 4.2. The role of the appropriate assessment is to identify whether the competent authority is able to ascertain that the Plan ‘*will not adversely affect the integrity of the European site*’. In line with the recent People Over Wind ruling it will also explore if the mitigation proposed can be applied that would allow a positive conclusion to be drawn. This is the fundamental test of an HRA; competent authorities should not normally consent or adopt proposals that cannot rule out an adverse effect.
- 4.3. The Handbook highlights the ODPM definition of integrity and adds that for a plan-making body to conclude the absence of an adverse effect **it should be convinced that no reasonable scientific doubt remains** though this does not mean it has to be absolute. In terms of the burden of proof, Lord Nimmo-Smith in the Court of Session case of WWF-UK Ltd and RSPB stated:

I do not accept that this means there must be an absolute guarantee that the site will not be adversely affected ...and the most that can be expected of planning authority ... is to identify the potential risks so far as they may be reasonably foreseeable in light of such information as can reasonably be obtained ... with a view to preventing these risks from materialising.’

- 4.4. Reference to the Boggis case, which demands a focus on credible and not hypothetical risks, is also relevant. The Handbook addresses the reduced level of evidence in a plan as opposed to a project when carrying out the appropriate assessment and ‘integrity test’. In F.10.1 it states:

Because the integrity test incorporates the application of the precautionary principle as a matter of law, and because plan assessments are, by their nature, less precise than project assessments, it is important for the assessment process to eliminate the prospect of adverse effects on site integrity in so far as that is possible at the level of specificity inherent in the nature and purpose of the particular plan.

- 4.5. Bearing this in mind, each site is taken in turn and each issue dealt with. The effectiveness of any mitigation embedded in the policies is considered. If an adverse effect on the integrity of the site cannot be removed even when mitigation is considered, the appropriate assessment will consider if other restrictions are available that could secure a positive outcome. Each issue is concluded with a bespoke statement that represents the integrity test on that site. These individual outcomes are



summarised in Table 7. The appropriate assessment concludes with a final statement that confirms the outcome of the HRA.

- 4.6. It should be noted that the appropriate assessment also explores if residual effects (as described in the screening stage) remain. In this case, this refers to effects that would not result in an adverse effect on the integrity of the site alone but when considered with other residual effects identified elsewhere in the appropriate assessment could combine to harm the integrity of the site. IF any arise, this could prompt an in combination assessment.

The Appropriate assessment

STRENSALL COMMON SAC

European site	Policies	Issue	Feature affected
Strensall Common SAC	SS19/ST35, H59 & E18	Aquatic environment	Wet and dry heathland habitats
		Air pollution	
		Recreational pressure	

- 4.7. The screening exercise has concluded that a likely significant effect cannot be ruled out alone for three policies: SS19/ST35, H59 and E18. This is because of concern that:
- Works associated with construction would cause changes to the hydrological regime or aquatic environment of the Common that could harm the wet and dry heath communities;
 - The increase in recreational pressure would lead to trampling, erosion and eutrophication of the fragile heathland communities and interfere with the management of the site by the disturbance of grazing stock; and
 - Increased road traffic pollution would lead to eutrophication of the dry and wet heathland communities.
- 4.8. All three allocations lie immediately adjacent to the European Site; SS19/ST35 provides for 500 new dwellings, H59 for 45 and E18 allows for a 4ha employment area. Each of the three potential effects are taken in turn below:

Aquatic environment at Strensall Common – SS19/ST35, H59 and E18

- 4.9. The screening exercise concluded that significant effects on the aquatic environment from built development at Strensall Common SPA cannot be ruled out alone. All policies are considered together.
- 4.10. The HRA prepared by Amec Foster Wheeler^{34, 35} for the landowner, evaluated all three allocations. It concluded that (further to site-specific assessment) none would be likely to result in a significant effect on the SAC given the ability to design and employ a range of standard mitigation measures. These included the incorporation of Sustainable Drainage Systems (SUDS) for the management of surface water, use of silt fencing to trap sediment, and the adoption of best practice measures for pollution management embedded within a Construction Management Plan (CEMP).

³⁴ Amec Foster Wheeler Environment & Infrastructure Limited. December 2017. DIO York Sites: Queen Elizabeth Barracks (QEB). Information to support a Habitats Regulations Assessment.

³⁵ Amec Foster Wheeler Environment & Infrastructure Limited. December 2017. DIO York Sites: Towthorpe Lines. Information to support a Habitats Regulations Assessment.



- 4.11. The need for these and a number of other mitigation measures are embedded, if not specifically, in Policy SS19/ST35 that require hydrological and related studies to be completed and used to inform the development of effective, deliverable, mitigation measures prior to any consent.
- 4.12. It should be noted here that Amec's HRA was completed before the People Over Wind ruling. Consequently, it is based on the use of mitigation at the screening stage not the appropriate assessment.
- 4.13. Whilst mindful of the different tests employed at these two stages, it is considered that there is no reason to disagree with this conclusion and consequently, the potential threat can be discounted. There is, however, no such requirement that relates directly to Policies E18 and H59. Despite this, as the recommendations made in the Amec HRA simply require the implementation of standard evaluation and construction techniques which are commonplace in such situations, it is considered reasonable to expect that the same measures will be employed as a matter of course when development proposals are submitted for E18 and H59.

Integrity Test for effects on the aquatic environment at Strensall Common – SS19/ST35, H59 and E18

- 4.14. Consequently, it is concluded that **the Council can ascertain that Policies SS19/ST35, E18 and H59 will have no adverse effect on the integrity of Strensall Common European site in terms of impacts on the aquatic environment. There would be no residual effects and no need for an in combination assessment.**

Recreational pressure at Strensall Common – SS19/ST35, H59 and E18

- 4.15. The screening exercise concluded that significant effects from recreational pressure on the dry and wet heathland communities at Strensall Common SPA cannot be ruled out alone.
- 4.16. The HRA submitted by the Council (April 2018) concluded that *if proposed amendments are adopted, then the Council can ascertain that Policies SS19/ST35, E18 and H59 will have no adverse effect on the integrity of Strensall Common European site in terms of recreational pressure.*
- 4.17. Because of their different residential and employment characteristics, SS19/ST35 and H59 are considered first, followed by E18.

Policies SS19/ST35 and H59

- 4.18. This 2018 HRA conclusion for these policies was based on the adoption of a suite of modifications to Policy SS19/ST35 including, but not limited to, the erection of a barrier between the allocation and the Common, the management of open space within the policy area and the development of a funded wardening service to influence public behaviour on the SAC of existing and future residents. Drawing on the experiences of other proposals elsewhere in the country, it was believed that these mitigation measures would provide sufficient confidence to allow an adverse effect on the integrity of the site to be ruled out and, notwithstanding any other issues, to enable the policy to be adopted.
- 4.19. However, in its letter of 4 May 2018 (when referring to the threat posed by recreational pressure) Natural England stated, that:

(it did) not agree that adverse effects on integrity can be ruled out based on the evidence available.

And went on to recommend:



.... that robust and comprehensive visitor assessment will be necessary to determine whether the mitigation outlined in policy SS19 are adequate to offset the impact of the proposal and the wider impact of the plan and allocation H59 in particular.

- 4.20. Accordingly, the Council commissioned Footprint Ecology to undertake this research and a programme of activities were carried out in late summer 2018. The reports are presented in full in Appendix C but key findings included the following:
- 70% of interviewed visitors brought dogs with 63% accompanied by more than one;
 - Of the 190 dogs accompanying interviewees, 85 (45%) were off the lead during the interview;
 - 43% of dog-walkers visited daily;
 - 78% of all interviewees visited regularly throughout the year;
 - The median distance travelled, as the crow flies, was 2.4km and 75% of visitors came from within a radius of 5.5km;
 - The median length that visitors travelled on the Common was 2.5km;
 - Overall, access to the site was expected to increase by 24%;
 - Housing numbers within 500m of the SAC would increase by 61% as a consequence of the adoption of SS19/ST35 and H59;
 - Access to the site would increase by 63% as a result of new housing within 500m;
 - Recreational impacts, typically comprising trampling, fires, eutrophication from dog fouling etc were evident although these were mostly limited in extent and severity, and generally concentrated in fairly close proximity to the car parks;
 - In contrast, the report identified that the:

... worrying of livestock by dogs, which is already resulting in a loss of animals and may jeopardise future grazing. Appropriate grazing will be a vital tool in restoring the SAC to favourable condition.
 - The report concluded (in the absence of mitigation) that:

Given the scale of increase in access predicted from the visitor surveys, the proximity of new development and concerns relating to current impacts from recreation, adverse (effects on the sic) integrity on the SAC cannot be ruled out as a result of the quantum of development proposed. In addition, for individual allocations that are adjacent to the site it will be difficult to rule out adverse effects on integrity.
- 4.21. The report went on to discuss potential mitigation measures. In the main, these comprised a range of measures similar to those proposed in the amended Policy SS19/ST35 although it did provide additional elaboration and considered additional site management techniques eg (re-wetting) to influence visitor behaviour.
- 4.22. Again, the outcomes are discussed fully in the report but key findings of each proposed measure are described briefly below:
- 4.23. Significantly, it cast doubt on the effectiveness of the open space within SS19/ST35 and the proposed barrier. In particular, the report raised doubt that it could provide a circular walk of 2.5km (that represented the median distance walked by visitors to the Common) and would, lack the natural setting (highlighted by many interviewees as one of the main reasons to visit the SAC).



This evidence suggests that the new open space would prove less attractive than anticipated and that new residents would still seek access to the Common.

- 4.24. Although the report recognised that a permanent barrier could restrict direct access to the Common (at least in the short term) it referred to evidence from a similar scenario at Talbot Heath in Dorset where the Secretary of State questioned the effectiveness of a barrier to reduce access to the adjacent SAC/SPA because its permanency could not be guaranteed, and refused the application. The report rightly acknowledges that the MODs current presence provides greater confidence that a barrier could be maintained but questions how long this can be guaranteed.
- 4.25. Importantly, the report reminds us that around the Thames Basin Heaths European site, where recreational pressure has been studied intensively, residential development is precluded within 400m of the heathlands to reduce the magnitude of recreational pressure. It should be noted though that this was also designed to accommodate the breeding bird interest of the heathland SPA (and the threat posed by predation by pet cats) as well as the habitats of the SAC.
- 4.26. The report also highlights that once occupied, new residents may well push for greater access over time. Overall, this evidence and opinion raises credible doubts over the long term reliance on the barrier as an effective visitor management tool.
- 4.27. Turning to site management, the report suggests that areas could be re-wetted and, allied with the use of boardwalks, could encourage visitors to utilise the relatively more robust areas of the site. Significantly, this would have the potential to expand the extent of the wet heath community (one of the two qualifying features of the SAC) without diminishing the area of dry heath. Whilst the report justifiably identifies that this would influence visitor behaviour and reduces the risk of fire, the report is relatively silent on its overall effectiveness.
- 4.28. Exploring this further, the hot, dry summer of 2018 (when the surveys were conducted) caused many of the existing wetland habitats to dry out and allowed visitors easy access to much of the site. Although not explored in the Footprint report, it is considered that this response to current weather patterns suggests that the permanent establishment of wet heath cannot be guaranteed and could not be relied upon to effectively influence visitor behaviour upon especially given the uncertainties posed by climate change. Furthermore, it should be noted that the summer of 2018 was an exception and much of Strensall Common is actually wet for much of the year casting doubt on the suitability for this as a management tool
- 4.29. The establishment of a wardening service was proposed in the amendments to Policy SS19/ST35 and by the report. The latter provides evidence of where such schemes have effectively influenced visitor behaviour via a combination of a presence on the ground, education, websites and signage. There can be some confidence that the provision of these services could reduce the impact of a modest increase in recreational pressure by reducing vandalism, steering activity away from fragile areas and, importantly, securing better behaviour from dog-walkers and their dogs.
- 4.30. However, the report provides evidence of the marked increase in new dwellings within just 500m of the SAC and the disproportionate effect this would have on visitor numbers. Footprint was able to show that given the proximity of SS19/ST35 and H59 to the Common, new residents would probably make frequent visits, often with dogs, resulting in a likely increase of 63% in access. Whilst the condition assessment for the SSSI confirms that the Common is recovering towards or is in favourable condition, it cannot be ruled out that increases in the worrying of livestock by dogs would increase and further compromise the effectiveness of site management and the subsequent delivery of the conservation objectives.



- 4.31. The importance of an effective grazing regime should not be underestimated^{36, 37}. Heathlands are best managed by extensive sheep and cattle grazing where the intensity is carefully controlled to ensure the floristic and faunal diversity can be maintained and, where appropriate, restored. The Common is managed by Natural England, Yorkshire Wildlife Trust and the MOD and the grazing regime a requirement of the Higher Level Stewardship agreement.
- 4.32. The worrying of livestock is not simply restricted to the death of animals, though this has occurred, but more importantly, from a management point of view, is that dogs, especially those off the lead, can displace stock, effectively driving them into cover. The consequence is that grazing pressure becomes concentrated in more remote parts of the site to the detriment of those areas more frequently visited. This issue is identified in both Natural England's SIP and Supplementary Advice for the site
- 4.33. This evidence questions whether wardening activities could accommodate the increase in visitors and dogs anticipated to be associated with SS19/ST35 and H59. This concern is drawn into focus when it is considered the report suggests that in the absence of SS19/ST35 and H59, access from all allocations within 7.5km of the SAC would increase by only 6% (without taking account of the open space associated with those more distant allocations which could be expected to reduce the number of visits further). It should be remembered here that 75% of all current visits arise from within 5.5km of the Common.
- 4.34. Furthermore, the report concludes by reminding us that:
- At plan-level HRA it will be necessary to have confidence that the above mitigation measures are feasible and achievable in order to rule out adverse effects on integrity on Strensall Common SAC as a result of increases in recreation there needs to be confidence that the measures will be successful.*
- 4.35. Evidence from around the country shows that all the proposed mitigation measures suggested in Policy SS19/ST35 and Footprint's report could contribute potentially to a reduction in harmful impacts from increased recreational pressure. However, section C5.1 of the Handbook³⁸ reminds us that for mitigation measures to be taken into account they should be effective, reliable, timely, guaranteed to be delivered and as long term as they need to be. The report provides evidence that the effectiveness of the measures proposed to adequately address the effects of visitor pressure of this scale are likely to be of varying success and the long term implementation of such measures would be challenging.
- 4.36. This HRA considers that the report provides new, strong evidence (or *objective information*) that the proposed mitigation cannot be completely relied upon. Therefore, it confirms the outcomes of the screening exercise that the competent authority would not be able to conclude that Policies SS19/ST35 and H59 would not undermine the conservation objectives for the SAC (which require the maintenance or restoration of the extent and distribution of the heathland communities).
- 4.37. This evidence also contradicts the expectation expressed in the 2018 HRA that the additional requirement for a wardening service would remove the threat of an adverse effect on the integrity of the SAC; the increase in access of 24% is particularly compelling. Fundamentally, this scale of increase, the uncertainty surrounding the effectiveness of mitigation and in particular, the predicted increase in the worrying of livestock, ensures that neither the *preservation of the constitutive characteristics* (Sweetman) nor *the coherence of its ecological structure and function, across* (the)

³⁶ Grazing management of heathlands. English Nature 2005.

<http://publications.naturalengland.org.uk/publication/72034>

³⁷ <https://www.buglife.org.uk/advice-and-publications/advice-on-managing-bap-habitats/lowland-heathland>

³⁸ Principle 2, section C.5.1 of the Habitats Regulations Assessment Handbook



whole area of the European site (ODPM Circ. 06/2005) could be assured. Therefore, an adverse effect on the integrity of the European site cannot be ruled out. This calls into question the suitability of SS19/ST35 and H59 for residential development.

4.38. The Handbook (F.10.1.6 states:

To include proposals that would be potentially doomed or vulnerable to failure under the Habitats Regulations at project assessment stage was regarded by the European Court's Advocate General as 'faulty planning'.

Consequently, if at appropriate assessment stage 2, a plan-making body considers that an adverse effect on site integrity is a real possibility, and would create problems for the delivery of the proposal, the proposal should be deleted from the plan or otherwise modified to enable the plan-making body to ascertain there would not be an adverse effect on the integrity of the site.

4.39. Between the previous HRA and the Visitor Survey all reasonable mitigation measures have been explored but found to be unreliable. Should alternative measures be proposed, they would have to satisfy the requirements laid down in section C.5.1 of the Handbook (described above) to merit consideration. Mindful of the Handbook's advice and given the absence of further mitigation at this stage, the only course of action remaining is to remove both policies from the Plan.

Integrity Test for effects of recreational pressure at Strensall Common – SS19/ST35 and H59

4.40. **Given the doubts surrounding the effectiveness of mitigation, the only reliable mechanism to avoid an adverse effect on the integrity of the European site is to REMOVE BOTH SS19/ST35 AND H59 FROM THE PLAN.**

4.41. The survey suggests that the remaining allocations within 7.5km of the SAC would still result in a maximum increase in access of 6%. However, the survey was not able to consider the extensive open space associated with some, if not all, these allocations which could reasonably be expected to reduce the number of visits accordingly.

4.42. Therefore, if residential development at SS19/ST35 and H59 is ruled out, it is considered that the remaining allocations within 7.5km can be safely adopted.

Policy E18

4.43. This Policy introduces different aspects associated with recreational pressure. As discussed in the screening exercise, a marked increase in the number of visits from the workforce is not anticipated given that most would be restricted to occasional lunchtime excursions. In contrast, the threat is posed not by employees but by the public utilising the area as a *de facto* public car park, both during and outside normal working hours.

4.44. Given that a considerable number of visitors to the Common arrive by car, one effective, limiting factor remains the size and location of car parks. Furthermore, access to the southern part of the Common is not easy, requiring a long walk from more popular access points to the west; it therefore remains relatively quiet and less exposed to recreational pressure. Should the employment area have no access restrictions, the site could quickly provide extensive new parking facilities and increase the number of visitors or allow existing users with easier access to a greater area of the European site.

4.45. Policy E18 does not currently have any restrictions on access embedded within the policy wording. However, the introduction of a requirement to effectively and permanently etc (cf C.5.1 of the



Handbook) restrict access to employees and *bona fide* business visitors allied with the creation of a suitable barrier further restricting access from within the site then this threat could be completely removed. It is noted that the effectiveness of a barrier at SS19/ST35 was doubted but given the behavioural differences between residents and employees, but it is believed this could be considered to be effective here when considered alongside parking controls and the smaller number of visitors it would have to influence.

- 4.46. These modifications (as outlined above) have now been proposed via changes to Policy EC1 and GI2 which will strengthen the Plan's approach to dealing with applications relating to internationally and nationally important sites.

Integrity Test for effects of recreational pressure at Strensall Common - E18

- 4.47. Therefore, it is concluded that **provided that proposed modifications are made to the wording of Policies EC1 and GI2 to accommodate the restrictions described above, the Council can ascertain that Policy E18 will have no adverse effect on the integrity of Strensall Common European site in terms of recreational pressure. There would be no residual effects and no need for an in combination assessment.**

Air pollution at Strensall Common – SS19/ST35, H59 and E18

- 4.48. The screening exercise concluded that significant effects from air pollution on the dry and wet heathland at Strensall Common SPA cannot be ruled out alone. Given that they lie in such close proximity, they were assessed and are considered together.
- 4.49. The Air Quality report predicts that nitrogen deposition will fall over the Plan period from 24.08 kgNha⁻¹yr⁻¹ to 15.41 kgNha⁻¹yr⁻¹ reflecting wider, anticipated improvements in air quality despite an increased contribution from development promoted by the Plan. However, this shows that both existing and predicted nitrogen deposition at Strensall Common clearly exceed the minimum critical loads of 10-20 kgNha⁻¹yr⁻¹.
- 4.50. Drawing on screening opinion, the Air Quality report showed that in terms of NO_x concentrations, PC and PEC contributions would equate to 6.5% and 34.5% of the respective long-term environmental standards. Whilst the latter figure suggests an insignificant outcome, falling well below 70%, the former clearly exceeds the 1% threshold.
- 4.51. In terms of nitrogen deposition, the report suggested that PC and PEC contributions would equate to 2.8% and 157% of the lowest critical load. This time, both clearly exceed the 1% and 70% standards.
- 4.52. Detailed APIS data for Strensall Common suggests that only 8% of overall nitrogen deposition is caused by local road traffic. Although an approximation and often an underestimate, this strongly suggests the contribution from road traffic will be relatively minor with other sources, such as livestock representing almost half (47%) of the total contribution.
- 4.53. Along Towthorpe Moor Lane, road traffic is predicted to decline in real terms across the Plan period so resulting in a corresponding reduction in nitrogen deposition. Furthermore, the SAC boundary here is dominated by extensive scrub and bracken extending several metres into the European site. These are not representative of the designated heathland habitats and also provide an effective barrier to the widespread dispersal of airborne nitrogen. Consequently, harmful effects on Strensall Common from traffic along this road can be discounted.
- 4.54. Such mitigating factors do not apply to the north along Lords Moor Lane/York Lane that bisects the site in the north. Here, the road runs (for around 1.5km) through open heathland with wet and dry heath present beyond a few metres distance of the kerbside. Traffic levels are predicted to



increase throughout the Plan period. Although traffic and therefore air quality data meets the needs of the recent Wealden decision to take account of in combination traffic from York and neighbouring authorities this means it doesn't currently identify what contribution the three local allocations make to this. For the purpose of this HRA it is assumed, with some confidence that its location ensures that SS19/ST35, E18 and H59 will contribute by far the vast majority of traffic along Lords Moor Lane/York Lane. None of the HRA of the neighbouring authorities' local plans identified any impact on Strensall Common either from air pollution or any other factor so reducing the possibility of any in combination effects.

- 4.55. Given the expected increases in traffic, and the open heathland it crosses, harmful effects on the vegetation in closest proximity the road cannot be ruled out. However, these roadside communities like most others are considerably modified by the effects of road maintenance, salt-spreading, pollution, ditches, eutrophication from horses and litter, and erosion/compaction from vehicles which encourages the development of scrub or ruderal vegetation. Beyond this strip, which at Strensall frequently extends from the kerb for an estimated 2-5 metres along both sides of the carriageway, the more characteristic heathland communities gradually regain dominance. Despite this, Natural England has assessed heathland here to be in favourable or recovering condition, which can suggest enhanced resilience.
- 4.56. Transects carried out for the Air Quality report identify that roadside nitrogen deposition increases at the kerbside by 2.8% of the PC declining to 1% at 10m suggesting that nitrogen deposition quickly returns to near-background levels. Levels fall to zero somewhere between 50 and 100m from the kerb. However, PEC never appears to fall below 150% anywhere across the site.
- 4.57. It is important to realise that exceeding a 1% threshold does not indicate harm but rather a figure below which the change in concentration or deposition cannot be described as negligible. However, a PEC of 150% is more than double the equivalent threshold and a PC of 2.8% (measured at the kerbside) almost three times the PC threshold. Yet, the overall concentration of NO_x of 13.13 $\mu\text{g}\text{m}^{-3}$ in 2015, falling over the Plan period to 8.40 $\mu\text{g}\text{m}^{-3}$ is well below the critical level of 30 $\mu\text{g}\text{m}^{-3}$; it represents a set of contrasting data.
- 4.58. It should be remembered that the 70% threshold also does not equate to harm as any value less than 100% of the critical level or load suggests harm should not arise. Indeed, levels below 70% are relatively rare anywhere in the UK. This situation focuses attention back onto the critical loads
- 4.59. If it is accepted that the 1% increase in PC nitrogen deposition is an almost imperceptible increase over background levels, then rates above this are restricted to a strip 10m wide, on each side of the carriageway for a 1500m stretch of the European site where vegetation could be measurably affected. It should be noted that the traffic models seem to suggest that vehicle numbers decline significantly part-way along Lords Moor Lane/York Lane but this is discounted as what appears to be erroneous data. Together, this scenario suggests a total area potentially affected along Lords Moor Lane/York Lane would be limited to 3.0ha or 0.53% of the area of the European site.
- 4.60. This could be sufficient to conclude an adverse effect on the integrity of the site. However, the effect of incremental increases in nitrogen deposition on the species richness of lowland heath is addressed in NERC 210³⁹. Table 21 of NERC 210 shows that for species richness to decline by one (species) would require an increase in nitrogen deposition of 1.3 kgNha⁻¹yr⁻¹. Yet, even the highest rate of deposition attributed to development of 0.281 kgNha⁻¹yr⁻¹ (found at the roadside) at the end of the Plan period would be an order of magnitude below this threshold (when overall deposition would also have declined to c15 kgNha⁻¹yr⁻¹), The impact on the heathland

³⁹ CAPORN, S., FIELD, C., PAYNE, R., DISE, N., BRITTON, A., EMMETT, B., JONES, L., PHOENIX, G., S POWER, S., SHEPPARD, L. & STEVENS, C. 2016. *Assessing the effects of small increments of atmospheric nitrogen deposition (above the critical load) on semi-natural habitats of conservation importance*. Natural England Commissioned Reports, Number 210.



communities further away from the roadside would be correspondingly less as nitrogen deposition declines with distance.

- 4.61. Therefore, this suggests that increases in nitrogen deposition caused by development proposed in the Plan would not result in a decline in species richness and can be interpreted to mean that an adverse effect on the integrity of the European site is avoided.
- 4.62. Given the modified nature of vegetation in close proximity to the road, even this conclusion is considered to be a worst case scenario. Furthermore, it could be suggested that any harm is also reversible as deposition will continue to decline into the future. However, this is not expected to result in rapid improvement as existing elevated levels of soil nitrogen will persist for many years and other adverse factors, listed above, are not expected to diminish.
- 4.63. In addition, these observations should be considered in the context that overall, despite the projected increases in traffic, the electrification of vehicles and improved efficiency of conventional engines will lead to the overall contribution from road traffic being less at the end of the Plan period than at the start. In effect, the Plan doesn't meaningfully increase nitrogen deposition, it simply slows down the rate of improvement.
- 4.64. Given the size of the European site, the modest area that could potentially be affected allied with the active management of the site for nature conservation, its favourable or recovering condition and, not least, that air quality is predicted to be better at the end of the Plan period than today, it is concluded that an adverse effect on the integrity of the site can be ruled out; in other words, that both the *preservation of the constitutive characteristics* and *the coherence of its ecological structure and function, across (the) whole area* of the European site would not be harmed.
- 4.65. No evidence of any compelling threat to the River Derwent that could combine with this impact was found in the emerging or adopted local plans of Selby, Harrogate, East Riding, North Yorkshire, North York Moors and Scarborough; at worst Ryedale's was rather ambivalent. Therefore, in combination issues can be ruled out. Given the use of air quality data from within and beyond the Plan area, this outcome can be also considered to have taken account of possible in combination effects as required by the Wealden case.

Integrity Test for effects of air pollution at Strensall Common – SS19/ST35, H59 and E18

- 4.66. Consequently, it is concluded **that the Council can ascertain that Policies SS19/ST35, E18 and H59 will have no adverse effect on the integrity of Strensall Common European site in terms of the impact of air pollution. There would be no residual effects, and no further need for an in combination assessment.**
- 4.67. It should also be noted that should Policies SS19/ST35 and H59 be removed from the Plan as recommended previously, it would be reasonable to expect that air pollution issues would be removed entirely.

LOWER DERWENT VALLEY SPA

European site	Policies	Issue	Feature affected
Lower Derwent Valley SPA	SS13/ST15	Mobile species	Non-breeding birds
		Recreational pressure	Breeding/non-breeding birds



European site	Policies	Issue	Feature affected
	SS18/ST33	Recreational pressure	Breeding/non-breeding birds

- 4.68. The screening assessment has concluded that a likely significant effect cannot be ruled out alone for two policies SS13/ST15 and SS18/ST33. This is because of concern that:
- Increased recreational pressure from SS13/ST15 and ST33 will lead to disturbance of breeding and non-breeding bird populations of the Lower Derwent Valley;
 - Development at SS13/ST15 will affect functionally-linked land currently supporting non-breeding bird communities from the Lower Derwent Valley SPA
- 4.69. Two proposals are relevant, the 147 homes provided for by ST33 in Wheldrake and the garden village of SS13/ST15 at Elvington. These are considered separately below.

Recreational pressure at the Lower Derwent Valley - ST33

- 4.70. This policy encourages the construction of 147 new dwellings within just 2km of the SPA including 'Bank Island', the most important site for breeding birds across the entire European site. Given that the SPA would be perhaps be one of the most obvious destinations for outdoor recreation, the impact of increased public pressure (frequently allied with dog walking) ensured that LSE alone cannot be ruled out.
- 4.71. Policy ST33 already comprises mitigation that seeks to take account of recreational pressure on the SPA but in isolation this was not considered to provide effective safeguards. The 2018 HRA recommended modifications to require any developer to enhance awareness of and access to other, more resilient semi-natural habitats nearby eg Wheldrake Woods. When allied with the resilience of the SPA, in terms of its careful management of visitors, it was considered that this modification would provide confidence that new residents would have a greater choice of destinations for informal countryside recreation and would effectively remove entirely any threat from this policy.
- 4.72. This modification has subsequently been made and is laid out in the Schedule of Minor Modifications (25 May 2018) (CD003). Therefore, it can be concluded that the adoption of this modification would allow the Council to conclude that an adverse effect could be avoided. There would be no residual effects and no need for an in combination assessment.

Recreational pressure at the Lower Derwent Valley – SS13/ST15

- 4.73. Policy SS13/ST15 encourages the development of 3,399 dwellings and around 2,200 units in a new garden village near Elvington. It lies just a few kilometres to the west of the Lower Derwent Valley on land that is functionally-linked to the bird populations of the European site. Furthermore, the Lower Derwent Valley will provide an attractive countryside destination for new residents which could provide a threat to various features of the European site.
- 4.74. Comprehensive requirements for mitigation are already embedded in the existing policy that anticipates the establishment of extensive areas of wet grassland and public open space. Together, these would provide enhanced areas of functionally-linked land for bird populations from the European site and provide alternative countryside recreational opportunities for new residents. However, there are insufficient opportunities within SS13/ST15 to deliver all aspects of the built development alongside the measures to provide public open space and ecological mitigation.



- 4.75. The opportunity to implement these mitigation measures is provided by Policy/Allocation OS10 which is situated immediately adjacent to the west of SS13/ST15. The purpose of OS10 is described as the provision of ‘*significant areas of open space ... in connection with a strategic site*’ designed to ‘*mitigate ... for ecological impacts*’ and, as a ‘*New Area for Nature Conservation on land to the South of the A64 in association with ST15*’. However, there is no formal policy mechanism in SS13/ST15 that ensures both it and OS10 must be pursued together to secure sustainable development.
- 4.76. The screening exercise therefore concluded that likely significant effects could not be ruled out for SS13/ST15 because of uncertainty surrounding the deliverability of (extensive) mitigation proposed in OS10.
- 4.77. The 2018 HRA identified that to provide certainty that the embedded mitigation and open space requirements described in Policy SS13/ST15 can be delivered, it recommended that the Plan was modified to provide a formal link in policy terms with OS10. This would enable delivery of the ecological mitigation whilst public open space can be secured within the footprint of SS13/ST15.
- 4.78. It suggested deleting the phrase ‘**(as shown on the proposals map)**’ in sub-section (iv) and amending sub-section (vi) to read as follows: ‘Incorporation of a new nature conservation area (as shown on the proposals map **as allocation OS10 and included within Policy GI6 New Open Space Provision**)’.
- 4.79. These modifications have now been proposed and are laid out in the Schedule of Minor Modifications (25 May 2018) (CD003) which were submitted alongside the Local Plan. Therefore, it can be concluded that the adoption of this modification would allow the Council to conclude that an adverse effect could be avoided. There would be no residual effects and no need for an in combination assessment.

Integrity Test for effects of recreational pressure at the Lower Derwent Valley – SS13/ST15 and ST33

- 4.80. Consequently, it is **concluded that the Council can ascertain that an adverse effect on the integrity of the Lower Derwent Valley SPA can be avoided for Policies ST33 and SS13/ST15 in terms of the impact from recreational pressure. There would be no residual effects, and no need for an in combination assessment.**

Mobile species at the Lower Derwent Valley – SS13/ST15

- 4.81. This issue relates solely to Policy SS13/ST15 and is closely related to ‘Recreational pressure’ discussed immediately above. Again, a likely significant effect could not be ruled out because of uncertainty surrounding the deliverability of SS13/ST15 and OS10.
- 4.82. Avoiding unnecessary repetition, the modifications proposed under Recreational pressure also accommodate impacts on mobile species and the same outcome is secured. That is, the adoption of a modification to the policy wording recommended in the 2018 HRA would enable the Policy to avoid an adverse effect.
- 4.83. These modifications have now been made and are laid out in the Schedule of Minor Modifications (25 May 2018) (CD003). Therefore, it can be concluded that the adoption of this modification would allow the Council to conclude that an adverse effect could be avoided. There would be no residual effects and no need for an in combination assessment.



Integrity Test for effects on mobile species at the Lower Derwent Valley – SS13/ST15

- 4.84. Consequently, it is concluded that the Council can ascertain that an adverse effect on the integrity of the Lower Derwent Valley in terms of the impact on mobile species at Policy SS13/ST15 can be avoided. There would be no residual effects, and no need for an in combination assessment

RIVER DERWENT SAC

European site	Policies	Issue	Feature affected
River Derwent SAC	SS13/ST15	Air pollution	Floating vegetation community River and sea lamprey, and bullhead

- 4.85. The screening assessment has concluded that a likely significant effect cannot be ruled out alone for SS13/ST15. This is because of concern that:
- Increased road traffic pollution would lead to eutrophication of the River Derwent and harm the floating vegetation community and the populations of river and sea lamprey, and bullhead

Air pollution at the River Derwent – SS13/ST15

- 4.86. The screening assessment concluded that a likely significant effect cannot be ruled out in terms of Policy SS13/ST15 (and/or other aspects of the Plan in combination) which lies 3km by road from the Elvington river crossing due to uncertainty regarding the scale of nitrogen deposition within the River Derwent and its impacts on the floating vegetation community. This was largely because this feature does not benefit from critical loads which typically inform traditional evaluation - ultimately, it is the complex relationship between biology and nitrogen that prevents the identification of critical loads for many aquatic features. Consequently, as recommended by APIS, assessments have to be made on a case by case basis.
- 4.87. However, reliance can be placed on generic background data. Drawing on the screening exercise, the Air Quality Report suggested a mean NO_x concentration of 16.26 ug^m³ in 2015, falling over the Plan period to 10.40 ug^m³. Despite being a mean value, it can be safely assumed that concentrations of NO_x are currently below the annual Critical Level of 30 ug^m³ across the entire European site and are expected to fall further.
- 4.88. In terms of nitrogen deposition, the report predicts that nitrogen deposition will fall over the Plan period from 16.26 kgNha⁻¹yr⁻¹ to 11.11 kgNha⁻¹yr⁻¹ reflecting wider, anticipated improvements in air quality despite an increased contribution from development promoted by the Plan. Despite being a mean figure, it is reasonable to assume that nitrogen deposition levels across the Lower Derwent Valley are also similarly modest. However, this is relatively meaningless without a critical load for the features for comparison.
- 4.89. Further analysis at various crossing points along the river where emissions from road traffic would be at their highest showed that in terms of NO_x concentrations, PC and PEC contributions would equate to 4.6% and 39.3% of the long-term environmental standard. Whilst the latter suggests an insignificant outcome, falling well below 70%, the former exceeds the 1% threshold.



- 4.90. Given these circumstances, air pollution could be considered to conflict with the conservation objective for the River Derwent SAC to '*maintain or restore ... the extent and distribution ... the structure and function ... and the supporting processes ... of the qualifying natural habitats ...*'.
- 4.91. When employing the most sensitive fen, marsh and swamp habitat (with critical loads for nitrogen deposition of 10-20 kgNha⁻¹yr⁻¹) as a proxy for the aquatic habitat, the report suggested that the maximum possible PC and PEC contributions would equate to 2.0% and 95% of the lowest critical load with a PC value of 0.20 kgNha⁻¹yr⁻¹ and a PEC of 9.52 kgNha⁻¹yr⁻¹, both below the minimum critical load for the proxy habitat.
- 4.92. Transects at three crossings over the river (Stamford Bridge (A166), Kexby Bridge (A1079) and Elvington (B1228), again using fen, marsh and swamp as a proxy suggested that nitrogen would rapidly disperse at all sites, failing to register a figure (or 0% or below measurable accuracy) at any point at Stamford Bridge, and, at Elvington (closer to SS13/ST15) not exceeding 1% for the first 10m before again effectively falling to 0%. At Kexby, the highest value, at the kerbside was 2% of the minimum critical load for the proxy habitat before falling to 1% at 3m and 0% between 15-20m.
- 4.93. At Stamford and Elvington this means predicted nitrogen deposition is indistinguishable from background readings at the end of the Plan period when traffic could be considered to be at its highest and background levels at their lowest so exacerbating any problems. At Kexby, the figures were effectively double those at Elvington but still modest in the context of the whole river. Given these modest values it was not considered necessary to explore river crossings further afield.
- 4.94. Of course, these outcomes all depend on the sensitivity of the proxy chosen but even if the minimum critical load was reduced to 5kgNha⁻¹yr⁻¹, the values would still not exceed 4% at Kexby, 2% at Elvington and less at Stamford bridge although it would be measurable at greater distances along the transect. It must be stressed, however, that this is an extreme example and doesn't reflect the characteristics of the river. For instance, and to provide some perspective, the maximum critical load for oligotrophic lakes is only 10 kgNha⁻¹yr⁻¹.
- 4.95. What is certain, however, is that this degree of nitrogen deposition is not been added to the whole site but only to a handful of point sources at river crossings and minor roads that occasionally, come within 200m of the river; the total contribution from road traffic will therefore be dwarfed by nutrient enrichment by agriculture throughout its extensive catchment. Whilst it is acknowledged that contributions from these point sources will be transported downstream it is evident that these will quickly be diluted and form no measurable component of overall nutrient levels. In summary, they represent isolated point sources across a large river system that occupies over 400ha in area, extends over 86km in length and sits within a catchment of over 2,000sqkm.
- 4.96. This is reflected again by APIS which is able to clarify that only 6% of overall, current nitrogen deposition is currently caused by road traffic. Although an approximation and often an underestimate, this strongly suggests the contribution from road traffic will be minor in comparison with other sources, with livestock farming, for example, contributing an order of magnitude more.
- 4.97. Furthermore, the River Derwent is described as meso/eutrophic, a reflection of its existing high nitrogen load, itself a consequence of the erosion and transport of soil and nutrients from its extensive, rural catchment. Like most similar systems, it is also phosphate and not nitrogen limited. This means that nitrogen deposition is usually a less important consideration than on land (where nitrogen is relatively scarce). Consequently, the control of eutrophication usually concentrates on the removal of phosphorus inputs, for example by wastewater treatment facilities.
- 4.98. Indeed, phosphorus has generally been considered more important than nitrogen in determining the biomass of phytoplankton and the actual trophic state of a river system and APIS goes on to note (when describing eutrophic *standing* waters) that:



Deposition of ... nitrogen from the atmosphere is unlikely to be the largest source of this nutrient to eutrophic standing waters and, therefore, in general nitrogen deposition is unlikely to be very harmful ... even when close to sources

- 4.99. The system, and by extrapolation, its features, can therefore be considered to be relatively resilient to nitrogen deposition, a factor borne out to some degree by Natural England's assessment that over 99% of the river is meeting or (the majority) progressing towards favourable condition.
- 4.100. Moreover, any possible impact has to be assessed in the context that overall, despite the projected increases in traffic the electrification of vehicles and improved efficiency of conventional engines will lead to the overall contribution from road traffic being less at the end of the Plan period than at the start. In effect, the Plan doesn't meaningfully increase nitrogen deposition, it simply slows down the rate of improvement.
- 4.101. In this context, otter (which has already been screened out) can be regarded as effectively immune harm. Whilst the floating vegetation community is considered vulnerable to air pollution in the supplementary advice, it should be noted that it permanently occupies the existing, high nutrient water column which again suggests existing resilience to such loads. The fish populations can therefore also be considered to be resilient to existing loads and it is perhaps relevant that Natural England's supplementary advice for the river does not identify 'air quality' as a threat to fish.
- 4.102. Furthermore, all river crossings bear at least some evidence of existing barriers within the river (ie the bridge foundations), considerable shading (and leaf litter) from overhanging trees and pleasure boats. All will have potential to influence the distribution of both fauna and flora perhaps more significantly than the modest addition of nitrogen from vehicles.
- 4.103. Whilst the lack of quantifiable evidence is lacking, the use of a proxy habitat provided strong indications that harm would not arise. Reference to case law (Boggis) is appropriate at this point as it reminds us that threats must be credible and not hypothetical.
- 4.104. Despite the lack of critical loads for the features in question, it is clear that the sources are restricted to a handful of locations, the contributions small and disperse rapidly within a system that carries a high nutrient load with an inherent resilience to nitrogen deposition (shared by its features). It is, therefore, simply not credible that such small, isolated contributions could adversely affect the constitutive characteristics of the European site. Overall, they can safely be regarded as *de minimis* and indistinguishable from background variations allowing adverse effects to be ruled out.
- 4.105. Given the size of the European site, the modest area that could potentially be affected allied and, not least, that air quality is predicted to be better at the end of the Plan period than today, it is concluded that an adverse effect on the integrity of the site can be ruled out completely with no residual effects; in other words, that both the preservation of the constitutive characteristics and the coherence of its ecological structure and function, across (the) whole area of the European site would not be harmed.
- 4.106. Given the use of air quality data from within and beyond the Plan area, this outcome can be also considered to have taken account of possible in combination effects as required by the Wealden case. Therefore, in combination issues can be ruled out.

Integrity Test for effects of air pollution on the River Derwent – SS13/ST15

- 4.107. Consequently, it is concluded **that the Council can ascertain that Policy SS13/ST15 will have no adverse effect on the integrity of the River Derwent SAC in terms of the impact of air pollution. There would be no residual effects, and no further need for an in combination assessment.**



Summary of Appropriate Assessment and Integrity Tests

4.108. The outcomes of the appropriate assessment are summarised in Table 7 below.

Table 7: Summary of the Appropriate Assessment

Issue	Recommended measures	Outcome
Strensall Common SAC Wet and dry heathland Aquatic Environment Policies SS19/ST35, E18 and H59	None required	Adverse effect on the integrity of the site is avoided
Strensall Common SAC Wet and dry heathland Recreational pressure Policies SS19/ST35 and H59	Remove policies SS19/ST35 and H59 from the Plan	Adverse effects on the integrity of the site avoided by removal of policies
Strensall Common SAC Wet and dry heathland Recreational pressure Policies E18	Mitigation must be added to Policy E18 (or similar) to restrict public access	Adverse effect on the integrity of the site will be avoided if mitigation is adopted
Strensall Common Wet and dry heathland Air pollution SS19/ST35, E18 and H59	None required.	An adverse effect on the integrity of the site is avoided with no need for mitigation. There are no residual effects and no need for an in combination assessment.
Lower Derwent Valley Breeding and non-breeding birds Recreational pressure ST33	Mitigation added by schedule of modifications (CB003) adequate to remove threat of adverse effects	Adverse effect on the integrity of the site is avoided
Lower Derwent Valley SPA Breeding and non-breeding birds Recreational pressure SS13/ST15	Mitigation added by schedule of modifications (CB003) adequate to remove threat of adverse effects	Adverse effect on the integrity of the site is avoided
Mobile species Non-breeding birds Lower Derwent Valley Policy SS13/ST15	Mitigation added by schedule of modifications (CB003) adequate to remove threat of adverse effects	Adverse effect on the integrity of the site is avoided
Air pollution Floating vegetation community and populations of river and sea lamprey, and bullhead River Derwent SS13/ST15	None required	Adverse effect on the integrity of the site is avoided

4.109. Table 7 confirms that should the recommended measures be adopted in full, the Council would be able to ascertain that there would be no adverse effect on the integrity of any of the European sites. For the avoidance of doubt, it is considered that adverse effects could be ruled out completely for all sites and all issues with no residual effects.



5. OVERALL CONCLUSION OF THE HRA

- 5.1. All policies and allocations were screened for likely significant effects; the individual outcomes of the first exercise without the benefit of mitigation can be found in Tables 5 & 6, and in Appendix B.
- 5.2. Overall, this HRA found that likely significant effects could be ruled out alone for all but five policies which could therefore be excluded from any further scrutiny. However, likely significant effects could not be ruled out alone for policies: SS13/ST15, ST33, SS19/ST35, E18 and H59 in terms of their effects on one or more of Strensall Common, Skipwith Common, the Lower Derwent Valley, the River Derwent.
- 5.3. In terms of Policies SS19/ST35, E18 and H59, likely significant effects could not be ruled out because of anticipated increases in recreational pressure, changes to the hydrological regime and the effect of air pollution on the adjacent Strensall Common SAC.
- 5.4. Similarly, likely significant effects could not be ruled out alone for Policies ST33 because of anticipated increases in recreational pressure on the Lower Derwent Valley nearby.
- 5.5. Finally, likely significant effects could not be ruled out alone for Policy SS13/ST15 for three reasons: again because of anticipated increases in recreational pressure but also for impacts on the bird communities of the Lower Derwent Valley that also utilised land beyond the European site boundary, and the effect of air pollution on the River Derwent SAC.
- 5.6. Accordingly, an appropriate assessment was required. Taking account of recent changes in case law, mitigation was only evaluated at this stage in the HRA.
- 5.7. Upon further scrutiny or by the addition of mitigation measures, it was found that adverse effects on the integrity of all the European sites could be ruled out completely for all these issues except one - the impact of recreational pressure at Strensall Common SAC. Whilst the HRA found that the addition of mitigation measures to Policy E18 would be sufficient to remove the threat of an adverse effect on the integrity of the site, this was not the case with Policies SS19/ST35 and H59. Here, it was found that uncertainty surrounding the effectiveness of the mitigation measures proposed meant that an adverse effect on the integrity could not be ruled out. Given the absence of other mitigation measures, the only option was to remove Policies SS19/SS19/ST35 and H59 from the Plan.
- 5.8. Should these measures be adopted in full, **the Council would be able to ascertain that adverse effects on the integrity of the European sites can be avoided.**

HRA Appendices

Available upon request:

- A. Citations and Qualifying Features
- B. Record of preliminary screening of proposed policies prior to mitigation
- C. Lower Derwent and Skipwith Common Visitor Surveys (Footprint Ecology, 2018)
- D. Strensall Common Visitor Survey (Footprint Ecology, 2019)
- E. Policy Changes
- F. Air Quality Assessment (Waterman Infrastructure & Environment Ltd, 2018)

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Date: 18 February 2019

ANNEX D

The logo for Natural England, featuring the words "NATURAL ENGLAND" in white capital letters on a green rectangular background.

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Dear Alison

Lower Derwent Valley SPA/SAC & Skipwith Common SAC and Strensall Common SAC Visitor Surveys

Thank you for sharing the Visitor surveys for Lower Derwent Valley SPA/SAC & Skipwith Common SAC and Strensall Common SAC with Natural England. As requested at our meeting on 4 February 2019 our initial thoughts on these surveys are provided below.

Lower Derwent valley SPA/SAC and Skipwith Common SAC

The Visitor Survey for the Lower Derwent Valley and Skipwith suggests that additional visitor pressure resulting from housing allocations within the York Local Plan is unlikely to result in an adverse effect on integrity to the designated site. That said, Natural England's own observation and anecdotal information received does suggest that recreation pressure, particularly that arising from village communities adjacent to the site is a significant issue. This takes the form of dog walking, horse riding, cycling, wildfowling, boating etc. both within and adjacent to the designated site. Some of this access involves trespass into areas where there is no right of way. Unfortunately the visitor survey did not assess visitor pressure from key access area e.g. adjacent villages such as East Cottingham, Ellerton and Thorganby and consequently is likely to have under recorded recreational pressures.

Strensall Common SAC

The Visitor survey for Strensall very clearly identifies the high level of public use that Strensall Common SAC already receives. It also suggests a significant increase (24%) in access as a result of housing allocations within the draft Local Plan. A significant proportion of this increase is associated with allocations closer to the SAC (0-500m) with the ST 35 QEII allocation perhaps the most important contributor to this increase. Consequently the visitor survey concluded, "Given the scale of increase in access predicted from the visitor surveys, the proximity of new development and concerns relating to current impacts from recreation, adverse integrity on the SAC cannot be ruled out as a result of the quantum of development proposed. In addition, for individual allocations that are adjacent to the site it will be difficult to rule out adverse effects on integrity." Natural England concurs with this conclusion.

The visitor survey goes on to consider potential approaches to mitigation. The effectiveness of the various approaches are however caveated within the survey and from the information supplied, Natural England does not believe it is possible to rule out an adverse effect on the integrity of the Strensall Common SAC as a result of allocations currently included with the draft York Local Plan.

If you have any queries relating to the advice in this letter please contact me on 07717692927.

Yours sincerely

Lauren Forecast
Yorkshire and northern Lincolnshire Team

Local Plan Publication Draft - Proposed Modifications Schedule - 19th February 2019

Plan location	Proposed minor modification	Reason												
Index of Policies, Figures and Tables														
6 Pages in from Title Page	<table border="1"> <thead> <tr> <th>Policy Number</th> <th>Policy Name</th> <th>Page Number</th> </tr> </thead> <tbody> <tr> <td>Policy SS18</td> <td>Station Yard, Wheldrake</td> <td>62</td> </tr> <tr> <td>Policy SS19</td> <td>Queen Elizabeth Barracks Strensall</td> <td>63</td> </tr> <tr> <td>Policy SS20</td> <td>Imphal Barracks, Fulford Road</td> <td>67</td> </tr> </tbody> </table>	Policy Number	Policy Name	Page Number	Policy SS18	Station Yard, Wheldrake	62	Policy SS19	Queen Elizabeth Barracks Strensall	63	Policy SS20	Imphal Barracks, Fulford Road	67	Reference to ST35 removed following removal of policy SS19/ Site Allocation ST35.
	Policy Number	Policy Name	Page Number											
	Policy SS18	Station Yard, Wheldrake	62											
	Policy SS19	Queen Elizabeth Barracks Strensall	63											
Policy SS20	Imphal Barracks, Fulford Road	67												
Section 3: Spatial Strategy														
Policy SS10: Land North of Monks Cross Item No. X Page 49	x. 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. The impacts of the site individually and cumulatively with sites ST7, ST9, <u>and</u> ST14 <u>and</u> ST35 should be addressed.	Reference to ST35 removed following removal of policy SS19/ Site Allocation ST35 from the plan.												
Policy SS12: Land West of Wigginton Road Item No. VII Page 53	vii. 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 impacts of the site individually and cumulatively with site's ST7, ST8, ST9, <u>and</u> ST15 <u>and</u> ST35 should be addressed.	Reference to ST35 removed following removal of policy SS19/ Site Allocation ST35 from the plan.												
Policy SS13: Land West of Elvington Lane	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	Reference to ST35 removed following removal of policy SS19/ Site Allocation ST35 from the plan.												

Local Plan Publication Draft - Proposed Modifications Schedule - 19th February 2019

Item No. XI	site is achievable. The impacts of the site individually and cumulatively with site's ST7, ST8, ST9, ST14, ST27, ST35 and ST36 should be addressed.										
Policy SS19: Queen Elizabeth Barracks, Strensall Pages 63-65	Remove entire policy	Site removed following the outcomes of the Habitat Regulations Assessment (Feb 2019), which has not been able to rule out adverse effects on the integrity of Strensall Common Special Area of Conservation (SAC).									
Policy SS19: Queen Elizabeth Barracks, Strensall Explanation Pages 65-67	Remove entire explanatory justification.										
Section 4: Economy and Retail											
Policy EC1: Employment Allocations Allocation E18 and associated footnote Page 76	<table border="1"> <thead> <tr> <th data-bbox="524 975 826 1050">Site</th> <th data-bbox="826 975 1034 1050">Floorspace</th> <th data-bbox="1034 975 1413 1050">Suitable Employment uses</th> </tr> </thead> <tbody> <tr> <td data-bbox="524 1050 826 1177">E18: Towthorpe Lines, Strensall (4ha)*</td> <td data-bbox="826 1050 1034 1177">13,200sqm</td> <td data-bbox="1034 1050 1413 1177">B1c, B2 and B8 uses.</td> </tr> <tr> <td colspan="3" data-bbox="524 1177 1413 1394">* Policy SS19 points i. – ii. apply to this allocation in relation to assessing and mitigating impacts on Strensall Common SAC and <u>Given the site's proximity to Strensall Common SAC (see explanatory text), this site</u> must also take account of Policy GI2.</td> </tr> </tbody> </table>	Site	Floorspace	Suitable Employment uses	E18: Towthorpe Lines, Strensall (4ha)*	13,200sqm	B1c, B2 and B8 uses.	* Policy SS19 points i. – ii. apply to this allocation in relation to assessing and mitigating impacts on Strensall Common SAC and <u>Given the site's proximity to Strensall Common SAC (see explanatory text), this site</u> must also take account of Policy GI2.			Modification to associated footnote to refer to Policy GI2 (set out in CD003 - Modifications schedule to 25 th May 2018) following removal of policy SS19/ Site Allocation ST35.
Site	Floorspace	Suitable Employment uses									
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<p>Policy EC1: Employment Allocations</p> <p>Explanatory text</p> <p>Page 77</p>	<p><u>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 it's 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>	<p>New explanatory text to ensure that allocation E18 is considered in relation to Strensall Common SAC.</p>										
Section 5: Housing												
<p>Policy H1: Housing Allocations</p> <p>Allocation H59 and associated footnote</p> <p>Page 93</p>	<table border="1"> <thead> <tr> <th data-bbox="528 1038 719 1145">Allocation Reference</th> <th data-bbox="725 1038 920 1145">Site Name</th> <th data-bbox="927 1038 1025 1145">Site Size (ha)</th> <th data-bbox="1032 1038 1227 1145">Estimated Yield (Dwellings)</th> <th data-bbox="1234 1038 1417 1145">Estimated Phasing</th> </tr> </thead> <tbody> <tr> <td data-bbox="528 1150 719 1369">H59**/**</td> <td data-bbox="725 1150 920 1369">Queen Elizabeth Barracks – Howard Road, Strensall</td> <td data-bbox="927 1150 1025 1369">1.34</td> <td data-bbox="1032 1150 1227 1369">45</td> <td data-bbox="1234 1150 1417 1369">Medium to Long Term (Years 6-15)</td> </tr> </tbody> </table>	Allocation Reference	Site Name	Site Size (ha)	Estimated Yield (Dwellings)	Estimated Phasing	H59**/**	Queen Elizabeth Barracks – Howard Road, Strensall	1.34	45	Medium to Long Term (Years 6-15)	<p>Site removed following the outcomes of the Habitat Regulations Assessment (Feb 2019), which has not been able to rule out adverse effects on the integrity of Strensall Common Special Area of Conservation (SAC).</p> <p>Removal of associated footnote (set out in CD003 - Modifications schedule to 25th May 2018) following removal of policy</p>
Allocation Reference	Site Name	Site Size (ha)	Estimated Yield (Dwellings)	Estimated Phasing								
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Policy H1: Housing Allocations Allocation ST35 Page 94	<table border="1"> <thead> <tr> <th>Allocation Reference</th> <th>Site Name</th> <th>Site Size (ha)</th> <th>Estimated Yield (Dwellings)</th> <th>Estimated Phasing</th> </tr> </thead> <tbody> <tr> <td>ST35** Queen Elizabeth</td> <td>Barracks, Strensall</td> <td>28.8</td> <td>500</td> <td>Medium to Long Term (Years 6-15)</td> </tr> </tbody> </table>	Allocation Reference	Site Name	Site Size (ha)	Estimated Yield (Dwellings)	Estimated Phasing	ST35** Queen Elizabeth	Barracks, Strensall	28.8	500	Medium to Long Term (Years 6-15)	Site removed following the outcomes of the Habitat Regulations Assessment (Feb 2019), which has not been able to rule out adverse effects on the integrity of Strensall Common Special Area of Conservation (SAC).
Allocation Reference	Site Name	Site Size (ha)	Estimated Yield (Dwellings)	Estimated Phasing								
ST35** Queen Elizabeth	Barracks, Strensall	28.8	500	Medium to Long Term (Years 6-15)								
Section 9: Green Infrastructure												
Policy G12: Biodiversity and Access to Nature Page 166	<p>In order to conserve and enhance York's biodiversity, any development should where appropriate:</p> <p><u>i. determine if they are likely to have a significant effect on an International Site in the context of the statutory protection which is afforded to the site.</u></p> <p><u>ii. 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><u>iii. demonstrate that where loss or harm to a National site cannot be prevented or adequately mitigated,</u></p>	Policy amended to include reference to internationally and nationally designated nature conservation sites and how they will be considered through the planning process following Natural England's response to the Regulation 19 consultation.										

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	<p><u>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><u>i- iv.</u> 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> <p><u>ii- v.</u> ensure the retention, enhancement and appropriate management of features of geological, or biological interest, and further the aims of the current Biodiversity Audit and Local Biodiversity Action Plan;</p> <p><u>iii- vi.</u> take account of the potential need for buffer zones around wildlife and biodiversity sites, to ensure the integrity of the site's interest is retained;</p> <p><u>iv- vii.</u> result in net gain to, and help to improve, biodiversity;</p> <p><u>v- viii.</u> enhance accessibility to York's biodiversity resource where this would not compromise their ecological value, affect sensitive sites or be detrimental to drainage systems;</p> <p><u>vi- ix.</u> maintain and enhance the rivers, banks, floodplains and settings of the Rivers Ouse, Derwent and Foss, and other smaller waterways for their biodiversity, cultural and historic landscapes, as well as recreational activities where this does not have a detrimental impact on the nature conservation value;</p> <p><u>vii- x.</u> maintain water quality in the River Ouse, River Foss and River Derwent to protect the aquatic environment, the interface between land and river, and continue to</p>	
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	<p>provide a viable route for migrating fish. New development within the catchments of these rivers will be permitted only where sufficient capacity is available at the appropriate wastewater treatment works. Where no wastewater disposal capacity exists, development will only be permitted where it can be demonstrated that it will not have an adverse effect on the integrity of the River Derwent, Lower Derwent Valley and Humber Estuary European Sites;</p> <p>viii.xi. maintain and enhance the diversity of York's Strays for wildlife; and</p> <p>ix. xii. ensure there is no detrimental impact to the environmental sensitivity and significant Lower Derwent Valley and its adjacent functionally connected land which whilst not designated, are ultimately important to the function of this important site.</p>	
<p>Policy GI6: New Open Space Provision</p> <p>Page 172</p>	<p>Indicative new significant areas of open space have been identified in connection with the following strategic sites, as shown on the proposals map:</p> <ul style="list-style-type: none"> • OS7: Land at Minster Way at ST7 • OS8: New Parkland to the East of ST8 • OS9: New Recreation and Sports Provision to the south of ST9 • OS10: New Area for Nature Conservation on land to the South of A64 in association with ST15 • OS11: Land to the East of ST31 • OS12: Land to the East of ST35 	<p>Removal of indicative open space associated with Policy SS19 and allocations ST35/H59, which are removed following the outcomes of the Habitat Regulations Assessment (Feb 2019), which has not been able to rule out adverse effects on the integrity of Strensall Common Special Area of Conservation (SAC).</p>

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Section 14: Transport		
Policy T7: Minimising and Accommodating Generated Trips Page 225	See also Policy T1, SS4, SS9 to SS13, SS15, SS17, SS19 , SS20, SS22 and ENV1	Reference to SS19 removed following removal of policy SS19/ Site Allocation ST35 from the plan..
Section 15: Delivery and Monitoring		
Table 15.2: Delivery and Monitoring Section 3: Spatial Strategy Page 243	<ul style="list-style-type: none"> - SS17: Hungate - SS18: Station Yard, Wheldrake - SS19: Queen Elizabeth Barracks, Strensall - SS20: Imphal Barracks, Fulford Road 	Reference to SS19 removed following removal of policy SS19/ Site Allocation ST35 from the plan.
Table 15.2: Delivery and Monitoring Section 9: Green Infrastructure Page 255	<p>New Target:</p> <ul style="list-style-type: none"> • <u>No adverse increase in recreational pressure on Strensall Common SAC, Lower Derwent Valley SPA and Skipwith Common SAC.</u> <p>New indicator:</p> <ul style="list-style-type: none"> • <u>Change in visitor numbers at and condition of Strensall Common SAC, Lower Derwent Valley SAC and Skipwith Common SAC</u> 	Additional target and indicator to respond to requirements for monitoring and review of recreational pressure at European designated nature conservation sites as a result of development in the plan.

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**Defence
Infrastructure
Organisation**

Defence Infrastructure Organisation
Ministry of Defence
Building (01/D/06)
Kingston Road
Sutton Coldfield
West Midlands B75 7RL

Telephone [MOD]: 0121 311 3848

E-mail address: Robert.Stone106@mod.gov.uk

Date: 21 February 2019

Neil Ferris
Corporate Director Economy and Place
C/O City of York Council
West Offices
Station Rise
York
YO1 6GA

Neil.Ferris@york.gov.uk

Dear Mr Ferris

I refer to the meeting held on Tuesday 12th February between my Defence Infrastructure Organisation (DIO) colleagues (Mark Limbrick and Nelson Carr), our consultants Avison Young (Stephen Hollowood and Tim Collard) and City of York Council (CYC) officers, (including Michael Slater and Rachel Macefield) to discuss the strategic housing allocation at Queen Elizabeth Barracks, Strensall (QEB, H59 and ST35 - Policy SS19 and H1).

QEB is a brownfield site of about 30ha and following the decision to release the site from military use on 7th November 2016 with a proposed date of disposal in 2021 onwards, along with Towthorpe Lines for employment use (also 2021 onwards) and Imphal Barracks for residential development (disposal date of 2031). The disposal of QEB for residential development in an area with significant housing need aligns closely with the Government's priority to achieve some 160,000 homes on surplus publicly owned land by 2020 (Guide for the Disposal of Public Land, March 2017). Furthermore, sale proceeds from the site will make a significant financial contribution to help alleviate continued pressure on the defence budget. Put simply, the disposal of QEB is a priority component of the defence land disposal programme and significant resources have been allocated by DIO to achieve this key objective.

Mindful of this importance, following high level discussions with CYC in relation to the emerging Local Plan, DIO was invited to submit evidence to support the allocation of the three defence sites in York. Indeed, the Council delayed the Local Plan programme to enable the three MoD sites to be evaluated, this included technical evidence submitted in March 2017, formal representations as part of the Local Plan Regulation 18 process and additional evidence submitted to CYC during December 2017. In close collaboration with Council officers, our consultants Avison Young (formerly GVA) prepared a comprehensive evidence base to underpin these proposed allocations. This evidence was accepted by CYC given that the LPWG (January 2018) concluded that *"the sites represented 'reasonable alternatives' and, therefore should be considered as part of the Local Plan process"*. At this stage CYC were confident that any adverse impacts could be mitigated and that these brownfield sites would help to reduce pressure for Green Belt releases and draft allocations for housing in the cases of Queen Elizabeth Barracks and Imphal Barracks, and employment use in the case of Towthorpe Lines, were put forward in the Regulation 19 Local Plan (February 2018).

The QEB site is located adjacent to the Strensall Common SSSI/SAC which forms part of the Strensall Common military training area over which MoD has ownership control. Substantial restrictions on public use of the Common flow from the Strensall Common Act and military training area bye-laws. Access and use of the land by the public is permitted, but is subject to specific restrictions for health and safety reasons, particularly when the training area ranges are in operational use.

In the Regulation 19 York Local Plan, the emerging allocation of QEB is subject to specific policy conditions (including the need for a detailed Visitor Impact Mitigation Strategy, aimed at reducing recreational pressure on the SAC, and the introduction of an efficient wardening service) to help mitigate adverse impacts on the Strensall Common SSSI/SAC. These derive from recommendations in the draft HRA, which was informed by evidence furnished by experts acting on behalf of DIO. Although DIO has challenged the efficacy of some of these conditions (notably the proposed green buffer to Strensall Common), the principle of the allocation has to date, been fully supported by CYC.

As part of the Regulation 19 consultation, Natural England have raised 2 primary objections relevant to QEB, the first concerns the impact of development on air quality and the second, the impact of increased recreational pressure on Strensall Common, as a consequence of new housing development in the city. We understand that CYC are confident that they can mitigate the former, but required a visitor survey to assess the implications of the latter issue. The survey has been undertaken by Footprint Ecology (Summer 2018) and DIO has just received the completed report. This purports to demonstrate future increased recreational impacts on Strensall Common, particularly as a direct consequence of the proposed housing allocation at QEB.

The outcomes from this assessment, together with the comments from Natural England, are, we understand, being incorporated into a fresh HRA. We are advised that this will conclude that CYC as 'Competent Authority' is unable to demonstrate that significant harm will not result to Strensall Common SSSI/SAC, as a consequence of the redevelopment of QEB, and therefore it is likely that the strategic allocation of QEB for residential use will have to be withdrawn from the submission Local Plan.

This proposal is, without question, a total surprise to DIO and is unusual from a procedural perspective, given that, at this late stage, a major modification to the submission Local Plan will now be required to delete a strategic allocation for, at least, 545 homes. Our concern is exacerbated by our inability to respond to this unfortunate position within the unreasonable timescales advised by CYC, i.e. by 27th February 2019. Frankly, we find this situation entirely untenable.

We have not been able to meet with Natural England or to interrogate the robustness of their policy position, but it is understood from CYC that their concerns, at least in part, relate to issues such as livestock worrying by dogs, which is adversely influencing grazing behaviour by sheep. Surely as landowner, DIO should have been given the opportunity to consider potential management solutions to such matters, rather than find at this late stage that the allocation for QEB will be deleted from the plan, thereby reducing the strategic land portfolio in York and creating a major hole in the defence land disposal programme?

It is the view of DIO that recreational impacts arising from development at QEB can be overcome as outlined in the December 2017 Outline People Management Strategy (PMS). The development of a robust PMS, that takes into account the latest visitor survey evidence (insofar as the findings can be demonstrated to be robust), is surely a logical next step, prior to prematurely discounting an otherwise sustainable, previously developed site, particularly given the Green Belt pressures faced by CYC. As landowner, DIO believes there is substantial potential to mitigate the recreational impacts of developing homes on QEB, and DIO will continue to explore how visitor impacts, arising from development in the Local Plan (including QEB), can be suitably mitigated as the Local Plan progresses to Examination hearing sessions. This mitigation strategy should consider, inter alia, the extent to which changes in the Bye-laws governing public use of the Common can be modified to minimise the harmful impacts of recreational pressures. Initial views are positive.

Critically, DIO would like assurance from CYC that both it, and Natural England, have fully considered the information, provided by DIO to CYC in December 2017 to support a Habitats Regulations Assessment. This included a framework for a People Management Strategy in relation to QEB which concluded "*there is sufficient space and scope for a PMS to be developed which would prevent an increase in recreational pressure, and associated urban edge effects, such that an adverse effect on site integrity does not occur*" (page 19).

In DIO's view, in the light of the foregoing conclusion, as a major public landowner, the MoD should have been given a reasonable time to develop these ideas to address the concerns articulated by Natural England. Rather, it appears that, in CYC's haste to proceed, there will not be an opportunity to either respond to views

expressed by Natural England or to test their robustness before a decision is made by the Executive on the site's future use.

Nevertheless, we will continue to work collaboratively with CYC and Natural England to resolve this very serious matter. Whilst we recognise CYC's wish to progress the Local Plan expediently due to external pressures, for avoidance of doubt, if the QEB site is removed from the submission Local Plan for the reasons explained by CYC, then DIO will have no alternative but to challenge the proposed de-allocation of the site and the findings of the HRA in relation to Strensall Common and to promote this strategic brownfield site as an 'omission site', at the Examination.

There should be no doubt, the disposal of QEB is a priority project for Defence and any proposal to delete the site without full and proper consideration, will be resisted strongly by DIO. In the meantime, I would be grateful if this letter could be copied to relevant members of the Local Plan Working Group to underline the significance we attach to the decision with respect to the status of QEB in the emerging Local Plan and the substantial adverse impact it will have upon the delivery of the Government's public land disposal programme.

Yours sincerely



Robert Stone
Head of Estate
Defence Infrastructure Organisation

CC

Michael Slater – Assistant Director for Planning and Public Protection - CYC

Rachel Macefield – Forward Plans Manager - CYC

Mark Limbrick – DIO

Stephen Hollowood – Avison Young

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'Better Decision Making' Tool
Informing our approach to sustainability, resilience and fairness

The 'Better Decision Making' tool should be completed when proposing new projects, services, policies or strategies.

This integrated impact assessment tool was designed to help you to consider the impact of your proposal on social, economic and environmental sustainability, and equalities and human rights. The tool draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services. The purpose of this new tool is to ensure that the impacts of every proposal are carefully considered and balanced and that decisions are based on evidence.

Part 1 of this form should be completed as soon as you have identified a potential area for change and when you are just beginning to develop a proposal. If you are following the All About Projects Framework it should be completed before going through Gateway 3.

Part 2 of this form should be filled in once you have completed your proposal and prior to being submitted for consideration by the Executive. If you are following the All About Projects Framework it should be completed before going through Gateway 4. Your answer to questions 1.4 in the improvements section must be reported in any papers going to the Executive and the full 'Better Decision Making' tool should be attached as an annex.

Guidance to help you complete the assessment can be obtained by hovering over the relevant text or by following this link to the 'Better Decision Making' tool on Colin.

Guidance on completing this assessment is available by hovering over the text boxes.

Please complete all fields (and expand if necessary).

Introduction

Service submitting the proposal:	Strategic Planning
Name of person completing the assessment:	Alison Cooke
Job title:	Development Officer
Directorate:	Economy and Place
Date Completed:	25th February 2019
Date Approved: form to be checked by service manager	

Part 1

Section 1: What is the proposal?

1.1	Name of the service, project, programme, policy or strategy being assessed?
	Local Plan update and revised Habitat Regulation Assessment
1.2	What are the main aims of the proposal?
	The main aim of the report is to update Members on progress of the Examination of the Local Plan and the outcomes / recommendations of the revised Habitat Regulation Assessment following the completion of additional evidence, including a main modification of the Local Plan to remove a strategic site allocation.
1.3	What are the key outcomes?
	The Local Plan is the planning policy document through which we aim to deliver York's sustainable development objectives in a spatial way through identifying policies to inform decision making and site allocations to meet development needs. Following additional HRA work and consultation with Natural England we consider that a main modification to the Plan is required for the plan to remain sound and satisfy the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 ("The Habitat Regulations").

Section 2: Evidence

2.1	<p>What data / evidence is available to understand the likely impacts of the proposal? (e.g. hate crime figures, obesity levels, recycling statistics)</p> <p>The Local Plan is underpinned by a diverse and comprehensive evidence base, which was submitted alongside the plan for examination. This report includes an update to the Housing Needs Assessment for York (2019) following the release of new data and a revised Habitat Regulation Assessment (2019) (HRA) following correspondence from Natural England and the commissioning of new evidence. Annexes to the HRA include the visitor surveys commissioned for Strensall Common SAC, Lower Derwent Valley SPA and Skiptwith Common SAC.</p>
2.2	<p>What public / stakeholder consultation has been used to support this proposal?</p> <p>The Local Plan process has been subject to several consultations, the latest of which was the Publication (Regulation 19) Consultation which took place between February-April 2018. The outcomes of this consultation were submitted alongside the Local Plan in May 2018 for consideration by the appointed Planning Inspectors. Public hearings on matters set out by the Inspectors will be held in due course. Further consultation on any modifications to the Local Plan made as a result of the Examination will be undertaken in due course.</p>
2.3	<p>Are there any other initiatives that may produce a combined impact with this proposal? (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)</p> <p>Neighbourhood Plans are being prepared in accordance with the submitted Local Plan and are subject to their own consultation procedures under the Neighbourhood Plan Regulations. Changes to the plan may impact on the preparation of or influence the content of emerging Neighbourhood Plans across the authority.</p>

Part 1

Section 3: Impact on One Planet principles

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents. This section relates to the impact of your proposal on the One Planet principles.

For 'Impact', please select from the options in the drop-down menu.
 If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

Equity and Local Economy

Does your proposal?	Impact	What are the impacts and how do you know?
3.1 Impact positively on the business community in York?	Positive	The policies of the Local Plan support the delivery of the city's economic objectives and will enable York to realise its economic growth ambitions as set out in the city's economic strategy (2016). It will promote private sector employment growth through the provision of sites and infrastructure to deliver new jobs over the plan period for current and future residents. The Employment Land Review (2016 and update 2017) sets out our assumptions for identifying employment need. Meeting York's housing requirements is also likely to have a positive outcome for provision of affordable housing for workers within York.
3.2 Provide additional employment or training opportunities in the city?	Positive	The policies of the local plan support the delivery of the city's economic objectives and will enable York to realise its economic growth ambitions as set out in the city's economic strategy (2016). It will promote private sector employment growth through the provision of sites and infrastructure to deliver new jobs over the plan period for current and future residents. Housebuilding and commercial development as a result of allocations in the Local Plan may provide some certainty over jobs in construction. The scale of employment activity depends on the growth targets agreed.
3.3 Help individuals from disadvantaged backgrounds or underrepresented	Positive	The plan supports the delivery of the city's economic objectives and social objectives, including promoting social inclusivity. The plan will help to unlock the further potential of the higher and further education sector in York through development and redevelopment.

Health & Happiness

Does your proposal?	Impact	What are the impacts and how do you know?
3.4 Improve the physical health or emotional wellbeing of staff or residents?	Neutral	The Local Plan aims to support healthy lifestyles and healthy environments across the city. The plan includes policies to conserve and enhance York's green infrastructure, providing opportunities for a healthy lifestyle and optimising its role in contributing to York being a healthy city, drawing on the Open Space Study (2014) and its 2017 update. Providing homes to meet the needs of people will also have a positive impact on people's well being.
3.5 Help reduce health inequalities?	Positive	The community facilities section of the plan has been revised to have a greater focus on health and wellbeing. The new section covers the protection and enhancement of sports, healthcare, childcare, and community facilities. An additional policy related to healthy placemaking has been added which encourages designing environments that encourage health-promoting behaviours, helping to delivery York's Joint Health and Wellbeing Strategy and the Council Plan. There are also opportunities as part of new development for the provision of new services. These will have to be developed in tandem to avoid negatives impact in the short-term.
3.6 Encourage residents to be more responsible for their own health?	Neutral	The Local Plan encourages healthy lifestyles through the safeguarding and provision of different types of openspace and recreational opportunities. The plan includes policies to conserve and enhance York's green infrastructure, providing opportunities for a healthy lifestyle and optimising its role in contributing to York being a healthy city.

3.7	Reduce crime or fear of crime?	Positive	The plan includes a placemaking policy which seeks to balance the needs of urban design principles for good design against 'secured by design' principles to design out crime, helping to delivery the City of York Streetscape Strategy Guidance (2014).
3.8	Help to give children and young people a good start in life?	Positive	The Local Plan seeks to respond to the need to increase primary and secondary education provision, including addressing need arising from strategic development sites and supporting proposals to ensure that existing facilities can continue to meet modern educational requirements.

Local Plan update and revised Habitat Regulation Assessment

Does your proposal?		Impact	What are the impacts and how do you know?
3.9	Help improve community cohesion	Neutral	Community cohesion and the development of strong, supportive and durable communities is promoted through the creation of sustainable, low carbon neighbourhoods.
3.10	Improve access to services for residents, especially those most in need?	Positive	The plan will prioritise tackling existing gaps and prevent gaps from being created in the provision of key services and public transport, helping to support the Council's Transport Plan 2011-2031. The Plan's spatial strategy also uses access to services and transport as a key indicator for sustainability and uses this to help determine suitable sites for development. The majority of strategic allocations are also expected to incorporate local provision on site and have access to sustainable transport.
3.11	Improve the cultural offerings of York?	Positive	A new cultural provision policy has been developed as well as strengthening references to culture throughout the plan. The new policy supports development proposals where they are designed to sustain, enhance and add value to the special qualities and significance of York's culture.
3.12	Encourage residents to be more socially responsible	Positive	Through consultation the local plan process actively encourages residents to shape their communities by commenting on the policies that will shape development in the future in line with the Council's Statement of Community Involvement (2007)

Zero Carbon and Sustainable Water

		Impact	What are the impacts and how do you know?
3.13	Minimise the amount of energy we use, or reduce the amount of energy we will use/pay for in the future?	Mixed	The plan will respond to the opportunities offered by the city's natural resources whilst at the same time protecting current and future residents from environmental impacts. It will help York become a sustainable, resilient and collaborative 'One Planet'. It will create energy efficient buildings, support the use of energy from renewable sources and ensuring York is climate ready. Notwithstanding this, development in York is likely to increase the city's resource consumption. LocalPlan policy relating to climate change, renewable energy and sustainable design have been updated in line with new/updated evidence base and legislation.
3.14	Minimise the amount of water we use or reduce the amount of water we will use/pay for in the future?	Mixed	The plan will respond to the opportunities offered by the city's natural resources whilst at the same time protecting current and future residents from environmental impacts. It will help York become a sustainable, resilient and collaborative 'One Planet' city, ensuring that new development uses water efficiently and delivers sustainable drainage solutions. LocalPlan policy relating to climate change, renewable energy and sustainable design have been updated in line with new/updated evidence base and legislation.
3.15	Provide opportunities to generate energy from renewable / low carbon technologies	Positive	A revised climate change section now more strongly ties the policies to the social and economic benefits of low carbon developments which consider sustainable design and construction principles.

Zero Waste

Does your proposal?	Impact	What are the impacts and how do you know?
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3.16	Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?	Positive	The plan will contribute to the reduction of waste through supporting innovation and improvement of current waste practices and the promotion of recycling. Sustainable design and construction principles will be embedded in new developments. Local Plan policy relating to Waste management has been revised in line with the emerging Joint Minerals and Waste Local Plan being prepared by North Yorkshire County Council, City of York Council and North York Moors National Park.
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Sustainable Transport

Does your proposal?		Impact	What are the impacts and how do you know?
3.17	Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?	Positive	The plan will help deliver a fundamental shift in travel patterns by ensuring that sustainable development and travel planning is a key component of future development, promoting sustainable connectivity, reducing the need to travel, helping to deliver the infrastructure to support sustainable transport and managing private travel demand. Helping to support the Council's Transport Plan 2011-2031. This has also been translated into the Site Selection process as a key stage in considering suitability of a potential development site.
3.18	Help improve the quality of the air we breathe?	Positive	The plan supports measures to help reduce the emissions of Nitrogen Dioxide, Particulate, Carbon Dioxide and other greenhouse gases from both transport and other sources helping to deliver the Council's Low Emission Strategy (2012) and therefore features as a consideration throughout the Local Plan.

Sustainable Materials

Does your proposal?		Impact	What are the impacts and how do you know?
3.19	Minimise the environmental impact of the goods and services used?	Mixed	Development advocated by the Local Plan will have an inevitable impact on the use of resources and waste. However, sustainable design and construction principles will be embedded in new developments through policy.

Local and Sustainable Food

Does your proposal?		Impact	What are the impacts and how do you know?
3.20	Maximise opportunities to support local and sustainable food	Neutral	n/a

Land Use and Wildlife

Does your proposal?		Impact	What are the impacts and how do you know?
3.21	Maximise opportunities to conserve or enhance the natural environment?	Positive	<p>York's Green Infrastructure, including open space, landscape, geodiversity, biodiversity and the natural environment will be both conserved and enhanced. This is a key consideration in the Local Plan and evidence base such as the Green Infrastructure and Openspace Study (2014, Openspace update 2017). The vision, spatial strategy and specific policies all support the conservation and enhancement of the natural environment. Furthermore, this is translated into the Site Selection methodology to determine a potential site's suitability for development.</p> <p>The updated Habitat Regulation Assessment (2019) identifies that currently the Local Plan includes two allocations which may have adverse impacts on the integrity of Strensall Common SAC and recommends their removal from the Local Plan. This main modification is proposed in the office report to ensure that no significant adverse effects on Nature Conservation sites occur as a result of the Local Plan.</p>

3.22	Improve the quality of the built environment?	Positive	The Local Plan will help York to safeguard its outstanding heritage for future generations by promoting development which respects the city's special character and culture and encourages opportunities for rediscovering and reinterpreting those assets which make it an attractive, beautiful and accessible city. The Plan will do this through the conservation and enhancement of six defining characteristics of York's built environment; strong urban form, compactness, landmark monuments, unique architectural character, archaeological complexity and landscape setting set out in the Heritage Topic Paper (2014) and Heritage Impact Appraisal (2017).
3.23	Preserve the character and setting of the historic city of York?	Positive	The plan will help York to safeguard its outstanding heritage for future generations by promoting development which respects the city's special character. The Local Plan will ensure that the city's heritage assets are preserved and enhanced. Beyond the city centre, the key radial routes are of particular importance, and the surrounding villages and Green Infrastructure, including its valued strays, river corridors and open spaces that contribute to the city's setting. The Historic Character and Setting evidence base (2003 updated in 2013 and 2014) identifies areas of primary importance for this. The Plan will also create a Green Belt for York that will endure beyond the end of this plan period providing a lasting framework to shape the future development of the city. Its primary aim will be to preserve and enhance the special character and setting of York. It will also have a critical role in ensuring that development is directed to the most sustainable locations.
3.24	Enable residents to enjoy public spaces?	Positive	Development will not be permitted which would harm the character of or lead to the loss of open space of environmental and or recreational importance unless it can be satisfactorily replaced. All residential development should contribute to the provision of open space for recreation and amenity. This is supported by the open space study (2014, updated 2017) and the Green Infrastructure policies set out in the Local Plan.

3.25	Additional space to comment on the impacts

Part 1

Section 4: Impact on Equalities and Human Rights

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents. This section relates to the impact of your proposal on **advancing equalities and human rights** and should build on the impacts you identified in the previous section.

For 'Impact', please select from the options in the drop-down menu.

If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'

Equalities

Will the proposal **adversely impact** upon 'communities of identity'?

Will it **help advance equality** or **foster good relations** between people in 'communities of identity'?

		Impact	What are the impacts and how do you know?	Relevant quality of life
4.1	Age	Positive	The plan will meet housing needs and provide a range of house types for all ages. The SHMA (2016) and SHMA update (2019) provide relevant evidence for this. It will also improve the safety and accessibility of the city's streets and spaces.	Comfortable standard of living
4.2	Disability	Positive	The plan will meet housing needs and provide a range of house types for all ages. The SHMA (2016) and SHMA update (2019) provide relevant evidence for this. It will also improve the safety and accessibility of the city's streets and spaces.	Comfortable standard of living
4.3	Gender	Neutral	None deemed likely	n/a
4.4	Gender Reassignment	25th February 2019	None deemed likely	n/a
4.5	Marriage and civil partnership	Neutral	None deemed likely	n/a
4.6	Pregnancy and maternity	Neutral	None deemed likely	n/a
4.7	Race	Positive	Meeting Gypsy, Traveller and Travelling Showpeople's accommodation needs, supporting the outcomes of the Gypsy and Traveller Accommodation Assessment (2017)	Comfortable standard of living
4.8	Religion or belief	Neutral	None deemed likely	n/a
4.9	Sexual orientation	Neutral	None deemed likely	n/a
4.10	Carer	Neutral	None deemed likely	n/a
4.11	Lowest income groups	Positive	The plan will meet housing needs and provide a range of house types. The SHMA (2016) and SHMA update (2019) provide relevant evidence for this, including the need for affordable housing.	Comfortable standard of living

4.12	Veterans, Armed forces community	neutral	The Local Plan and supporting evidence considered the potential of the MOD sites in York for development following the Defence Infrastructure Estates Review (2016). The closure of these sites will have an impact on the armed forces community which is out of the remit of the Local Plan. However, this officer report seeks to remove ST35: Queen Elizabeth Barracks, Strensall and H59: Howard Road, Strensall as allocations from the Plan following updated Habitat regulation Assessment and identification of potential adverse effects on the integrity of Strensall Common.	n/a
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Local Plan update and revised Habitat Regulation Assessment

Human Rights	
Consider how a human rights approach is evident in the proposal	

		Impact	What are the impacts and how do you know?
4.13	Right to education	neutral	None deemed likely
4.14	Right not to be subject to torture, degrading treatment or punishment	neutral	None deemed likely
4.15	Right to a fair and public hearing	neutral	None deemed likely
4.16	Right to respect for private and family life, home and correspondence	neutral	None deemed likely
4.17	Freedom of expression	neutral	None deemed likely
4.18	Right not to be subject to discrimination	neutral	None deemed likely
4.19	Other rights	neutral	None deemed likely

4.20	Additional space to comment on the impacts
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'Better Decision Making' Tool

Informing our approach to sustainability, resilience and fa

Part 1

Section 5: Developing Understanding

Based on the information you have just identified, please consider how the impacts of your proposal could be improved upon, in order to balance social, environmental, economic, and equalities concerns, and minimise any negative implications.

It is not expected that you will have all of the answers at this point, but the responses you give here should form the basis of further investigation and encourage you to make changes to your proposal. Such changes are to be reported in the final section.

Taking into consideration your responses about all of the impacts of the project in its current form, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?

5.1

Given the wide range of policy areas covered by the Local Plan and its over all vision which responds to the issues, opportunities and challenges facing the city it is considered that the plan will have a strongly positive impact overall on creating a fair, healthy, sustainable and resilient city. The modification proposed by the Officer report following updated Hbaitat Regualtion Assessment avoids adverse impacts on nature conservation adding to the resilience of our green infrastructure network.

What could be changed to improve the impact of the proposal on the One Planet principles? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)

5.2

Preparation of the Local Plan is part of an ongoing process that involves monitoring the success and progress of its policies. The process will make sure it is achieving its objectives and making necessary adjustments to the plan if the monitoring process reveals that changes are needed. This enables the plan to maintain sufficient flexibility to adapt to changing circumstances. Furthermore, the plan is subject to ongoing Sustainability Appraisal incorporating the requirements of Strategic Environmental Assessment which appraises the plan and site allocations against a bespoke social, economic and environmental objectives to understand how the plan is contributing the sustainable development objectives for York. The modification proposed by the Officer report following updated Hbaitat Regualtion Assessment avoids adverse impacts on nature conservation adding to the resilience of our green infrastructure network.

What could be changed to improve the impact of the proposal on equalities and human rights? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)

5.3

No mixed or negative impacts on equality and human rights are considered likely.

Section 6: Planning for Improvement

What further evidence or consultation is needed to fully understand its impact? (e.g. consultation with specific communities of identity, additional data)

6.1

Members will use the recommendations to decide the future approach for the Local Plan which will then be submitted to the appointed Planning Inspectors for their consideration. Public hearings on matters set out by the Inspectors will be held in due course. Further consultation on any modifications to the Local Plan made as a result of the Examination will be undertaken in due course.

6.2 **What are the outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal?** Please include the action, the person(s) responsible and the date it will be completed (expand / insert more

Action	Person(s)	Due date

6.3 **Additional space to comment on the impacts**

The Local Plan is the planning policy document through which we aim to deliver York's sustainable development objectives in a spatial way through identifying policies to inform decision making and site allocations to meet development needs. Following additional HRA work and consultation with Natural England we consider that a main modification to the Plan is required for the plan to remain sound and satisfy the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 ("The Habitat Regulations").



'Better Decision Making' Tool

Informing our approach to sustainability, resilience and fairness

Part 2

Section 1: Improvements

Part 2 builds on the impacts you identified in Part 1. Please detail how you have used this information to make improvements to your final proposal.

Please note that your response to question 1.4 in this section must be reported in the One Planet Council implications section of reports going to the Executive.

1.1	<p>For the areas in the 'One Planet' and 'Equalities' sections, where you were unsure of the potential impact, what have you done to clarify your understanding?</p> <p>Given the wide ranging policy areas covered in the plan and the process taken so far in preparing the plan there are inherent links and good understanding of the one planet principles and equalities.</p>
1.2	<p>What changes have you made to your proposal to increase positive impacts?</p> <p>No changes considered necessary, however the monitoring element of the local plan process will ensure the success and progress of the policies are able to adapt to changing circumstances. For example, air quality will be monitored to ensure new development does not result in poorer air quality.</p>
1.3	<p>What changes have you made to your proposal to reduce negative impacts?</p> <p>No negative impacts anticipated.</p>
1.4	<p>Taking into consideration everything you know about the proposal in its revised form, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?</p> <p>Your response to this question must be input under the One Planet Council implications section of the Executive report. Please feel free to supplement this with any additional information gathered in the tool.</p> <p>Given the wide range of policy areas covered by the Local Plan and its over all vision which responds to the issues, opportunities and challenges facing the city it is considered that the plan will have a strongly positive impact overall on creating a fair, healthy, sustainable and resilient city.</p>
1.5	<p>Any further comments?</p>

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Executive**7 March 2019**

Report of the Director for Economy and Place
Portfolio of the Executive Member for Planning and Transport

EARSWICK NEIGHBOURHOOD PLAN – EXAMINER’S REPORT**Summary**

1. The Earswick Neighbourhood Plan Examiner’s Report is attached at Annex A to this report. Annex B sets out a Decision Statement which includes the Council’s proposed response to the Examiner’s recommended modifications. This report requests that the Executive agree the Examiner’s recommendations to enable the Neighbourhood Plan to proceed to Referendum. These issues were previously considered at Local Plan Working Group on the 27th February 2019.

Recommendations

2. The Executive is asked to:
 - i) Agree the Examiner’s modifications and the consequential minor modifications set out at Annex B to the Earswick Neighbourhood Plan and that subject to those modifications the Neighbourhood Plan meets the Basic Conditions and other legislative requirements.

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

- ii) Agree that the Earswick Neighbourhood Plan as amended proceeds to a local referendum based on the geographic boundary of the parish of Earswick as recommend by the Examiner.

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

- (iii) To approve the Decision Statement attached at Annex B to be published on the City of York Council's website.

Reason: To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

Background

3. The Localism Act 2011 introduced new powers for community groups to prepare neighbourhood plans for their local areas. The Council has a statutory duty to assist communities in the preparation of Neighbourhood Plans and to take plans through a process of Examination and Referendum. The local authority is required to take decisions at key stages in the process within time limits that apply, as set out in the Neighbourhood Planning (General) Regulations 2012 as amended in 2015 and 2016 ("the Regulations").
4. The Earswick Neighbourhood Plan has been prepared by Earswick Parish Council with on-going engagement with the local community and City of York Council. Prior to Examination it has been through the following stages of preparation:
 - Designation as a Neighbourhood Area (9th December 2015)
 - Consultation on 1st Pre-Submission Version (20th November 2016 to 7th January 2017)
 - Consultation on 2nd Pre-Submission Version (4th December 2017 to 5th February 2018)
 - Submission to City of York Council (5th February 2018)
 - Submission Consultation (4th October to 15th November 2018)
5. Following the close of Submission consultation and with the consent of the Parish Council, Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI was appointed to undertake an Independent Examination of the Neighbourhood Plan. The purpose of the Examination is to consider whether the Plan complies with various legislative requirements and meets a set of "Basic Conditions" set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. The Basic Conditions are:
 - i) To have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - ii) To contribute to the achievement of sustainable development;
 - iii) To be in general conformity with the strategic policies contained in the development plan for the area;

- iv) To not breach, and be otherwise compatible with, EU and European convention on Human Rights obligations; and
 - v) To be in conformity with the Conservation of Habitats and Species Regulations 2017(3).
6. The Examiner can make one of three overall recommendations on the Neighbourhood Plan namely that it can proceed to referendum (i) with modifications; (ii) without modification; or (iii) that the Plan cannot be modified in a way that allows it to meet the Basic Conditions or legal requirements and should not proceed to referendum.
7. Modifications can only be those that the Examiner considers are needed to:
- a) make the plan conform to the Basic Conditions
 - b) make the plan compatible with the Convention rights
 - c) make the plan comply with definition of a neighbourhood plan and the provisions that can be made by a neighbourhood plan or
 - d) to correct errors.
8. If a recommendation to go to a referendum is made, the Examiner must also recommend whether the area for the referendum should go beyond the Neighbourhood Area, and if so what the extended area should be.
9. The Regulations presume that Neighbourhood Plans will be examined by way of written evidence only, with a requirement for a hearing only in cases where the Examiner feels the only way to properly assess a particular issue is via a discussion with all parties. The Examiner decided that examination by written representations was appropriate in this case and provided his final report on 7th January 2019.
10. Overall, the Report concluded that “Subject to a series of recommended modifications set out in this report I have concluded that the Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum”.

Examiner’s Recommendations

11. Annex A and B set out the Examiner’s detailed and minor consequential modifications to the Neighbourhood Plan.

12. The majority of modifications were minor however the examiner did include a key point in relation to the Green Belt.
13. Modifications were suggested by the examiner in relation to Policy ENP4: Green Belt to reflect the policy context of York's Green Belt. The Examiner recommends that the neighbourhood plan continues to apply the approach to the identification of the Green Belt as set out currently in the saved policies relating to Green Belt in the revoked RSS and the Fourth Set of Changes Development Control (draft) York Local Plan (2005) on an interim basis until such times as the emerging Local Plan is adopted. The Earswick Neighbourhood Plan does not seek to allocate any sites within the general extent of Green Belt as per the saved RSS policies. The examiner concludes that this will ensure that the preparation of the emerging Local Plan is used as the mechanism for the detailed identification of the York Green Belt boundaries in accordance with national planning policy.

Next Steps

14. The next stage of the relevant legislation requires the Council to:
 - Consider each of the recommendations made by the Examiner's Report (and the reasons for them), and
 - Decide what action to take in response to each recommendation.
15. If the LPA is satisfied that the Neighbourhood Plan meets the Basic Conditions, is compatible with the Convention rights, and complies with the definition of an NP and the provisions that can be made by a NP or can do so if modified (whether or not recommended by the Examiner), then a referendum must be held.
16. The Council must publish its decision and its reasons for it in a 'Decision Statement'. The Decision Statement must be published within 5 weeks beginning with the day following receipt of the Examiner's Report unless an alternative timescale is agreed with the Parish Council. The March 7th Executive date is more than 5 weeks from the receipt of the examiners report (7th January 2019) however the Parish Council has agreed this alternative timescale in writing.
17. The Examiner's recommendations on the Neighbourhood Plan are not binding on the Council, who may choose to make a decision which differs from the Examiner's. However, any significant changes from the Examiner's recommendations would require a further period of public

consultation, along with a statement from the Council setting out why it has taken this decision.

18. A decision to refuse the Neighbourhood Plan proposal could only be made on the following grounds:
 - the LPA is not satisfied that the Neighbourhood Plan meets the Basic Conditions;
 - the LPA does not believe that with modification Neighbourhood Plan can meet the Basic Conditions;
 - the LPA considers that the Neighbourhood Plan constitutes a repeat proposal; or
 - the LPA does not believe the qualifying body is authorised or
 - that the proposal does not comply with that authorisation.
19. The Examiner's Report concludes that the Neighbourhood Plan meets the Basic Conditions required by legislation, and that subject to the modifications proposed in his report, the Neighbourhood Plan should proceed to a referendum to be held within the Neighbourhood Area. Officers have considered all of the recommendations and the Examiner's reasons for them and have set out the Council's response as part of the Decision Statement in Annex B.
20. It is recommended that all of the Examiner's recommended modifications be made as set out in Table 1 at Annex B. The Officer recommendation is that subject to those modifications the Plan meets the Basic Conditions, is compatible with the Convention Rights and complies with the provisions that can be made by a neighbourhood plan. Subject to the Executive's agreement of the Decision Statement, the Neighbourhood Plan will be amended accordingly and the Neighbourhood Plan will proceed to local referendum.

Referendum

21. The Council must organise a referendum on any Neighbourhood Plan that meets the legislative requirements. This ensures that the community has the final say on whether a Neighbourhood Plan comes into force.
22. The Examiner's Report confirms that the referendum area should be the same as the Neighbourhood Area designated by the Council, which is

the parish of Earswick. The Neighbourhood Planning (Referendum) Regulations 2012 as amended require the Local Planning Authority to hold the referendum within 56 days of the date that a decision to hold one has been made. Assuming the Executive endorse the recommendations in this report, it is anticipated that the referendum will be held on or before 30th May 2019, within the 56 day period set out in the amended Regulations. The date for the referendum and further details will be publicised once a date is set by the Council. This is currently being discussed with colleagues in Electoral Services.

23. If over 50% of those voting in the referendum vote in favour of the Neighbourhood Plan, then under the legislation the Council must bring it into force within 8 weeks of the result of referendum (unless there are unresolved legal challenges). If the referendum results in a “yes” vote a further report will be brought to Executive with regard to the formal adoption of the Neighbourhood Plan as part of the statutory Development Plan.

Decision making

24. As the Plan is now at an advanced stage, its policies where relevant have legal weight in decision making with regard to any planning applications to be determined within Earswick parish. This is reflected in The Neighbourhood Planning Act 2017 which recognises that, when determining an application, a LPA must have regard to “a post examination draft neighbourhood development plan as far as material to the application”. If a LPA make a decision to allow a draft neighbourhood plan with modifications to proceed to referendum, then the modifications recommended must also be taken into account.

Consultation

25. As mentioned earlier in the report, the Earswick Neighbourhood Plan has been through several stages of consultation. These are: consultation on designation as a Neighbourhood Area (9th December 2015), consultation on the 1st Pre-Submission version of the Plan (20th November 2016 to 7th January 2017), Consultation on 2nd Pre-Submission Version (4th December 2017 to 5th February 2018) consultation on a Submission version (4th October to 15th November 2018).
26. A Consultation Statement accompanied the submission version of the Neighbourhood Plan and sets out all the consultation undertaken. All

the consultation undertaken by City of York Council has been carried out in accordance with the Council's Statement of Community Involvement.

Options

27. Officers request that Members:

- i) endorse the recommendations in paragraph 2 of this report and agree with the Examiner's Recommendations and approve the Decision Statement attached at Annex B to enable the Earswick Neighbourhood Plan to proceed to Referendum.

Analysis

28. The Examiner has concluded that the modifications will satisfy the Basic Conditions, the Council has an obligation, under Schedule 4B of the 1990 Town and Country Planning Act, to arrange a local referendum, unless the Examiner's recommended modifications and/or conclusions are to be challenged. The Officer recommendation to Members is that the modifications made by the Examiner are well justified and that, with these modifications, the Neighbourhood Plan proposals will meet the legislative requirements. The Council must organise a referendum on any Neighbourhood Plan that meets the legislative requirements. This will give the local community the opportunity to vote on whether they deem the Neighbourhood Plan to meet the needs and aspirations for the future of their neighbourhood.

Alternative Options and Reasons for Rejection

29. The following alternative options have been identified and rejected for the reasons as set out below

- ii) *That the Executive provide modified recommendations to those made by the Examiner and, if considered to be significant, agree that these will be subject to further consultation along with a statement explain why the decision differs from the Examiner's;*

This option is not considered appropriate as the proposed modifications make the Neighbourhood Plan more robust and enable it to meet the Basic Conditions.

- iii) *That the Executive reject the Examiner's recommendations and refuse the Neighbourhood Plan proposal. This decision can only be justified on the grounds listed under paragraph 18.*

This option can only be justified if the Examiner recommends that the Plan should not proceed to a referendum, or the Council is not satisfied that the plan has met the procedural and legal requirements. This option is not considered appropriate.

Financial Implications

30. The responsibility and therefore the costs of the Examination and Referendum stages of the Neighbourhood Plan production lie with the City of York Council. Table 1 below sets out a breakdown of the non-staffing costs of producing the Earswick Neighbourhood Plan to date and also sets out the approximate costs associated with the Examination and Referendum.

Table 1

Stage	Cost
Designation consultation	£500
Submission consultation	£500
NP grant to Parish Councils	£3,000
Examination	£5,580
Referendum	Circa £5,000 (tbc)
Total	£ 14,580

31. There is also a significant level of officer costs required throughout the process to provide the required support to each of the Neighbourhood Planning Bodies. A significant level of officer input at an appropriate level is needed throughout the process to ensure legal conformity, appropriate plan content, technical advice, including provision of mapping and assistance with Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA).
32. Financial support from Central Government is available for Local Planning Authorities (LPAs) involved with Neighbourhood Plans. Some

LPAs can claim £5,000 for the designation of neighbourhood areas. Whilst this was claimed for the designation of the Earswick Neighbourhood Plan in 2015, it is no longer available for neighbourhood areas in York as more than 5 neighbourhood areas are designated. LPAs can also claim £20,000 once they have set a date for a referendum following a successful examination.

33. Earswick Parish Council was provided with a £3k grant from the Council to support the development of the neighbourhood plan.
34. Communities with Neighbourhood Plans in place can also benefit financially should York adopt a Community Infrastructure Levy (CIL). They can benefit from 25% of the revenues from the CIL arising from the development that takes place in their area.

Implications

35. The following implications have been assessed:

- **Financial**– The examination and referendum will be funded by City of York Council. Once a date for the referendum is set the Council can apply for a government grant of £20,000 towards the costs of the Councils involvement in preparing the Plan (including the costs of the Examination and referendum). Any shortfall will need to be accommodated within existing resource.
- **Human Resources (HR)** - none
- **One Planet Council / Equalities** - Better Decision Making Tool attached at Annex D.
- **Legal** - The Legal implications are set out within the body of this report. The decision to proceed to referendum is, like all decisions of a public authority, open to challenge by Judicial Review. The risk of any legal challenge to the Neighbourhood Plan being successful has been minimised by the thorough and robust way in which it has been prepared and tested.
- **Crime and Disorder** - None
- **Information Technology (IT)** None
- **Property** - None
- **Other** – None

Risk Management

36. In compliance with the Council's risk management strategy, the main risks associated with the Earswick Neighbourhood Plan are as follows:

- Risks arising from failure to comply with the laws and regulations relating to Planning and the SA and Strategic Environmental Assessment processes and not exercising local control of developments.

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Background Papers:

https://www.york.gov.uk/info/20051/planning_policy/1747/earswick_neighbourhood_plan

Annexes

Annex A Earswick Neighbourhood Plan Examiner's Report
Annex B Decision Statement
Annex C Earswick Neighbourhood Plan (Submission version)
Annex D Better Decision Making Tool

List of Abbreviations Used in this Report

BA (Hons) MA, DMS, MRTPI – *Bachelor of Arts, Masters, Diploma in Management Studies, Member of the Royal Town Planning Institute.*

EU – *European Union*

LPA – *Local Planning Authority*

NP – *Neighbourhood Plan*

SEA – *Strategic Environmental Assessment*

HRA – *Habitats Regulation Assessment*

Earswick Parish Neighbourhood Development Plan 2017-2037

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

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by the City of York Council in October 2018 to carry out the independent examination of the Earswick Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 29 November 2018.
- 3 The Plan proposes a series of policies and seeks to bring forward positive and sustainable development in the plan area. Its focus is on retaining the status and role of the York green belt. It also includes positive policies for the natural and built environment. It proposes the designation of a series of local green spaces.
- 4 The Plan has been significantly underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
7 January 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Earswick Neighbourhood Plan 2017-2037 ('the Plan').
- 1.2 The Plan has been submitted to the City of York Council (CYC) by Earswick Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms, and to be complementary to the development plan in particular. It seeks to be complementary to the emerging City of York Local Plan (2017-2033).
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

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

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I make specific comments on the fourth and fifth bullet point above in paragraphs 2.6 to 2.11 of this report.

- 2.6 Since February 2015 the Neighbourhood Plan regulations require one of two reports to be an integral part of a neighbourhood plan proposal. Either an environmental

report should be submitted or a determination from the responsible body (in this case CYC) that the Plan is not likely to have significant environmental effects.

- 2.7 In order to comply with the Basic Condition relating to European obligations the Parish Council and CYC have carried out screening exercises on the need or otherwise for strategic environmental assessment. The screening report is detailed and well-constructed. It concludes that the plan is unlikely to have significant environmental effects and that SEA is not required. It helpfully reproduces the responses received from the consultation bodies. I am satisfied that the correct processes have been followed in this regard.
- 2.8 At the same time a Habitat Regulations Screening Report (February 2018) was produced. It assesses whether there are likely to be any significant effects on the qualifying features of European sites as a result of the policies in the submitted Plan that would necessitate the production of a full Habitat Regulations Assessment. In doing so the screening report considered the effects of the submitted Plan on the following European sites: the Earswick Meadows SINC and the River Foss Corridor Site of Local Interest in the neighbourhood area and Strensall Common SAC outside the neighbourhood area. Other non-designated, local interest sites were also taken into account. All the proposed policies and site allocations in the submitted Plan were appraised against the features and vulnerabilities of the identified sites. Cumulative effects are also considered to understand whether the Plan would be likely to have significant effects in combination with other plans or programmes. The report concludes that none of the policies in the Plan are likely to have any significant effects on the identified European sites. In addition, no cumulative effects are identified. The Screening Report is very thorough and provides the appropriate assurances that this important matter has been properly addressed.
- 2.9 The Habitats Regulations Assessment Screening Report was produced in good faith at that time. Since that time a case in the European Court (People Over Wind and Peter Sweetman, April 2018) has changed the basis on which competent authorities are required to undertake habitats regulations assessments. CYC has given this matter due consideration and has produced an updated report. It comments about the significance of the identified sites and ongoing assessment work on the emerging Local Plan. In this context CYC concluded that the recent Sweetman judgement does not affect the integrity of its early screening work on this important matter. I am satisfied that full and proper attention has been given to this issue.
- 2.10 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. The various reports set out a robust and compelling assessment of the relevant information. They have been prepared and presented in a very professional fashion. The Habitat Regulations Screening Report and its recent update are particularly impressive. None of the statutory consultees have raised any concerns with regard to either the neighbourhood plan or to European obligations. In the absence of any evidence to the contrary I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

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

Other examination matters

2.12 In examining the Plan I am also required to check whether:

- the policies relate to the development and use of land for a designated neighbourhood plan area; and
- the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
- the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

2.13 Having addressed the matters identified in paragraph 2.12 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

- 3.1 In undertaking this examination I have considered the following documents:
- the submitted Plan.
 - the Basic Conditions Statement.
 - the Consultation Statement.
 - the Strategic Environmental Assessment.
 - the Habitats Regulations Screening Report.
 - the CYC addendum to the HRA Screening Report (August 2018)
 - the representations made to the Plan.
 - the responses of the Parish Council to the Clarification Note.
 - the saved elements of the Regional Strategy for Yorkshire and Humber.
 - the City of York Draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005).
 - the submitted City of York Local Plan 2017-2033.
 - the National Planning Policy Framework (March 2012).
 - Planning Practice Guidance (March 2014 and subsequent updates).
 - Relevant Ministerial Statements.
- 3.2 I carried out an unaccompanied visit to the Plan area on 29 November 2018. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.
- 3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised CYC of this decision early in the examination process.
- 3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This statement is both detailed and proportionate to the Plan area and its range of policies. It also provides specific details on the consultation process that took place on the two pre-submission version of the Plan. The Statement helpfully sets out how the emerging plan took account of the various comments and representations. Within the context of the extensive details contained within the Statement its paragraph 3.4 underpins the ethos of the consultation process (and the resulting Consultation Statement). It describes the early and full engagement process, holding events at critical times, providing timely feedback and approaching consultation in an open, honest and transparent way. In working to these ideals, the Parish Council has delivered best practice in this important aspect of the plan-making process.
- 4.3 Section 5 of the Statement sets out details of the wider consultation events that has been carried out as part the evolution of the Plan. Details are provided about:
- The use of letter drops and leaflets to all households;
 - The use of a website and a dedicated e-mail address;
 - The use of public meetings;
 - The use of notices and posters;
 - The use of two community questionnaires;
 - The organisation of five community drop in events throughout the plan making process; and
 - Ongoing engagement with CYC in general, and on the emerging Local Plan in particular.
- 4.4 The Consultation Statement provides very useful information on the consultation exercise on two pre-submission version of the Plan organised in November 2016/January 2017 and December 2017/February 2018. Sections 8 and 9 helpfully summarise all the comments received and the extent to which they were addressed in the submission Plan.
- 4.5 It is clear that consultation has been an important element of the Plan's production. Whilst the process has been lengthy by involving two pre-submission versions of the Plan this has taken account of the emerging Local Plan. It has also contributed to the overall robustness of the submitted plan. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. Consultation and feedback have been at the heart of the Plan throughout the various stages of its production.

- 4.6 Consultation and engagement has been maintained into the submission phase of the Plan. This is reflected in the limited number of representations received to the submitted plan (see 4.8 below).
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive and comprehensive approach to seeking the opinions of all concerned throughout the process. There is a very clear and transparent relationship between the consultation process and the Plan itself. CYC has carried out its own assessment to the extent that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the City Council for a six-week period and which ended on 15 November 2018. This exercise generated comments from various persons and organisations as follows:
- Bellway Homes
 - City of York Council
 - Coal Authority
 - Highways England
 - Historic England
 - Martin and Deborah Lumley-Holmes
 - Trevor Beaumont
 - Nick Frieslaar
 - North Yorkshire County Council
 - Natural England

5 The Plan Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The Plan area covers the parish of Earswick. Its population in 2011 was 876 persons living in 346 houses. It was designated as a neighbourhood area on 9 December 2015. The neighbourhood area is located to the immediate north of York. A significant proportion of its area is rural in character and is largely in agricultural use.
- 5.2 The neighbourhood area is particularly sensitive. In addition to its proximity to the northern extent of the York built-up area to the south it is well-connected to the York Ring Road (A1237) to the immediate south of the village. The area lies within the general extent of the York Green Belt. The village of Earswick is located in the south western corner of the neighbourhood area. The village sits within the setting of the River Foss to the west
- 5.3 Earswick accounts for the majority of the population of the neighbourhood area. As the plan helpfully describes in Section 2 it was originally a collection of farm buildings which has evolved into a village. This transition accelerated significantly in the last 60 years. As the Plan comments in paragraphs 55 and 56 the development of houses in Shilton Garth Close, Stablers Walk and Rowley Court and then in the Fosslands estate has resulted in a doubling of the size of the village. These phases of development remain clear within the urban form of the village. The Fosslands estate is characterised by its green spaces in general, and that to its west running down to the River Foss in particular.

Development Plan Context

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

- 5.6 The Basic Conditions Statement highlights the policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It also explains the complicated context within which the neighbourhood plan has been prepared
- 5.7 The emerging City of York Local Plan (2017-2033) was making good progress at the time of this examination. It was submitted for its own examination in May 2018. Since July CYC has been responding to initial matters raised by the appointed Planning Inspectors. Hearings related to housing need, the Duty to Cooperate and Green Belt principles are due to take place in the early part of this year.
- 5.8 The submitted Plan has been designed to run concurrently with (and slightly beyond) the emerging York Local Plan. This follows important national advice in Planning Practice Guidance.

Site Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 29 November 2018. I approached the area along the A1237 from the south. This helped me to understand its strategic position within the City area in general, and its position within the Green Belt in particular.
- 5.10 I initially looked around Earswick. I walked along the road called Earswick Village down to the River Foss and then over the footbridge to the west bank of the river. I stretched my legs as I walked back to the A1237. This helped me to understand how the neighbourhood area sits in its wider landscape setting. I then traced my steps back to the village.
- 5.11 I then walked around Stablers Way, Rowley Court and Shilton Garth Close. I saw that the houses were well-maintained and had largely retained their original design integrity.
- 5.12 I then looked around the Earswick Chase development. In doing so I saw the Village Hall and the very impressive Scented Garden. It remained closed following the long hot Summer. In these circumstances it had helpfully received a much-welcome spell of rain earlier that morning.
- 5.13 Throughout my visit I looked at the proposed local green spaces in the village. A key element of their attractiveness was their connectivity to the village in general, and with each other in particular. They were being enjoyed by a series of local residents walking their dogs.
- 5.14 I then took the opportunity to drive to Strensall to the north of the neighbourhood area so that I could see its setting in that direction. In returning to the neighbourhood area I drove along Towthorpe Moor Lane to the Golf Range. This helped me to form a fuller understanding of the significance of the Green Belt in the eastern part of the neighbourhood area.

- 5.15 In order to get a full impression of the Plan area I walked along several footpaths that run to the east of Strensall Road. This gave me a further opportunity to understand the Green Belt context and setting of the village. Its sense of openness was obvious.
- 5.16 I left the neighbourhood area by driving along the A1237 to the north so that I could understand more of its wider landscape setting and its relationship to the wider City.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has been helpful in the preparation of this section of the report. It is an informative document and addresses the relevant details in a very professional way.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Earswick Neighbourhood Plan:
- Being genuinely plan-led to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. In this case there is a particular significance to the relationship between the submitted Plan and the emerging Local Plan;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - Promoting the vitality of main urban areas;
 - Protecting the Green Belt around the main urban areas (in this case York);
 - proactively driving and supporting economic development to deliver homes, businesses and industrial units and infrastructure;
 - Conserving heritage assets in a manner appropriate to their significance; and
 - Seeking to secure high quality design and good standards of amenity for all existing and future occupants of land and buildings

- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and relevant ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has regard to national planning policies and guidance in general terms. It sets out clear ambitions for its future based on maintaining the attractiveness and settings of the village in its agricultural context and its proximity to the York urban area. Within the context available it safeguards the general extent of the Green Belt. It proposes detailed policies to protect local green spaces within the village itself.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. Several of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies to promote new infill residential development (ENP1). In the social role, it includes a policy on community facilities (ENP10) and on Housing Mix (ENP2). In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment of the parish. In particular, it proposes a policy to protect the general extent of the Green Belt (ENP4). It also includes a policy for local green spaces (ENP5) and ecology/biodiversity (ENP6).

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider City of York area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan subject to the modifications recommended in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is thorough and distinctive to the Plan area. The wider community and the Parish Council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in their Plan. This gets to the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. In some cases, I have concluded that elements of certain policies are not land use based. I have recommended that they are identified as such in the Plan. They would not form part of the development plan in the event that the neighbourhood plan is 'made'.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases, there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (sections 1-3)

- 7.8 These introductory elements of the Plan set the scene for its range of policies. They do so in a concise and proportionate way. The Plan is well- presented and arranged and it is supported by maps and diagrams. It makes a careful use of photographs to reinforce its key elements. There is a clear distinction between the policies and the supporting text.
- 7.9 The Introduction (Section 1) set out some detail on the production of the Plan and its planning policy context. It describes how a made neighbourhood plan would sit within the wider planning system. It also comments about the pre-submission versions of the Plan and the associated consultation exercises. It then comments in considerable detail about the wider planning policy context in York, and the relationship that the

Plan has sought to achieve with the emerging Local Plan. Its final elements on consultation overlap with the contents of the Consultation Statement

- 7.10 Section 2 provides helpful information on the parish/neighbourhood area. It describes the relatively recent significant increase in its population. It also clarifies that, somewhat uniquely, the parish has never had a church, a school or a public house. Its final sections comment about the very high rates of economic activity and home ownership levels in the neighbourhood area
- 7.11 Section 3 helpfully describes the Plan's Vision – 'Earswick Parish will be a desirable place to live for all residents based on its distinctive, semi-rural character and open space, safe and secure environment and community spirit'. It then identifies five objectives for the neighbourhood plan.
- 7.12 Thereafter Section 4 provides detailed commentary on a series of policies that arise from the Vision and Aims of the Plan. On this basis the remainder of this section of the report addresses each policy in turn in the context set in paragraphs 7.5 to 7.7 in this report.

Policy ENP 1: Windfall Housing Development

- 7.13 This policy establishes a basis against which proposals for windfall development can be assessed. It does so in two ways. In the first instance it identifies that windfall development is either small scale infill development or for the reuse of brownfield land or buildings. In the second instance it sets out a series of environmental criteria against which proposals would be assessed.
- 7.14 The approach adopted by the policy in general terms meets the basic conditions. Nevertheless, within this supporting context I recommend a series of modifications as follows:
- the deletion of the first sentence. It is supporting text that is already adequately addressed in paragraphs 99-111 of the Plan;
 - to ensure that any proposal needs to comply with all the criteria in the policy (as appropriate to its detail/location); and
 - to clarify the Green Belt component of the policy

Delete the first sentence.

At the end of criteria a) to f) replace the full stop with a semi-colon. At the end of criterion g) replace the full stop with ' ; and'.

In criterion h) replace 'Green Belt' with 'national Green Belt policy'.

Policy ENP2: Housing Mix

- 7.15 This policy sets out to ensure that new housing development meets the identified need for smaller homes. It does so in a non-prescriptive way. It also is designed to be future proofed throughout the Plan period by the use of 'an up to date assessment of housing need'.
- 7.16 I am satisfied that the policy meets the basic conditions. It is underpinned by local evidence collected as part of the plan-making process. In supporting the policy CYC

comment that the associated text should make explicit reference to work that it has carried out which overlaps with and confirms the local work. I am happy to address this matter by way of a recommended modification.

At the end of paragraph 114 add: 'This information is also underpinned by evidence in the Strategic Housing Market Assessment produced by the City of York Council'.

At the end of paragraph 116 add: 'This requirement is captured in Policy ENP 2. Its reference to 'an up to date assessment of housing need' relates both to parish-based evidence and to wider evidence in the City of York Strategic Housing Market Assessment'

Policy ENP3: Flood Risk and Climate Change

- 7.17 This policy addresses flood risk issues in the neighbourhood area. I saw the significance of the River Foss in the local environment as part of my visit.
- 7.18 The policy has two related parts. The first seeks to provide a local dimension to the sequential approach set out in national policy. Map 2 indicates the extent of land within the neighbourhood area within Flood Zone 3. The second part sets out a range of measures which the Plan would encourage in order to reduce emissions/air quality and to reduce flood risk.
- 7.19 I am satisfied that with appropriate modifications that the first part of the policy adds value to national policy and therefore meets the basic conditions. Some of the recommended modifications update the referenced documents. The second part of the policy takes on a more promotional role in 'encouraging' certain types of development and/or mitigation. I recommend that this part of the policy is recast so that it offers support to the specified types of development. The 'encouragement' of certain types of development has little if any weight in the context of a planning policy which has been designed to form part of the development plan.

In the first part of the policy:

- **insert '(as shown as Flood Zone 3 on Map 2) between 'areas' and 'should'**
- **replace 'City Council' with 'the City of York Council's Strategic Flood Risk Assessment'**
- **delete 'and Environmental.... assessments.'**
- **replace 'consider' with 'address'.**
- **replace 'PPG25' with 'paragraph 103 of the NPPF (2012)'.**

In the second part of the policy:

- **delete the first sentence;**
- **replace the remaining part of the opening section of this part of the policy with 'Developers should address the relationship between climate change and potential flood risk in any proposals which have the ability to impact on the flood capacity of Flood Zone 3 in the neighbourhood area. The following types of development and/or mitigation will be supported:**

At the end of the supporting text in paragraph 117 add:

'The second part of the policy recognises that climate change has the ability to increase flood risk. It sets out a range of initiatives that the Plan supports to reduce the potential impacts of climate change.'

Policy ENP 4: Green Belt

- 7.20 This policy sits at the very heart of the Plan. It reflects the significance of the Green Belt in the neighbourhood area. It also reflects the importance of the Green Belt to the preparation of the Plan and to the wider community.
- 7.21 The policy has been designed in challenging circumstances. CYC is in the process of preparing a Local Plan whilst at the same time the submitted Plan needs to be in general conformity with the strategic policies of the development plan. These are two saved policies from the Regional Spatial Strategy for Yorkshire and Humber as follows:
- Policy YH9: Green Belts – the definition of the inner boundaries of the Green Belt around York
- Policy Y1: York sub area – the definition of detailed boundaries of the outstanding sections of the green belt and the inner boundary and the protection and enhancement of the historic and environment character of York
- 7.22 The two saved policies from the RSS are instructive policies and set out how the Green Belt boundaries are to be defined in the development plan. This process is now well underway. The environmental assessment process for the RSS abolition highlighted that York did not have a local plan in place at that time. It also indicated that revocation of York Green belt policies before an adopted local plan was in place could lead to a significant negative effect upon the special character and setting of York. As such the government concluded that the York Green Belt policies that were part of the RSS should be retained.
- 7.23 As identified in Section 5 of this report whilst significant progress has now been made the CYC does not yet have an adopted Local Plan. The City of York Draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005) was approved for development control purposes. Amongst other things this draft local plan provides a spatial context for the Green Belt. What is now the draft Local Plan was placed on deposit in May 1998. A very tight Green Belt was put forward on the basis that there would be a need for an early review in the light of new information at that time on development requirements after 2006. The Council subsequently published two sets of proposed changes, one in March 1998 and one in August 1999. Neither set of changes had any significance for the general extent of the Green Belt. The Council published its third set of changes in February 2003 after receiving the Planning Inspector's provisional findings. It then approved a fourth set of changes for development control purposes.

- 7.24 Whilst the Council decided not to proceed with the fourth set of changes it continues to use them for development management decisions. The effect of this process is that decisions on planning applications falling within the general extent of the Green Belt (as defined in the RSS) are taken on the basis that land is treated as Green Belt.
- 7.25 Within this context, the importance of retaining York's Green Belt is evident both in day-to-day development management decisions and in associated appeal decisions. Plainly these circumstances will be clarified once the emerging Local Plan is adopted. However, that Plan it is not at a sufficiently-advanced stage to provide any clarity or certainty for the examination of this neighbourhood plan. In particular the package of proposals for defining Green Belt boundaries and the strategic release of land for housing purposes has yet to be tested.
- 7.26 The submitted Plan has carefully translated this complicated backcloth into the Policy and the associated Map 3. Its effect is to safeguard the Green Belt as described in paragraph 7.22 to 7.24 above. This approach is entirely consistent with the development plan context. I recommend that the source of the detail in Map 3 is acknowledged for the avoidance of any doubt about its origin.
- 7.27 As part of the examination process CYC has provided me with a schedule of representations made to the emerging Local Plan on the definition of the Green Belt within the neighbourhood area. There is a degree of overlap between the representations to the Local Plan and those made to the submitted neighbourhood plan (see paragraph 4.8). Plainly the Local Plan representations have not yet been tested as part of the examination of that Plan.
- 7.28 I am satisfied that the submitted Plan has taken an appropriate approach that meets the basic conditions to this important matter. The definition of the Green Belt reflects that set out in the CYC's Fourth Set of Changes Development Control Local Plan (April 2005).
- 7.29 Policy ENP4 has five related sections. The first four identify the general extent of the Green Belt in the neighbourhood area and apply national policy to that area. The fifth paragraph comments that national policy identifies that certain types of development can take place within the Green Belt. It then goes on to comment that any such development which might take place in the neighbourhood area should still endeavour to preserve the openness of the general extent of the Green Belt.
- 7.30 I can understand the reasoning behind the inclusion of this part of the policy. Nevertheless, it is partly supporting text on the one hand and its use of 'should still endeavour' (to preserve the openness of the Green Belt) on the other hand has a slightly different approach from that set out in paragraph 90 of the NPPF. In these circumstances I recommend that the fifth part of the policy is relocated into the supporting text. Plainly this recommended modification does not affect either the integrity of paragraph 90 of the NPPF or its applicability to the neighbourhood area.
- 7.31 In its representations to the Plan CYC suggest that paragraphs 135-138 of the Plan are replaced with revised text which updates the position on the emerging Local Plan and provides a refined technical context to this important part of the Plan. I recommend modifications on this basis.

- 7.32 Paragraph 141 of the Plan correctly acknowledges that the Green Belt boundary will be determined in the emerging Local Plan. Nevertheless, it then goes on to suggest that there is a compelling case for the confirmation of the existing boundaries (and as shown on the Proposals Map). This may prove to be the case. However, it is not a matter for the examination of this neighbourhood plan. It will be determined by the Local Plan inquiry in due course. On this basis I recommend a modification to the text which takes on a more neutral tone.

Delete the fifth paragraph of the policy.

Insert the deleted element of the policy as a further element of supporting text at the end of paragraph 139.

In Map 3 sub title (Existing Draft Green Belt) add 'as defined in the City of York fourth set of changes Development Control Local Plan (April 2005)'.

Replace paragraphs 135-138 with the following:

'135. The neighbourhood plan has been produced within the context of the preparation of the emerging City of York Local Plan (2017-2033). The Local Plan will establish detailed Green Belt boundaries.

136. This approach follows the advice in paragraphs 83-85 of the NPPF that the identification and modification of Green Belt boundaries are matters for the local planning authority to determine. At the same time the neighbourhood plan needs to be in general conformity with the strategic policies of the development plan. In this case these are policies YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy. These policies identify the general extent of the York Green Belt and set out its national significance.

137. Whilst not forming part of the development plan the City of York Draft Local Plan incorporating the fourth set of changes Development Control Local Plan (April 2005) was approved for development control purposes.

138. The effect of this process is that decisions on planning applications falling within the general extent of the Green Belt (as defined in the RSS) are taken on the basis that land is treated as Green Belt.'

In paragraph 141:

- *replace 'which underpins its identification' with 'carried out as part of the preparation of this neighbourhood plan'.*
- *replace the second sentence with 'The retention of the Green Belt in the neighbourhood area is a top priority for local people'.*

Policy ENP5: Local Green Spaces

- 7.33 This policy reflects the very important role of open and green spaces within Earswick. In doing so it proposes the designation of Local Green Spaces (LGSs) as set out in paragraphs 76-78 of the NPPF. The analysis of the proposed LGSs against the criteria set out in the NPPF is included within Appendix A of the Basic Conditions Statement. It is a very compelling exercise. The Parish Council provided additional

reassurance over and above that within the Appendix (on the size of LGSs 2 and 7) as part of the Clarification Note process.

- 7.34 I am satisfied that the seven proposed LGSs relate comfortably to the three criteria in the NPPF. As such the policy meets the basic conditions.

Policy ENP6: Ecology and Biodiversity

- 7.35 This policy requires that development proposals should conserve, enhance and incorporate adjacent biodiversity. It identifies three locations within the neighbourhood area which are considered to be particularly important. The sites are identical to three of the sites proposed for designation as LGS in Policy ENP5. The supporting text highlights the potential designation of the three sites as 'Sites of Local Interest' in the emerging Local Plan. CYC has advised in its representation that it is not pursuing this approach in the Local Plan.
- 7.36 I sought advice from the Parish Council both on the approach taken and the overlap with the package of LGSs. I was advised that the overlap seeks to ensure a backstop in the event that Sites of Local Interest are not pursued in the emerging Local Plan. Whilst I recognise the difficulty of preparing a neighbourhood plan in the circumstances where a local plan is also being prepared it is important that the neighbourhood plan (if 'made') has the clarity required by the NPPF.
- 7.37 Through the Clarification Note process the Parish Council agreed with a potential remedy which would modify the policy so that it took on a more general form. Within that context the three areas concerned could be identified as particularly important ecological areas in a general sense. I recommend accordingly. I also recommended associated modifications to paragraph 153.

Replace the second sentence of the policy with: 'In particular development proposals that would affect the three sites listed below and shown on Map 5 should conserve and enhance their ecological networks and features (including their waterways, hedgerows and trees)'.

Replace paragraph 153 (second sentence) with 'Discussions have taken place with the City of York Council about the extent to which they are capable of specific ecological designation as part of the emerging Local Plan. Plainly this issue will be resolved as part of that process. On this basis the approach adopted in Policy ENP6 is one of a general nature towards ecology and biodiversity and within which the three sites concerned are identified as having a particular significance'.

Policy ENP7: Distinctive Views

- 7.38 This policy sets out to respect three views over agricultural land to the immediate east of Strensall Road. They are shown on Map 5.
- 7.39 I looked at the various views when I visited the neighbourhood area. I saw that they afforded an open aspect from the village into and across the Green Belt to the east. CYC comment in in a similar fashion in its representation. It suggests a modification that would ensure a focus on the open and rural nature of the landscape (and the associated views) rather than their distinctiveness. I agree with the suggested approach and recommend accordingly. Whilst the thrust of the policy remains

unchanged the sharper focus of the modified policy would be more practicable to deliver through the development management process.

Replace ‘distinctive views’ with ‘open character and rural setting as experienced in views eastwards from Strensall Road’

Policy ENP8: Trees and Hedgerows

- 7.40 This policy supports proposals that would enhance the coverage of trees and hedgerows. It also sets out to safeguard existing trees and hedgerows and that they are integrated into the design of development proposals where it is possible to do so.
- 7.41 I recommend a modification to the wording of the first sentence of the policy. This will ensure that it properly relates to the development management process. Otherwise it comfortably meets the basic conditions. Its implementation will do much to contribute to the delivery of the environmental dimension of sustainable development in the neighbourhood area.

Replace ‘Opportunities to’ with ‘Proposals that would’.

Policy ENP9: Buildings and Structures of Local Heritage Interest

- 7.42 This policy aims to protect important buildings and structures of local heritage interest. In the event it identifies a single type of structure (the Parish Signs). I looked at their significance when I visited the neighbourhood area. I understood why they had been selected for inclusion within the Plan.
- 7.43 I am satisfied that the Village Signs should be safeguarded as a structure of local interest. I recommend that the policy is modified so that it takes account of the single identified structure. I also recommended a modification to the detailed wording of the policy.

In the first part of the policy replace ‘the buildings and structures listed below’ with ‘the Earswick Parish Signs’

In the third part of the policy delete ‘including important views towards and from them. Development.... detail.’

At the end of the policy delete the bullet point.

Policy ENP10: Protecting Important Community Facilities

- 7.44 This policy aims to protect important community facilities. In the event it identifies a single facility (the Village Hall). I looked at the village hall when I visited the neighbourhood area. I saw that it was a well-maintained modern building in a very central and convenient location.
- 7.45 I am satisfied that the village hall should be safeguarded as a community facility. I recommend that the policy is modified so that it takes account of the single identified community facility. I also recommended a modification to the detailed wording of the policy.

Replace: ‘an existing community facility’ with ‘the Earswick Village Hall’ and ‘allowed’ with ‘supported’.

Delete the final sentence of the policy.

In paragraph 173 replace 'These buildings' with 'The Village Hall'.

Policy ENP11: Enhancements to Transport and Highways

- 7.46 The policy addresses a series of transport and highway-related matters. Its overarching context is that the Parish Council will actively seek to work with CYC and other bodies to encourage opportunities for enhancements to the transport and highway network in the neighbourhood area.
- 7.47 Some of the enhancements listed in the policy are land-use based. Others are not. In this context I recommend that, with contextual modifications, the former category is retained within the policy. I also recommend that the latter category is deleted from the policy and repositioned into a separate, non-land use section of the Plan. This matter was agreed with the Parish Council through the clarification note process.

Replace the policy with the following:**(Title) Traffic Capacity and sustainable transport**

'Development proposals will be supported where they provide appropriate capacity and/or mitigation for the additional traffic which they generate. Development proposal should also identify how they will incorporate measures to ensure the safe movement of pedestrians and cyclists to the various services and community facilities in the neighbourhood area.

Proposals for the provision of a dedicated cycle route to Huntington will be supported'.

Reposition the submitted policy (introductory section) and items a), b) and c) to a separate, non-land use part of the Plan and with a revised Policy number to read 'Community Action 1'

At the end of paragraph 182 add:

'Policy ENP11 addresses a series of traffic capacity and sustainable transport issues. These will have a direct bearing on the determination of planning applications. Community Action 1 later in the Plan sets out how the Parish Council will work with the City of York Council and other bodies to improve the transport and highway network in the neighbourhood area in a more general sense'.

Policy ENP12: Protecting Footpaths/Bridleways and Cycleways

- 7.48 This policy sets out to protect footpaths/bridleways and footpaths. In addition, it also requires that new development should contribute to the improvement of the existing networks where it is appropriate for them to do so.
- 7.49 The policy takes a proportionate approach to this important matter. It meets the basic conditions.

Policy ENP 13: Safe and Secure Parish

- 7.50 This policy addresses safety and security in the neighbourhood area. These issues are addressed in national policy in a general sense.
- 7.51 However as submitted this policy reads more as a statement of intent rather than as a planning policy. The Parish Council acknowledged this issue in its response to my clarification note. In these circumstances I recommend a modification to its structure so that it would support proposals that ‘create attractive and safe public and private places’. This would bring the clarity required by the NPPF in general terms. It would also provide guidance for the operation of the development management system by CYC throughout the Plan period.

Replace the policy with:

‘Proposals that create attractive and safe public and private places as part of their design, layout and configuration will be supported’.

Policy ENP 14: Developer Contributions

- 7.52 This policy identifies the Parish Council’s priorities for its use of community infrastructure levy funding and/or section 106 agreements. The supporting text highlights how the City of York Council Community Infrastructure Levy (CIL) is being developed and its ability to be operative throughout significant parts of the Plan period.
- 7.53 I am satisfied that the policy is land use based. It identifies a series of land use matters that would be priority projects within the neighbourhood area in the event that CIL or Section 106 monies are forthcoming from new development. I recommend a modification that will ensure that the policy is more directive. As submitted, it reads in a rather loose fashion by ‘seeking’ to prioritise funding.

Delete ‘seek to’ from the policy wording.

Other Matters

- 7.54 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for CYC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

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

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2037. It is thorough and distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Earswick Parish Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. Nevertheless, its structure and format remain largely unaffected.

Conclusion

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

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view the neighbourhood area is entirely appropriate for the purpose of the referendum. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by the City Council on 9 December 2015.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The Parish Council's response to the Clarification Note was particular helpful.

**Andrew Ashcroft
Independent Examiner
7 January 2019**

City of York Council**EARSWICK 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 Earswick Neighbourhood Plan ("the Plan") by independent Examiner Mr Andrew Ashcroft, which was submitted to the Council on 7th January 2019.

This decision statement, the independent Examiner's Report and the submission version of Earswick Neighbourhood Plan and supporting documents can be viewed on the Council's website: www.york.gov.uk/neighbourhoodplanning

Paper copies of this decision statement and the independent Examiner's Report can be viewed during normal opening times at the following locations:

- City of York Council's West Offices,
- York Explore Library,
- Strensall Library and
- Huntington Library

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 Earswick Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 9th December 2015. This area is coterminous with the boundary of the parish of Earswick and is entirely within the Local Planning Authority's area.

- 1.4 Earswick Parish Council undertook two pre-submission consultations on the draft Plan in accordance with Regulation 14. Consultation on 1st Pre-Submission Version took place between 20th November 2016 and 7th January 2017. Consultation on 2nd Pre-Submission Version took place between 4th December 2017 and 5th February 2018.
- 1.5 Following the submission of the Earswick Neighbourhood Plan to the Council in February 2018, the Council publicised the draft Plan for a six-week period and representations were invited in accordance with Regulation 16. The publicity period ended at on 15th November 2018.

2.0 INDEPENDENT EXAMINATION

- 2.1 The Council appointed Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI, with the consent of Earswick Council, to undertake the independent examination of the Earswick 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 29th November 2018.
- 2.3 The Examiner's Report was formally submitted on 7th January 2019. 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. The Examiner also recommends that the referendum area should be the same as the designated Neighbourhood Area, which is the same as the administrative boundary for Earswick parish.
- 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 Earswick 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 Earswick Neighbourhood Plan accordingly, for it then to proceed to referendum.
- 3.4 The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the designated Neighbourhood Area. The Council has considered this recommendation and the reasons for it, and has decided to accept it. The referendum area for the final Earswick Neighbourhood Plan will therefore be based on the designated Earswick Parish Neighbourhood Area.
- 3.5 This decision will be made at a meeting of the Council's Executive on 7th March 2019.
- 3.6 This decision statement will be dated 7th March 2019.

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

Earswick NP Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
ENP 1: Windfall Housing Development	Para. 7.13 - 7.14	<p>Delete the first sentence.</p> <p>At the end of criteria a) to f) replace the full stop with a semi-colon. At the end of criterion g) replace the full stop with ‘; and’.</p> <p>In criterion h) replace ‘Green Belt’ with ‘national Green Belt policy’.</p>	Agree with the modifications for the reasons set out in the Examiners Report.
ENP2: Housing Mix	Para. 7.15 - 7.16	<p><i>At the end of paragraph 114 add: ‘This information is also underpinned by evidence in the Strategic Housing Market Assessment produced by the City of York Council’.</i></p> <p><i>At the end of paragraph 116 add: ‘This requirement is captured in Policy ENP 2. Its reference to ‘an up to date assessment of housing need’ relates both to parish-based evidence and to wider evidence in the City of York Strategic Housing Market Assessment’</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.

ENP3: Flood Risk and Climate Change	Para. 7.17 – 7.19	<p>In the first part of the policy:</p> <ul style="list-style-type: none"> • insert '(as shown as Flood Zone 3 on Map 2) between 'areas' and 'should' • replace 'City Council' with 'the City of York Council's Strategic Flood Risk Assessment' • delete 'and Environmental.... assessments.' • replace 'consider' with 'address'. • replace 'PPG25' with 'paragraph 103 of the NPPF (2012)'. <p>In the second part of the policy:</p> <ul style="list-style-type: none"> • delete the first sentence; • replace the remaining part of the opening section of this part of the policy with 'Developers should address the relationship between climate change and potential flood risk in any proposals which have the ability to impact on the flood capacity of Flood Zone 3 in the neighbourhood area. The following types of development and/or mitigation will be supported: <p><i>At the end of the supporting text in paragraph 117 add:</i></p> <p><i>'The second part of the policy recognises that climate change has the ability to increase flood risk. It sets out a range of initiatives that the Plan supports to reduce the potential impacts of climate change.'</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
ENP 4: Green Belt	Para. 7.20 – 7.32	<p>Delete the fifth paragraph of the policy.</p> <p><i>Insert the deleted element of the policy as a further element of supporting text at the end of paragraph 139.</i></p> <p><i>In Map 3 sub title (Existing Draft Green Belt) add 'as defined in the City of York fourth set of changes Development Control purpose Local Plan (April 2005)'.</i></p> <p><i>Replace paragraphs 135-138 with the following:</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.

		<p><i>'135. The neighbourhood plan has been produced within the context of the preparation of the emerging City of York Local Plan (2017-2033). The Local Plan will establish detailed Green Belt boundaries.</i></p> <p><i>136. This approach follows the advice in paragraphs 83-85 of the NPPF that the identification and modification of Green Belt boundaries are matters for the local planning authority to determine. At the same time the neighbourhood plan needs to be in general conformity with the strategic policies of the development plan. In this case these are policies YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy. These policies identify the general extent of the York Green Belt and set out its national significance.</i></p> <p><i>137. Whilst not forming part of the development plan the City of York Draft Local Plan incorporating the fourth set of changes Development Control Local Plan (April 2005) was approved for development control purposes.</i></p> <p><i>138. The effect of this process is that decisions on planning applications falling within the general extent of the Green Belt (as defined in the RSS) are taken on the basis that land is treated as Green Belt.'</i></p> <p><i>In paragraph 141:</i></p> <ul style="list-style-type: none"> • <i>replace 'which underpins its identification' with 'carried out as part of the preparation of this neighbourhood plan'.</i> • <i>replace the second sentence with 'The retention of the Green Belt in the neighbourhood area is a top priority for local people'.</i> 	
ENP5: Local Green Spaces	Para. 7.33 – 7.34	No modifications proposed.	N/A
ENP6: Ecology and Biodiversity	Para. 7.35 – 7.37	Replace the second sentence of the policy with: 'In particular development proposals that would affect the three sites listed below and shown on Map 5 should conserve and enhance their ecological networks and features (including their waterways, hedgerows and trees)'.	Agree with the modifications for the reasons set out in the Examiners Report.

		<i>Replace paragraph 153 (second sentence) with ‘Discussions have taken place with the City of York Council about the extent to which they are capable of specific ecological designation as part of the emerging Local Plan. Plainly this issue will be resolved as part of that process. On this basis the approach adopted in Policy ENP6 is one of a general nature towards ecology and biodiversity and within which the three sites concerned are identified as having a particular significance’.</i>	
ENP7: Distinctive Views	Para. 7.38 – 7.39	Replace ‘distinctive views’ with ‘open character and rural setting as experienced in views eastwards from Strensall Road’	Agree with the modifications for the reasons set out in the Examiners Report.
ENP8: Trees and Hedgerows	Para. 7.40 – 7.41	Replace ‘Opportunities to’ with ‘Proposals that would’.	Agree with the modifications for the reasons set out in the Examiners Report.
ENP9: Buildings and Structures of Local Heritage Interest	Para. 7.42 – 7.43	In the first part of the policy replace ‘the buildings and structures listed below’ with ‘the Earswick Parish Signs’ In the third part of the policy delete ‘including important views towards and from them. Development.... detail.’ At the end of the policy delete the bullet point.	Agree with the modifications for the reasons set out in the Examiners Report.
ENP10: Protecting Important Community Facilities	Para. 7.44 – 7.45	Replace: ‘an existing community facility’ with ‘the Earswick Village Hall’ and ‘allowed’ with ‘supported’. Delete the final sentence of the policy. <i>In paragraph 173 replace ‘These buildings’ with ‘The Village Hall’.</i>	Agree with the modifications for the reasons set out in the Examiners Report.
ENP11:	Para. 7.46	Replace the policy with the following:	Agree with the

Enhancements to Transport and Highways	– 7.47	<p>(Title) Traffic Capacity and sustainable transport</p> <p>‘Development proposals will be supported where they provide appropriate capacity and/or mitigation for the additional traffic which they generate. Development proposal should also identify how they will incorporate measures to ensure the safe movement of pedestrians and cyclists to the various services and community facilities in the neighbourhood area.</p> <p>Proposals for the provision of a dedicated cycle route to Huntington will be supported’.</p> <p><i>Reposition the submitted policy (introductory section) and items a), b) and c) to a separate, non-land use part of the Plan and with a revised Policy number to read ‘Community Action 1’</i></p> <p><i>At the end of paragraph 182 add:</i></p> <p><i>‘Policy ENP11 addresses a series of traffic capacity and sustainable transport issues. These will have a direct bearing on the determination of planning applications. Community Action 1 later in the Plan sets out how the Parish Council will work with the City of York Council and other bodies to improve the transport and highway network in the neighbourhood area in a more general sense’.</i></p>	modifications for the reasons set out in the Examiners Report.
ENP12: Protecting Footpaths/Bridle ways and Cycleways	Para. 7.48 – 7.49	No modifications proposed.	N/A
ENP 13: Safe and Secure Parish	Para. 7.50 – 7.51	<p>Replace the policy with:</p> <p>‘Proposals that create attractive and safe public and private places as part of their design, layout and configuration will be supported’.</p>	Agree with the modifications for the reasons set out in the Examiners Report.

ENP 14: Developer Contributions	Para. 7.52 – 7.53	Delete ‘seek to’ from the policy wording.	Agree with the modifications for the reasons set out in the Examiners Report.
Other Matters		<i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i>	Agree with the modifications for the reasons set out in the Examiners Report.

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Earswick Parish

Annex C

Neighbourhood Plan

Submission Version (2)

2017-2037



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Acknowledgements

The Parish Council would like to thank all the residents of Earswick, and in particular the following individuals and organisations, for their hard work and support in the preparation of this Neighbourhood Plan:

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Locality/Groundwork

City of York Council

Earswick Parish Council

Fosslands Farm Management Company limited

Foreword

We are proud to present the Earswick Neighbourhood Plan 2017 – 2037.

The Plan has been 2 years in the making and builds on previous work undertaken as part of the Earswick Parish Plan 2012.

We are fortunate to live in a beautiful semi-rural environment, surrounded by over 30 acres of public open space. The local environment affords residents a high quality of life in peaceful surrounds and its close proximity to York provides access to a thriving city.

This is the community's Plan and the vision, objectives and subsequent policy framework in this document have been developed from your ideas and aspirations for the future of Earswick. Community sentiment strongly opposes any development of the draft Green Belt within the boundaries of the Parish but is in favour of modest development on brownfield sites, so long as it is in keeping with the character, sensitive to the environment and reflective of the level of infrastructure provision within the Parish. The policies within this Plan aim to guide future development in accordance with these preferences.

Change is inevitable, but by taking the opportunity to develop a neighbourhood plan for our community, we can help shape these changes to create the sort of place we want to live in now and in 20-years' time.

We recommend this Plan to you and hope that you will support its realisation as a guide for future development in Earswick.

Earswick Parish Council

Summary

1. The Earswick Neighbourhood Plan 2017-2037 has been prepared by a Neighbourhood Plan Working Party under powers granted by the Localism Act 2011. This Working Party comprises members of the Parish Council and community volunteers, with the help of City of York Council and *YourLocale* and under the direction of Earswick Parish Council (the Accountable Body for the Plan).
2. The Neighbourhood Plan area covers the entire parish, an area having a population of some 1,000 and around 350 dwellings, and was formally designated by City of York Council on 9 December 2015.
3. The Earswick Neighbourhood Plan reflects community-wide comments, observations and concerns about its future, bringing them together with census information, strategic and statistical evidence into a “living promise” that mirrors the community’s overwhelming desire to make Earswick an even better place to live in, both now and for future generations.
4. There is not a current up to date Development Plan in place for the area, but in accordance with good practice, the Earswick Neighbourhood Plan has been prepared with regard to the emerging City of York Local Plan 2017 – 2037. The emerging City of York Local Plan has experienced a number of delays and is currently timetabled for examination in mid 2018.
5. The principal aims of the Earswick Neighbourhood Plan are to ensure that the Parish continues to be a safe and secure place in which to live; protect open space and the landscape; seek improvements to public transport facilities, road and footpath conditions; maintain and improve local facilities and deliver modest housing development (on brownfield sites) that is sensitive to the environment, infrastructure constraints and improves the quality of life of all current and future residents.
6. In order to achieve these aims, the Plan includes a number of development related policies that seek to:
 - Protect the draft Green Belt
 - Ensure that development is carefully controlled and takes place on sustainable brownfield sites;
 - Protect the countryside and special landscape;
 - Protect open spaces that are important to the community and/or wildlife;
 - Ensure that development is of a type and scale appropriate to the character and infrastructure provision;

- Encourage development that meets local needs;
- Protect important community facilities; and
- Seek ways of addressing traffic issues.

7. The Neighbourhood Plan is now at the 'Submission Stage'. This means that the Parish Council is satisfied that it has a robust Plan and asks City of York Council to check and consult with relevant bodies that it has been developed in accordance with relevant legislation and regulations. This is in accordance with rules covering the preparation of a Neighbourhood Plan.

8. Once it has successfully passed this stage, it will then go to an Independent Examiner, who will check to see that it has been prepared in the prescribed manner.

9. If the Plan successfully passes this stage, with any modifications, it will be put forward to referendum, where everyone on the electoral register in Earswick Parish will be invited to vote on whether or not they support it. At least 50% of those voting must vote yes for it to become a 'Made' statutory planning document. When the Plan is adopted, it will form part of the statutory Development Plan for York. Whilst planning applications will still be determined by City of York Council, the production of a Neighbourhood Plan will mean that they must have regard to its provisions and the relevant locally formulated policies when reaching planning decisions that affect Earswick Parish. This means that the residents of the Parish will have a far greater control over where development takes place and what it looks like.

How the Plan is Organised

10. The Plan is organised into 6 sections as follows:

Section 1 – Provides an introduction to the Neighbourhood Plan, including the planning context and the process undertaken to develop the Plan.

Section 2 - Outlines a brief history and key characteristics of the Parish including identified issues and opportunities for the Plan to address.

Section 3 - Sets out the community's Vision and Objectives for the Earswick Parish Neighbourhood Plan.

Section 4 - Identifies within five themes, the Plan Policies that address the Vision and Objectives.

Section 5 - Outlines the use of developers' contributions in enhancing community infrastructure.

Section 6 - Explains the Plan Delivery, Implementation and on-going

Monitoring process.

1.0 Introduction

11. Earswick, like many rural areas in recent time, has experienced increasing pressure for development. In situations like this, especially where there is no Local Plan with defined policies and agreed levels of growth, new developments often come forward in an ad-hoc fashion, possibly not in the most sustainable locations or best meeting the needs of the local community.

12. A Neighbourhood Plan is a new community led form of planning document which is part of the Government's approach to enable communities to better shape their area, to inform how development takes place and helps to influence the type, quality and location of that development, ensuring that change brings with it local benefit. The Earswick community is taking the opportunity to prepare a Neighbourhood Plan and have a real say over local decision making, to achieve its long-standing goals through the planning system and address the challenges and opportunities facing the future vitality of the Parish.

13. The Neighbourhood Plan is based on extensive research and influenced by robust engagement with the local community. The Plan builds on work undertaken as part of the Earswick Parish Plan, produced in 2012 which included a detailed questionnaire of all those living in the Parish.

14. The Plan provides a vision for the future of the Parish of Earswick and sets out clear planning policies to help realise the vision. The Neighbourhood Plan aims to make Earswick an even better place to live, now and for future generations. It will cover a 20-year time period with a review every 5 years. It covers the period 2017 to 2037, the same as the emerging City of York Council Local Plan.

1.1 Earswick Neighbourhood Plan Area

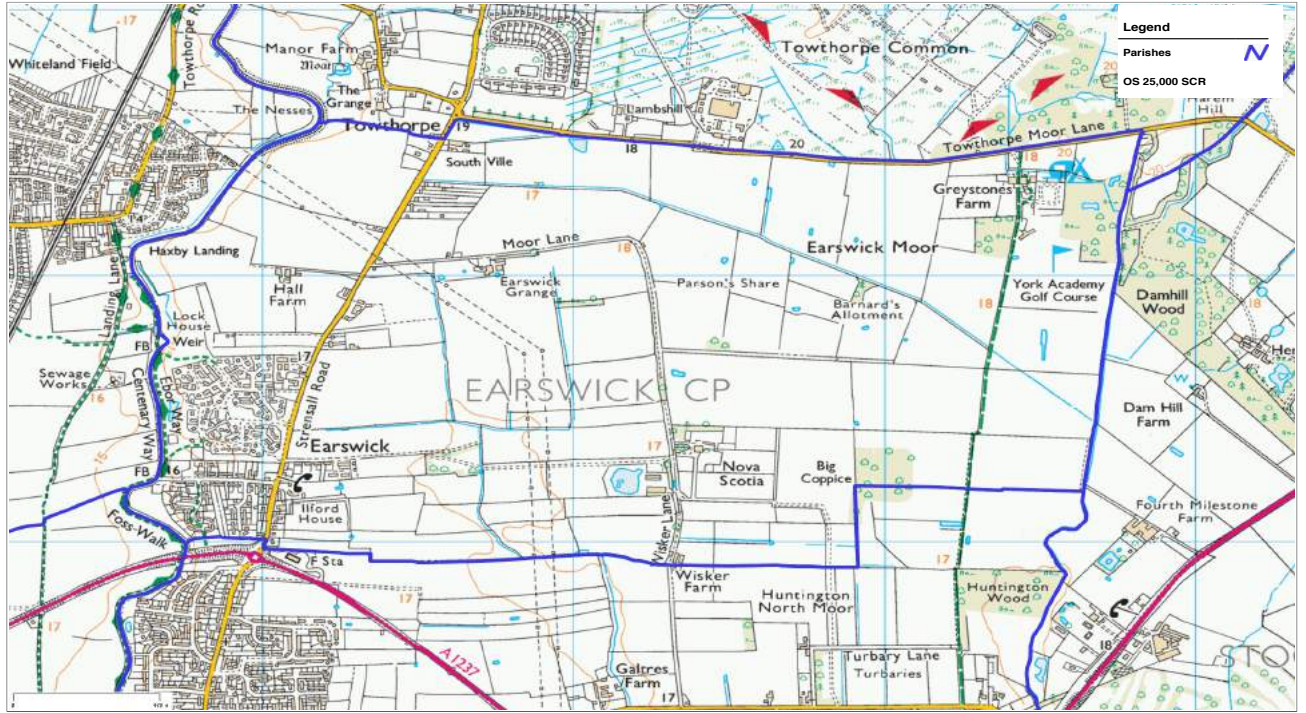
15. The Earswick Neighbourhood Plan Area, which accords with the Earswick Parish boundary, was designated by the City of York Council on 9 December 2015. The City Council's decision empowers Earswick Parish Council to produce a Neighbourhood Plan for the Parish of Earswick. The Earswick Neighbourhood Plan Area is shown in Map1.

Map 1 - Application Area



Parish Boundary

Earswick CP



Date Created: 15-3-2017 | Map Centre (Easting/Northing): 463254 / 457692 | Scale: 1:15087 | © Crown copyright and database right. All rights reserved (00009999) 2017 © Contains Ordnance Survey Data : Crown copyright and database right 2017

1.2 Planning Context

16. Neighbourhood Plans were introduced under the 2011 Localism Act, giving communities the power to produce their own neighbourhood plans that will influence future development in their local area. Essentially, neighbourhood plans can set out policies for the development and use of land in the whole or part of the designated area including the location and form of new development measures to protect the landscape and character and important community facilities.

17. Neighbourhood Plans can be narrow or broad in scope and there is no requirement to include policies dealing with a particular land use or development. The locally formulated policies will be specific to Earswick Parish and reflect the needs and aspirations of the community. In the case that there are national and district planning policies that meet the needs and requirements of the Parish, they are not repeated in the Plan

18. The Government's intention is for communities to have a greater say and role in the planning system by shaping future development in their area. However, all neighbourhood plans must be prepared to comply with a set of Basic Conditions. Firstly, neighbourhood plans must have regard to national policies that for England are set out in the National Planning Policy Framework (NPPF). The focus of this policy is the contribution that planning can make to sustainable development through the joint pursuance of economic, environmental and social improvement.

19. Secondly, the making of the neighbourhood plan must be in general conformity with the strategic policies contained in the development plan for the area. This requirement is somewhat complicated in the case of Earswick Parish in that there is currently no up to date development plan for the City of York. The City of York has been working on a Local Plan for a number of years, but progress has been stalled for a number of reasons. The current iteration of the Local Plan is timetabled for submission for examination in mid 2018. The City of York Draft Control Local Plan incorporating the 4th Set of Changes (April 2005) is currently a material consideration for development control decisions.

20. Despite the fact that the York green belt is still, technically, a draft Green Belt it has, de facto, been in existence for several decades and has been reaffirmed on numerous occasions in planning refusals and dismissals of planning appeals. It was specifically recognised in the Yorkshire and Humber Regional Spatial Strategy (RSS) adopted in 2007 and although the RSS was

substantially revoked by an Order (SI. No. 117 2013) made in early 2013 under the Localism Act 2011, policies which related to the York draft Green Belt were specifically excluded from the revocation.

21. These retained policies make it clear that development plans should define the detailed boundaries of the Green Belt around York. The outer boundary is to be about 6 miles from York city centre and the inner one is to be defined to establish the long-term development limits that safeguard the special character and setting of the historic city.

22. National Planning Practice Guidelines states that 'where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree on the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.

23. The policies in the Earswick Neighbourhood Plan have been developed with due consideration to the emerging City of York Local Plan (2017) and is in general conformity with the existing local plan policies.

24. Finally, in order to meet the basic conditions, neighbourhood plans must be compatible with EU obligations and contribute to the achievement of sustainable development. Of particular relevance to neighbourhood planning is the assessment of certain plans on the environment (Strategic Environmental Assessment). A screening assessment has been undertaken and is available in a separate document. City of York Council, the Environment Agency, Natural England and Historic England have all confirmed that a full Strategic Environment Assessment is not required.

25. Once 'made' this Plan will form part of the statutory development plan for the Earswick Plan Area. Decisions on planning applications within the Plan Area will be made using both the Local Plan and the Neighbourhood Plan and any other material considerations.

1.3 Relationship between the Neighbourhood Plan and the draft Local Plan

26. The Earswick Neighbourhood Plan is based on the evidence collated from a number of surveys and consultations with residents, businesses and representative groups, and is also informed by the response of residents to the draft City of York Preferred Options Local Plan published in June 2013.

27. The draft City of York Council Preferred Options Local Plan proposed that 81 hectares (210 acres) of draft Green Belt farmland to the east of the Parish be 'safeguarded' by removing it from the York draft Green Belt and allocating it for future housing development of up to 2,000 houses beyond 2030 with the proviso that if access and sustainability issues could be overcome part of this development of around 1,000 houses could be brought forward into the plan period. This overwhelming amount of development in Earswick seemed to have been based on the amount of land that willing landowners were prepared to make available, rather than on any objective, evidence-based assessment of the amount and spatial distribution of new housing development required.

28. The draft City of York Preferred Options Local Plan proposals were met with considerable resistance by the residents of the Parish. Following two local meetings of residents many registered their objections and concerns to City of York Council. The Parish Council also submitted a detailed letter of objection.

29. Despite the considerable number of objections and responses across the city of York to the draft Preferred Options Local Plan, the Publication Draft of the Local Plan was substantially unchanged from the Preferred Options Draft. The Publication Draft of the City of York Local Plan was halted from progressing to consultation by the full Council at its meeting on 9 October 2014 to review the overall housing requirements included in the plan. Since that date further work on housing and employment requirements have been undertaken to take account of the latest Government statistical releases and updates to the evidence base. In addition further work around determining a permanent Green Belt for York has also been undertaken.

30. This resulted in the publication in July 2016 of a revised City of York Council Preferred Sites Consultation Local Plan which itself was superseded by the publication in September 2017 of the City of York Local Plan Pre-Publication draft Local Plan and recently, February 2018, the City of York Local Plan Publication draft. This document seeks to identify sufficient land to accommodate York's development needs across the plan period, 2017-2037, and establishes a green belt boundary enduring 20 years. Significantly for the Parish of Earswick the draft Local Plan no longer has any land designated as "safeguarded". In addition the plan does not propose to allocate any land within Earswick for future development.

31. These proposals are entirely in line with the wishes of Earswick residents and the recommendations of this Neighbourhood Plan that

there should be no changes to the draft Green Belt boundary within the parish boundaries, nor that the Parish is a sustainable location for development allocations.

1.4 How the Neighbourhood Plan has been Prepared

32. The Plan has been prepared by residents and members of the Earswick Parish Council working as part of a Neighbourhood Plan Working Party with support from the City of York Council and consultants *Yourlocale*. The process has involved a number of key steps:

Designation and Raising Awareness

33. Earswick Parish Council took the decision to produce a Neighbourhood Plan at its meeting on 3rd November 2014 in response to the Government's publication of the Localism Bill. Following a community introduction workshop in March 2015, to which all residents of the Parish were invited, the Parish Council formally agreed to develop a Neighbourhood Plan for Earswick at its meeting on the 20th April 2015.

34. The Parish Council established a Working Party, formed from members of the local community and parish council representatives to oversee the process of preparing the Plan. Terms of reference and membership of the Working Party were approved by the Parish Council at its Annual Meeting in May 2015.

35. In December 2015 Earswick was designated by City of York Council as a Neighbourhood Planning Area.

36. Progress on the Plan was communicated to residents by newsletters, on noticeboards, through open meetings and on a section of the Parish Council website dedicated to the Neighbourhood Plan.

Consultation and Evidence Gathering

37. The policies within this plan are based on a significant body of evidence and robust community engagement.

38. During 2015/2016/2017 over 230 people attended five public open meetings and exhibitions held in the Parish. Participants were asked what they liked and disliked about the Parish, how they would want to see it evolve and the benefits new development should bring to the community. Further to ensure the consultation process was as inclusive as possible the working party also sought the views of Earswick residents and local businesses via two detailed full Parish Neighbourhood Resident Surveys. In both cases over 60% of those surveyed responded, which is a very good response rate.

39. The Working Party mobilised themselves to begin the process of gathering evidence to support the Plan. This included reviewing evidence reports prepared by City of York Council and preparing a neighbourhood profile using key national and local statistics.

40. Further details of the consultation and engagement undertaken can be found in the Statement of Consultation, which is available on the Parish Council website under the dedicated Neighbourhood Plan section.

Vision and Objectives Development

41. Following analysis of the August/September 2015 consultation exercise and evidence gathering, a Vision and Objectives document was drafted for comment. The document was sent to every household in the Parish during April 2016.

Draft Plan Creation

42. During May to August 2016, a draft Neighbourhood Plan (Version 1) was produced based on consultation outcomes and sound evidence. Consultants *YourLocale* were used to support this process. A copy of this draft plan was made available to every household in the parish, either by viewing on the Parish Council website or on a hard copy on request. Public exhibitions of the proposals were also held in the village hall in October and December 2016.

43. An initial pre-submission consultation of residents, landowners, businesses and agencies was carried out in November/December 2016. Where appropriate amendments/additions were made to the draft plan. A further pre-submission version of the draft plan (Version 2) was produced in September 2017 as a result of the publication of the updated City of York draft Local Plan and the introduction of a specific policy dealing with the extent of the draft Green Belt. A copy of the updated version of the draft plan was again made available to every household either via the Parish Council website or a hard copy on request. A public exhibition of the revised proposals for both residents and representatives of the statutory bodies was held on the 15th December 2017 in the village hall. The second pre-submission consultation took place between December 2017 and February 2018. Again where appropriate amendments/additions were made to the Plan.

Copies of the responses from both consultations can be viewed on the Parish Council website and in the Consultation Statement document.

1.5 Pre-submission Consultation

44. Following the amendments to the initial pre-submission draft plan, based on the earlier feedback, and updating of the plan in line with the recently published City of York draft Local Plan the Parish Council invited residents, landowners, businesses and agencies to give their views on the draft of the revised Neighbourhood Plan. This consultation took place between December 2017 and February 2018.

45. Hard copies of the Draft Plan and Representation Forms were made available from:

The Clerk to the Council, Joanne Fisher: Tel: 01904 758615 or email: earswickclerk@aol.com

46. The Draft Plan, Representation Forms and other background documents are also available for viewing and downloading from the Neighbourhood Plan website:

<http://www.earswick.org/neighbourhood-plan/?drawer=Neighbourhood%20Plan>

47. A Representation Form was provided for comments, but the Parish Council also welcomed comments by email or in writing. Completed forms and other comments in writing were returned to:

The Clerk to the Council, Joanne Fisher, 24 Lock House Lane, Earswick, York, YO32 9FT.

48. Following the public consultation process on the Draft Neighbourhood Plan, the Plan has been amended and submitted to City of York Council together with supporting documentation, including a Strategic Environmental Assessment, Basic Conditions Statement and Consultation Statement setting out who had been consulted, how the consultation had been undertaken and how the representations received had informed the Plan.

49. City of York Council will re-consult, before the Plan is subjected to an Examination by an Independent Examiner. Once any further amendments have been made to the Plan it will be subjected to a local referendum, and then “Made” by City of York Council and used to determine planning applications in Earswick Parish.

2.0 Earswick Parish

50. Earswick is a small North Yorkshire parish on the riverside setting of the River Foss. Located on the York to Strensall Road. Earswick is one mile south of Strensall and four miles north of the city of York. York's nearby outer ring road (A1237) offers access to the Leeds/Scarborough A64 and the Thirsk/Teesside A19.

51. Originally a collection of farm buildings, which has evolved into a village, the ancient township of Earswick or Edresuic, as it was known before the Norman Conquest, is named from the Anglo-Saxon meaning "dwelling or farm of a man called AEthelric".

52. Earswick is also specifically mentioned in the Great Domesday Book (1086) where records show that "three geld carucates (about 360 acres) of land in Earswick held of St Peter by Sasford and Godric before the Conquest belonged to the See of York and afterward formed part of the manor of Strensall".

53. The village later came to prominence with the creation of Earswick Landing, where coal was brought into the area along the River Foss.

54. The early and mid 20th Century saw Earswick change very little. It remained very much an agricultural village with the population increasing only slightly to around 230. Apart from several farms along the Strensall Road the majority of housing was still located on a ribbon of land off the main York to Strensall Road, leading down to the River Foss, known as The Village.

55. But the late 20th century saw a decline in employment in agriculture coinciding in the late 1970's with the growth of the Parish as home to a significant number of professional people working in the York area following the building of housing in Shilton Garth Close, Stablers Walk and Rowley Court.

56. One of the most significant events in the history of the Parish occurred in the 1990's when the local pig farm obtained planning permission for the construction of 125 homes on what is now the Fosslands estate, almost doubling the size of the village. It did, however, enable the Parish to gain a much needed village hall, tennis courts and a bowling green (now the Scented Garden) although it was at this time that, like many small parishes throughout the country, it saw the disappearance of its village shop.

57. Uniquely the Parish has never had a church, school or a public house.

58. Despite being so close to the city of York the Parish still provides an attractive semi-rural environment in which to live surrounded by over 30 acres of public open space with designated footpaths and tranquil riverside walks, a scented garden, tennis courts, play areas, a village hall and village green complete with a maypole.

59. Shops at nearby Strensall and Huntington cater for daily needs, whilst the shopping centres of Clifton Moor, Monks Cross and Vangarde are less than 2 miles away.

60. Schools for both primary and secondary school children are located in nearby Huntington and Earswick residents have burial rights in the cemetery in Huntington.

61. The Parish had a population of 876 and 346 households at the time of the 2011 Census. It has a higher than average proportion of older residents, with over 19% aged over 65 compared with 17% for York as a whole and the 16.3% national average.

62. The economic activity rate is higher than that of York and England as a whole, and 88% of residents reported to be in good or very good health, which is also somewhat higher than the York and national averages.

63. Home ownership levels are particularly high with over 93% of households being owned outright or with a mortgage or loan against 66% for York and the 63% national average.

64. Privately rented households represent just 5% of households compared with 17.9% for York and 16.8% for England as a whole.

65. The whole of the Parish outside of the village of Earswick is 'washed over' by the draft Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and rural in character.

2.1 Key issues and opportunities

66. The key issues and opportunities raised by the community and identified by the Neighbourhood Plan Working Party that the Plan will seek to address are as follows:

- There is a real appreciation for living in Earswick and surrounds;
- Whilst there is a willingness to embrace change and progress, there is a desire that if any development takes place it ensures that the special character of Earswick is retained and wherever possible enhanced; and
- The majority of residents do not want to see any housing development on the draft Green Belt but in the event that some development does occur, they feel it is essential that policies be in place to reflect the wishes of the community.

3.0 Our Vision and Objectives

67. Based on the community consultation undertaken as part of the Parish Plan (2012), the two Resident Surveys (2015/16) and the evidence gathered, the Working Party prepared a vision for Earswick which reflects the local community's aspirations for the future of the Parish. The community wants Earswick to continue to thrive as a vibrant and distinctive Parish, to continue to respect and reflect the views of its community, to evolve and expand, where appropriate, whilst retaining its unique and distinctive character and to provide an outstanding quality of life for current and future generations of residents.

68. The proposed vision for Earswick is as follows:

Our Vision:

Earswick Parish will be a desirable place to live for all residents based on its distinctive, semi-rural character and open space, safe and secure environment and community spirit.

69. A series of Objectives have been established to help realise the Vision for Earswick and to provide a policy framework to guide the development necessary to deliver it.

The Objectives of the Neighbourhood Plan will be to:

- Ensure that the parish continues to be a safe and secure place in which to live;
- Protect our open space and the landscape;
- Seek on-going improvements to public transport facilities, road and pathway conditions;
- Deliver modest housing development (on brownfield sites) that is sensitive to the environment, infrastructure constraints and improves the quality of life for all current and future residents; and
- Maintain and improve local facilities for all residents.

4.0 Neighbourhood Plan Policies

70. The following policies has been developed to manage the future development of Earswick Parish in order to achieve the vision and objectives of the Neighbourhood Plan.

71. The policies are defined under five themes; reflective of the topic areas raised during consultation and addressed as part of the research process. The themes are:

- Housing Development
- Landscape and Environment
- Local Facilities
- Transport and Highways
- Safety and security

72. Decision makers and applicants must accept the policies **together** when judging if a proposal would be acceptable.

73. To aid interpretation, for decision makers and applicants, each policy is accompanied by supporting text setting out the context and justification for the policy. All policies have been framed in the context of the National Planning Policy Framework and the emerging Local Plan for the City of York.

74. While every effort has been made to make the main parts of this Plan easy to understand, the wording of the actual policies is necessarily more formal, so that it complies with statutory requirements.

75. It should also be noted that the Plan does not duplicate national or district (i.e. City of York) planning policies. Its policies will work alongside these, adding local, more detailed, Earswick Parish specific policies that reflect and articulate the needs and aspirations of the community. Where there are national and City of York planning policies that meet the needs and requirements of the Parish, they are not repeated in the Plan.

4.1 Housing Development

76. The objective of this policy is to: Deliver modest development that is sensitive to the environment, infrastructure constraints and improves the quality of life of all current and future residents

77. This will be achieved by ensuring that any new housing development approved within the Parish respects the existing form and function of the various settlements within the village and meets local needs.

78. The following plans, documents and strategies support this policy:

- National Planning Policy Framework
- Draft City of York Council Local Plan
- Planning Policy Guidance
- Earswick Parish Plan

Justification and Evidence

79. Housing development is a top priority and concern of the local community.

80. The City of York Local Plan, when approved, will set out the overall housing target for the City of York between 2017 and 2037 as well as the supply of sites required to meet this need.

81. Legislation requires that a Neighbourhood Plan must be in general conformity with the Local Plan and its contents. This includes ensuring that the Parish makes its full and proper contribution to meeting any City of York wide housing target.

82. Determining how much of this requirement for new dwellings across the City of York this Plan should cater for is complicated by the absence of an approved up to date Local Plan.

83. City of York Council, however, has issued a Local Plan Publication draft, the contents of which are expected to form the basis of the final Plan.

84. The focus of the policies in the draft Local Plan with regard to the Parish is to protect and enhance its character and the openness of the countryside within it.

85. This draft Local Plan does not generally consider Earswick Parish to be a suitable and sustainable location for new housing development.

86. In part this reflects that any significant housing (or other development) would require building on land that is currently in the draft Green Belt, which would be counter to established Green Belt planning policies (which only allows the development in the Green Belt in exceptional circumstances).

87. It also reflects that there are better and more sustainable locations for development, especially within and on the edge of the built up part of York; the need to protect the countryside and that any development in Earswick will inevitably lead to more (and unsustainable) journeys by car.

88. The emerging draft Local Plan does not recommend a specific new housing requirement (or supporting housing allocation) for the Parish.

89. Generally, it is considered that any development that takes place in the Parish should be small scale and meet local needs. It should also not have a detrimental impact on the character of the Parish or on the openness of the draft Green Belt.

90. The view that the Parish is not generally a suitable and sustainable location for new housing building is strongly shared by the Neighbourhood Plan and the local community.

91. However, from time to time, there will be development opportunities on brownfield sites or infill development for housing and other forms of development. It is important that the Neighbourhood Plan is able to guide such development.

92. A survey of all 347 households in the Parish was carried out in September 2015 by the Parish Council's Neighbourhood Working Party to assess opinion on a wide range of planning and other issues as well as the further development of the village.

93. A total of 219 responses (63% of total households) were received.

94. There was a mixed response regarding housing provision with the majority (61%) indicating they didn't want any future developments compared to others who declared an appetite for generally some smaller scale developments. Those resisting future housing developments voiced concerns about protecting the green belt/open spaces, infrastructure issues and retaining the current Parish characteristics. Others acknowledged the demand for more homes and the importance of having a good quality supply to include sustainable and affordable, housing to cater for all age groups. This response reinforces an almost identical result from the survey carried out in 2012 for the Parish Plan.

95. This result is not perhaps surprising given that the whole of the area around Earswick is currently draft Green Belt, (which acts as a barrier against creating further urban sprawl and coalescence with neighbouring villages) and the proposal contained within a previous iteration of the City of York Council draft Local Plan (2014) to build 2,000 houses within the Parish that would completely swamp the existing dwellings and alter the character of the village beyond recognition.

96. The representatives of the Neighbourhood Plan Working Party met with officials working on the City Council Local Plan and discussed with them the results of the residents' survey.

97. It is recognised that there is a risk that any target adopted by the Plan in advance of the Local Plan might need to be reviewed should the final Local Plan set a higher housing growth target for the Parish than the draft Plan recommends. It is considered that the risk of this is small, but should this be the case the Plan will be immediately reviewed.

98. It was considered putting the development of the Plan on hold until the Local Plan had been approved. It was felt that this was not appropriate. There were a number of reasons for this. The most significant was, based on the current timetable set out by the City of York Council, it could be two years or more before the final Local Plan is agreed, and in the meantime the Parish could be subject to speculative planning applications, whilst the Local Plan was being considered and agreed

99. The Plan recognises, however, that while the draft Local plan does not identify a specific housing requirement for the Parish, there may be opportunities for further small scale, limited housing development in suitable and sustainable locations.

100. Windfall sites are typically small infill or redevelopment/conversion sites that come forward unexpectedly, and which have not been specifically identified for new housing in a planning document such as Local Plan or Neighbourhood Plan. Normally windfall development is for new housing though could comprise other forms of development such as shops, employment or community facilities.

101. These sites often comprise redundant or underutilised buildings, including former farm buildings, or a small gap within an existing frontage of buildings and can range from small sites suitable for only a single dwelling to sites with a capacity for up to five dwellings. In principle, national and local planning policies enable windfall development in the Green Belt.

102. Recent examples of windfall development in the Parish include the re-development of a single dwelling into two dwellings and the conversion of a farm building into houses.

103. Such sites have made a regular contribution towards the housing supply in the Parish at an average of under 1 new dwelling a year.

104. It is recognised that there remain opportunities for such windfall development over the lifetime of the Plan.

105. It is also recognised that many in the community would like the Plan to take a zero growth approach to housing development over the next twenty years. This would mean the Plan would seek to prevent any housing

development, however small. This is considered inappropriate and potentially unlawful.

106. Whilst the brief of the Working Party is to represent the wishes of the residents of Earswick Parish, it is also equally important that we highlight the potential consequences of taking forward the Plan with zero housing growth over the next 20 years.

107. Limited carefully controlled housing development can sometimes bring wider benefits, such as the redevelopment of brownfield sites, securing the on-going use of a building and providing much needed affordable homes. It is also important that the Plan plays its part in meeting City of York and national housing requirements.

108. Furthermore, it is national planning policy that carefully controlled windfall development is not only appropriate (including in principle in the Green Belt) but also desirable. A policy to refuse any development in the Parish would be more than likely considered unreasonable by a Neighbourhood Plan examiner. This would mean that the Plan and the policies within it would not be progressed. Furthermore, in the highly unlikely event that such a policy passes neighbourhood plan examination, if it was used to refuse new housing development, such a decision is likely to face a legal challenge or overturned on appeal if a developer were to appeal against this effective ban on new housing development.

109. It is good practice, and common sense, therefore, to ensure that any plan that is being developed for a period as long as 20 years into the future should be robust enough to cater for any eventuality and meets any legal and other requirements.

110. The Plan cannot, nor does it seek to, prevent this type of development, but seeks to positively guide and influence any such future development proposals. Generally, any windfall development should be small scale and meet a local need. It should also be compatible with, and where possible, enhance the special and distinctive qualities of the Parish, including its built and natural environment.

111. In particular, the supply of any new homes in the Parish must be realised in accordance with the distinctive features, scale and grain of the local area that harmonises with the existing character of their setting and buildings. Housing sites must be carefully considered and will only be acceptable where they reflect these principles and are consistent with the Plan taken as a whole.

POLICY ENP 1: WINDFALL HOUSING DEVELOPMENT - It is accepted that there may be some windfall developments over the Plan period. Development proposals for small scale (normally for a single dwelling) infill development and the re-use of previously developed (brownfield) land or buildings, which is consistent with the sustainability of the Parish, will be supported where it:

- a) Reflects the size, character and level of the infrastructure service provision of Earswick.**
- b) Meets a clearly identified need for the Parish;**
- c) Retains existing and wherever possible enhances natural boundaries such as trees, hedges and streams which either contribute to visual amenity or are important for their ecological value.**
- d) Does not reduce garden/green space to an extent where it would significantly adversely affect the character of the area or the amenity of the proposed occupiers of the new development or adjacent properties/uses.**
- e) Does not have a significant adverse effect on neighbouring properties or uses by way of privacy, daylight, noise, visual intrusion, overshadowing or amenity.**
- f) Does not result in an unacceptable direct or cumulative adverse impact on congestion or road and pedestrian safety.**
- g) Has minimised and managed the risk of flooding both on and off site.**
- h) Is in accordance with other relevant policies, including Green Belt.**

112. Delivering a choice of high quality homes is essential to support sustainable, mixed and inclusive communities.

113. This will underpin a well-balanced population that is vital to the on-going viability of the Parish, particularly in light of the community's increasingly ageing population.

114. This is especially important in Earswick Parish as there is strong evidence from the Census and other sources that there is an imbalance in the housing stock with a relative over provision of larger properties (3 or more bedrooms) and a relative under provision of smaller properties (less than 3 bedrooms). At 66.8% the proportion of dwellings with 4 or more bedrooms in the Parish is more than three times the City of York average (22.1%) and three and a half times the England and Wales average (19.0%).

115. In the second survey, two-third of households agreed or strongly agreed with the statement that the Plan should "Ensure any new housing broadens the range of stock available in the Parish; the type and cost of new housing should meet the housing needs of the local area for now and into the future".

116. Any housing development must therefore provide a mixture of housing specifically to meet the needs of the community. A copy of the Report: An Assessment of Housing Needs and Characteristics in Earswick Parish is available from the Parish Council website.

POLICY ENP 2: HOUSING MIX – New housing development will be required to demonstrate how it relates to the existing need for smaller homes (three bedrooms or less), or the needs identified in an up to date assessment of housing need.



117. The River Foss runs along the western boundary of the Earswick Parish application area and together with the surrounding area lies within Flood Zone 3 (FZ3) as defined by the Environment Agency. Areas within Flood Zone 3 have been shown to have a greater probability of flooding. The Plan does not consider that development within Flood Zone 3 is desirable or sustainable in the longer term, a policy position that reflects national and local guidance about development in Flood Zone 3. The area affected by the flood zone consists entirely of green open public space. The Neighbourhood Plan, Policy ENP 5, recommends that this area be retained and protected as a Local Green Space (G2) and as such any development proposals for this area should be subject to ENP Policies ENP 3 and ENP 5, which would rule out most forms of development.

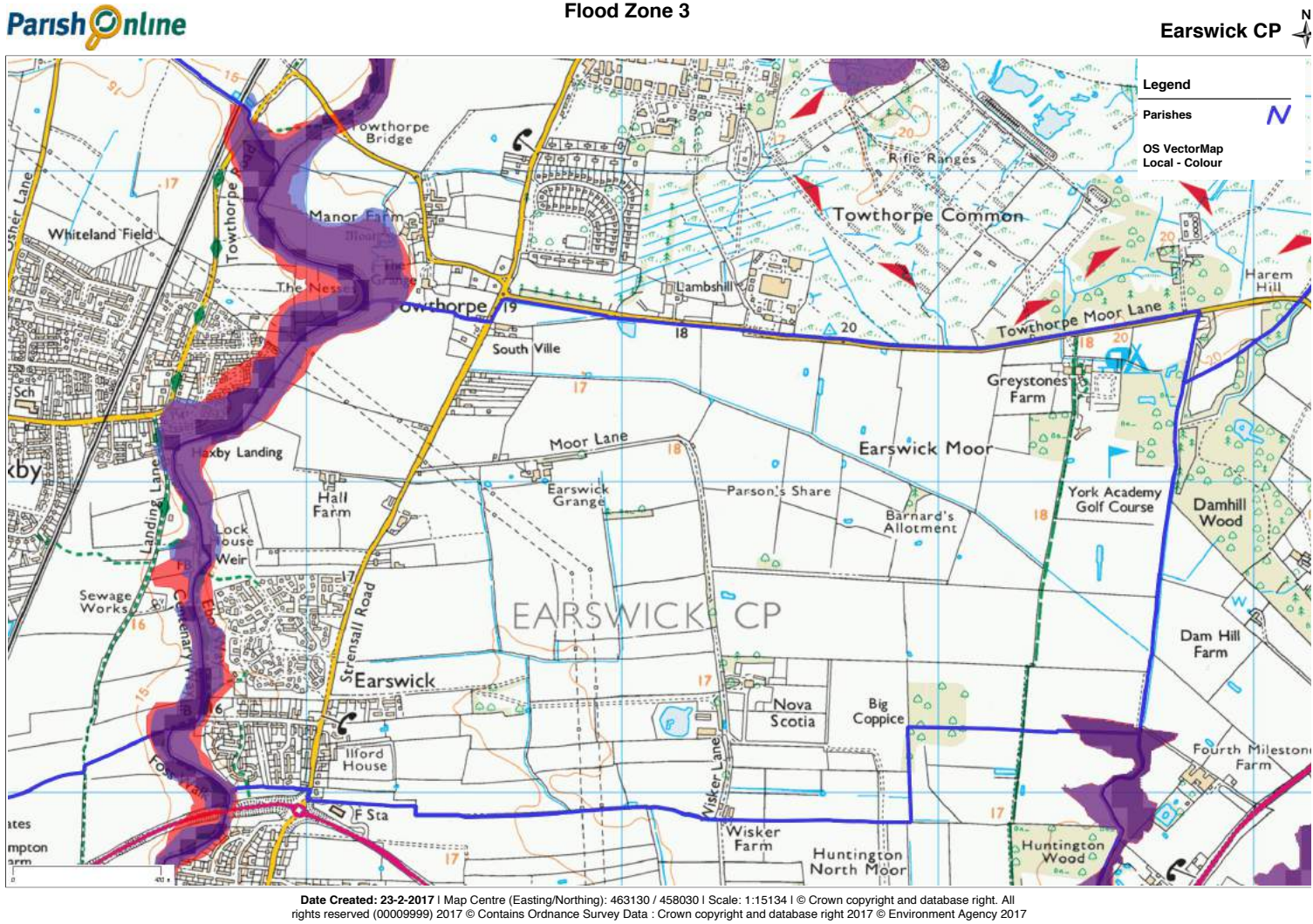
Map 2 identifies the extent of Flood Zone 3 within the Earswick Parish boundary.

POLICY ENP 3: Flood Risk and Climate Change - Development proposals in high flood risk areas should be avoided, wherever possible, and will not be supported other than in exceptional circumstances in accordance with City Council and National planning policies and Environment Agency strategic flood risk assessments. Developers should consider the need for a Flood Risk Assessment (FRA) and the provision of sustainable drainage systems in line with PPG25.

Climate change will increase flood risk. Developers will be encouraged to mitigate against this risk and help the environment by reducing emissions and improving air quality by:

- a) Installation of efficient water and waste management systems in new buildings.**
- b) Use of locally sourced wood fuel for heating.**
- c) Promotion of the use of sustainable materials in construction.**
- d) Encouraging energy efficient measures for new builds.**

Map 2 - Extent of Flood Zone 3 within the Earswick Parish boundary.



4.2 Landscape and Environment

118. The overall objective is to protect our open space and landscape.

119. This will be achieved by ensuring that this policy supports existing European and National legislation with regard to nature conservation and to provide an additional layer of protection by ensuring that any potential new development within the village is encouraged to mitigate any possible harmful impact on the existing natural environment.

120. **The following plans, documents and strategies support this policy:**

- European legislation
- National legislation
- National Planning Policy Framework
- Planning Policy Guidance
- Draft City of York Council Local Plan
- Yorkshire and Humber Regional Spatial Strategy

Justification and Evidence

121. Earswick is a semi-rural parish. Whilst the main village has seen development during the second half of the 20th Century, the Parish remains mainly green and rural in nature.

122. Today it is one of the most attractive and least spoilt of the parishes in the north of York.

123. Its 'greenness' reflects not only the large areas of open countryside surrounding the village of Earswick but also the open spaces to be found within the settlement.

124. These open green spaces, well-cultivated gardens, mature trees and hedgerows and green routes all combine to provide a valuable green infrastructure which plays an important role in delivering environmental sustainability, maintaining wildlife and bio-diversity, mitigating flood-risk, reducing the impact of climate-change and improving people's well-being.

125. Consultation shows that the underdeveloped and rural nature of much of the Parish is highly prized and appreciated by residents as well as the wildlife and wildflowers it supports.

126. A key part of the Plan process involved undertaking a detailed assessment of the landscape character of the Parish.

127. The Parish lies within the Vale of York Landscape Character Area, as defined by Natural England. Areas of relatively flat, low-lying land surrounded by higher land to the north, east and west, typify the landscape of this Character Area. The high quality soils to be found across most of the Landscape Character Area mean that arable cultivation is the predominant

land use. Due to its generally low-lying topography, the landscape provides for open views across the surrounding countryside, including towards the city of York. It is an area that is unlikely to be able to accommodate development without an adverse impact on the existing landscape.

128. The rural setting of Earswick Parish is highly valued by local people. It is key to its village feel and green and leafy surroundings, making it an attractive, distinct and enjoyable place to live, work and visit.

129. In planning terms, land outside the main built-up areas is treated as countryside. This includes any small group of buildings or small settlements that may be found there.

130. It is national and city planning policy that development in the countryside should be carefully controlled. One of the core planning principles of the NPPF (paragraph 17, point 5) is to support “the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”.

131. Over 80% of the Parish is designated as draft Green Belt.

132. The Parish lies within the York draft Green Belt. It circles the whole of the built-up part of Earswick and incorporates much of the surrounding countryside.

133. This plays an important role in determining the setting, character, and identity of the village of Earswick itself and also offers access to open countryside for both active and passive recreation. It also assists in urban regeneration, by encouraging the recycling of derelict and other urban land.

134. The fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. National planning policy is clear in its support for the Green Belt. As the National Planning Policy Framework (NPPF) states: “*The Government attaches great importance to Green Belts*”. It also states that inappropriate development (such as the construction of new buildings), which is harmful to the role and function of the Green Belt, should not be approved except in very special circumstances. However within the Green Belt there are additional planning controls over the type of development that can take place, such as minerals extraction, engineering operations and local transport infrastructure. These types of development are excluded from the remit of the Neighbourhood Plan. Once an area has been designated as Green Belt, national planning policy is explicit that its boundaries should only be altered in exceptional circumstances.

135. Despite the fact that the York Green Belt is still, technically, a draft Green Belt it has, de facto, been in existence for several decades and has been reaffirmed on numerous occasions in planning refusals and dismissals of planning appeals. It was specifically recognised in the Yorkshire and Humber Regional Spatial Strategy (RSS) adopted in 2007 and although the RSS was substantially revoked by an Order (SI. No. 117 2013) made in early 2013

under the Localism Act 2011, policies which related to the York Green Belt were specifically excluded from the revocation.

136. Further, whilst not forming part of the Development Plan, the City of York draft Local Plan, incorporating the Fourth Set of Changes Development Control Local Plan (April 2005), was approved for development control purposes. The effect of this process is that decisions on planning applications falling within the general extent of the Green Belt (as defined in the RSS) are taken on the basis that land is treated as Green Belt.

137. Paragraphs 83-85 of the NPPF are clear that the identification and modification of Green Belt boundaries are matters for the Local Planning Authority to determine. In this case that authority is the City of York Council. Furthermore, these paragraphs identify that these processes should be undertaken as part of the preparation or review of a Local Plan. In this case, this would be through the vehicle of the preparation of the emerging City of York Local Plan.

138. At the same time, the Neighbourhood Plan needs to be in general conformity with the strategic policies of the development plan. In this case, these are policies YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy. These identify the general extent of the York Green Belt and set out its national significance.

139. In these circumstances, this Neighbourhood Plan continues to apply, and strongly supports, the approach to the identification of the Green Belt as set out currently in the RSS and the Fourth Set of Changes Development Control Local Plan (2005) on an interim basis until such times as the emerging Local Plan is adopted.

140. This will ensure that the preparation of the emerging Local Plan is used as the mechanism for the detailed identification of the York Green Belt boundaries in accordance with national planning policy. It will also provide the proper opportunity for residents, developers and other interested bodies to contribute to this debate both in general terms on the Green Belt boundary and to provide the agreed levels of development for the City.

141. The Working Party would stress that, in coming to a view on the final delineation of Green Belt boundary in the Local Plan, careful and significant consideration should be given to the general boundary identified in this Neighbourhood Plan (which is coterminous with the existing interim Green Belt boundary) and the strong level of technical work and consultation which underpins its identification. The compelling case for the confirmation of the existing draft Green Belt for Earswick (as shown on the Proposals Map) is a top priority for local people as evidenced in the detailed consultation undertaken as part of the Neighbourhood Plan's development.

142. Once the emerging Local Plan has been adopted, the Neighbourhood Plan will be reviewed in order to ensure that the Neighbourhood Plan and Local Plan are consistent on this important matter.

POLICY ENP 4: GREEN BELT – The general extent of the York Green Belt within Earswick Parish is shown on Map 3 – the Proposals Map.

Within the general extent of the Green Belt inappropriate development is by definition harmful to the Green Belt and will not be supported 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.

New buildings are regarded as inappropriate development in the Green Belt except in the circumstances identified in paragraph 89 of the National Planning Policy Framework (see Appendix 1) when due consideration will be given to their construction.

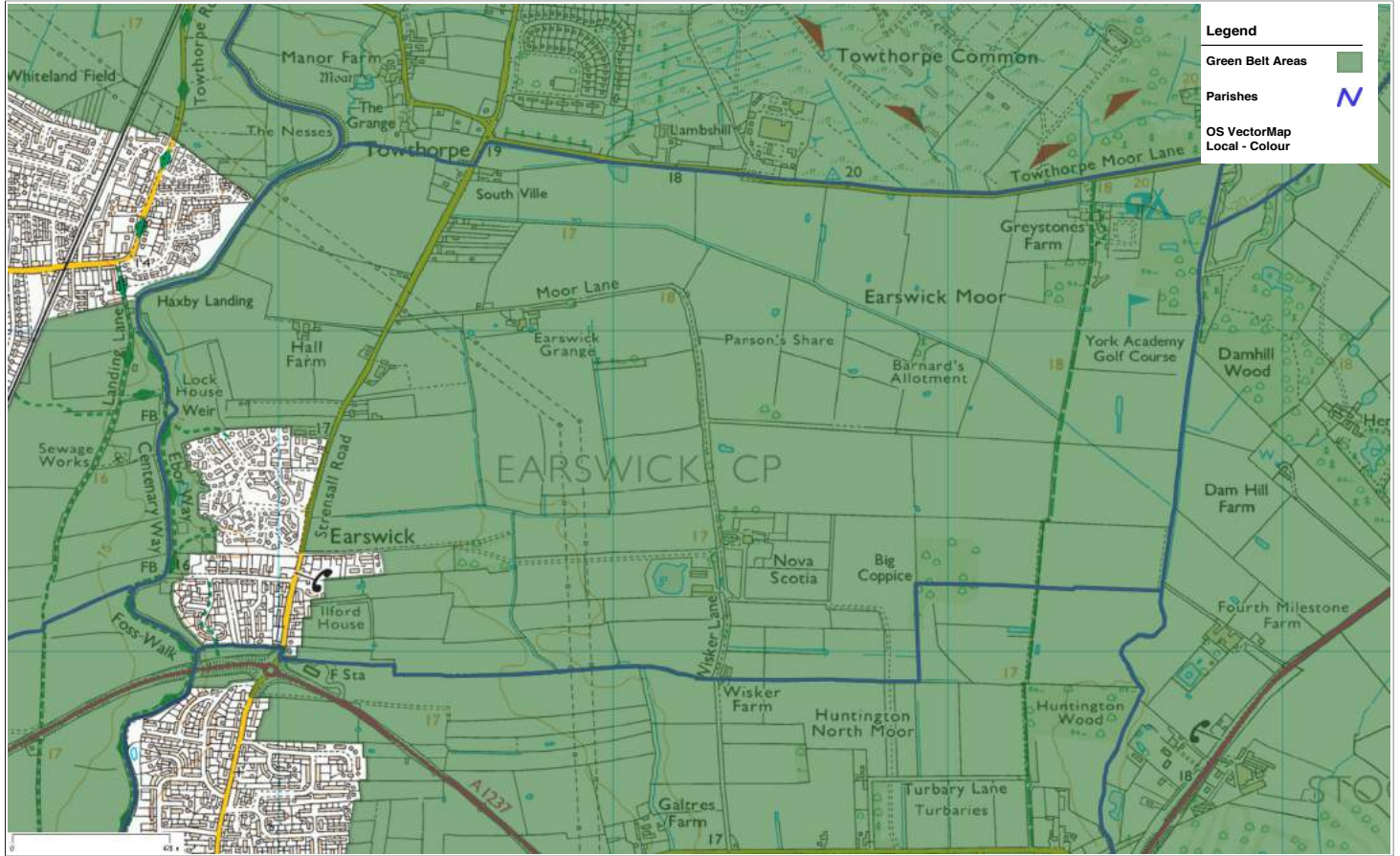
It is recognised that there are additional planning controls contained within paragraphs 90-92 of the National Planning Policy Framework (see Appendix 1) covering the type of development that can take place within the Green Belt, such as minerals extraction, engineering operations and local transport infrastructure, which are excluded from the remit of the Neighbourhood Plan. Any such developments should still endeavour to preserve the openness of the general extent of the Green Belt and not conflict with the purposes of including land in the Green Belt.

Map 3 - Existing (and Proposed interim) Draft Green Belt



Existing Draft Green Belt

Earswick CP



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143. The City of York Local Plan describes Green Infrastructure as “a collection of assets which provide multiple functions and services to people, the economy and the environment. These assets are of a great variety and span various spatial scales and include:

- woodland
- watercourses
- highway verges and railway embankments
- parks, playgrounds, allotments and other public open spaces
- farmland and market gardens
- urban trees
- private gardens
- the grounds of hospitals, schools and business parks
- sports pitches and recreational areas”.

144. The Parish retains a number of green spaces that contribute to this character and provides opportunities for informal and formal recreation.

145. A good example is the two relatively “new” estates of Fosslands and The Garden Village that were built in Earswick, during the last 20 years. They were designed and built with grassed areas within them and at the entrances to them. These areas provide relief to the built form of the village. They are an important feature in the village and contribute to its character, adding to the distinctive open feel and reinforcing the sense that you are in a village rather than an urban area.

146. The community wishes to see the most important of these spaces protected for future generations.

147. National planning policy enables a Neighbourhood Plan to designate areas of ‘Local Green Space’ for special protection where, for example, the land is demonstrably special to a local community and is not an extensive tract of land. With Local Green Spaces, there are strong planning controls over the type of development, which can take place within it. As the NPPF states, “By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances”.

To be designated as Local Green Space it must meet specified criteria as set out in the National Planning Policy Framework. This includes:

- where the green space is in reasonably close proximity to the community it serves
- where the green area is demonstrably special to a local community and holds a particular local significance, for example, because of its beauty, historic significance, recreational value, tranquillity or richness of its wildlife

148. The many green spaces across the parish were evaluated for Local Green Space designation by the Working Party. After careful consideration seven sites have been identified that are considered of special importance to the community and meet the criteria for designation as set out in national planning policy.

149. These are sites valued for many reasons such as their open access for Sport, Recreation and Amenity. They are areas where residents can come together and where community events are held. Within the areas of Local Green Space, (listed below and shown on Map 4), development is ruled out.

POLICY ENP 5: LOCAL GREEN SPACES - The spaces listed below and shown in Map 4 are designated as Local Green Spaces. Development proposals that would result in the loss of, or have a significant adverse effect on, an identified Local Green Space will not be supported.

G1 - Village Green, The Garden Village.

G2 – Earswick Public Open Space - open green space bounded between the River Foss and the built up areas that includes the Sports Field and Tennis Courts.

G3 - Earswick Scented Garden.



G4 - Village Green, Fosslands.

G5 - Land to the front of 6 Northlands, Earswick.

G6 – Centenary Wood.

G7 – Flower Meadow

Map 4 - Proposed Local Green Spaces



Proposed Local Green Spaces

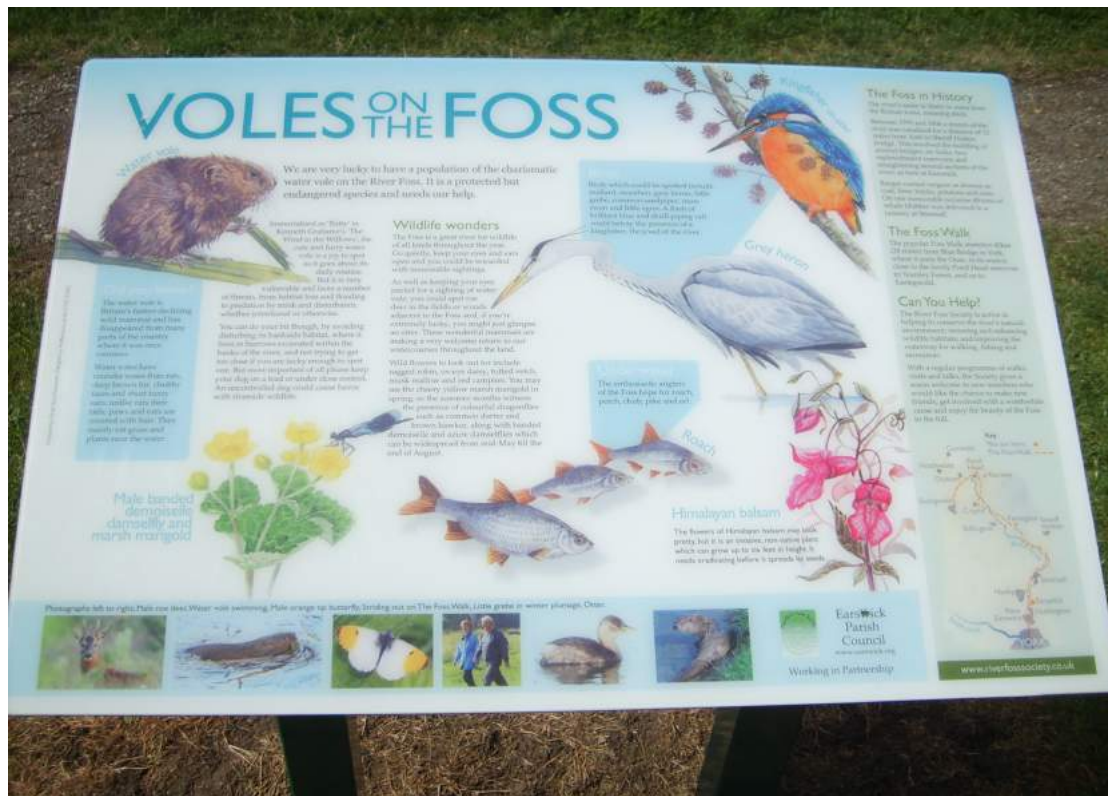
Earswick CP



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150. The natural environment and the biodiversity that the open countryside supports are important to the village. In addition to its 30 acres of public open space the village also has a number of nature conservation areas located throughout the area that are easily accessible via a series of natural pathways. Local distinctiveness contributes to a sense of place. Community and natural features such as small woodlands, in-field trees, hedgerows, ponds and meadows are significant landscape components, which distinguish the village. So the retention of their character is a key element in achieving sustainable development.

151. These natural features are also a source of a diverse range of significant local plant life and wildlife. This includes species and habitats that have been identified as locally important priority sites for conservation action through



respected reports and studies, including the UK Biodiversity Action Plan (BAP) and the York Biodiversity Action Plan.

152. The Parish's open fields support brown hare and in the damper patches, birds such as snipe and mallard. Hedgerows in the Parish form important corridors for wildlife including badgers, deer and foxes; small birds such as finches, great tits and blue tits; dragonflies and butterflies. Small woodland areas also provide important habitats for many species, including the tawny owl and great spotted woodpecker. Watercourses also provide an important wildlife habitat for otters and water voles whilst the Flower Meadow, a wetland 'nature reserve' contains a great diversity of plant and animal species including the endangered Great Crested Newt.

153. Through the development of the Plan, three sites considered of special nature conservation interest have been identified. Discussions are taking place with the City of York Council about the designation of these sites as Sites of Local Interest as part of the development of the Local Plan. These sites have also been designated as Local Green Spaces (Policy ENP 5).

POLICY ENP 6: ECOLOGY and BIODIVERSITY – Development proposals should conserve, enhance and incorporate biodiversity in and around them. This is especially important where it relates to the locally important biodiversity priority sites and habitats, ecological networks and features (such as waterways, hedgerows and trees), included in the sites listed below and shown in Map 5.

EB1 – Centenary Wood

EB2 – Flower Meadow

EB3 - Village Pond

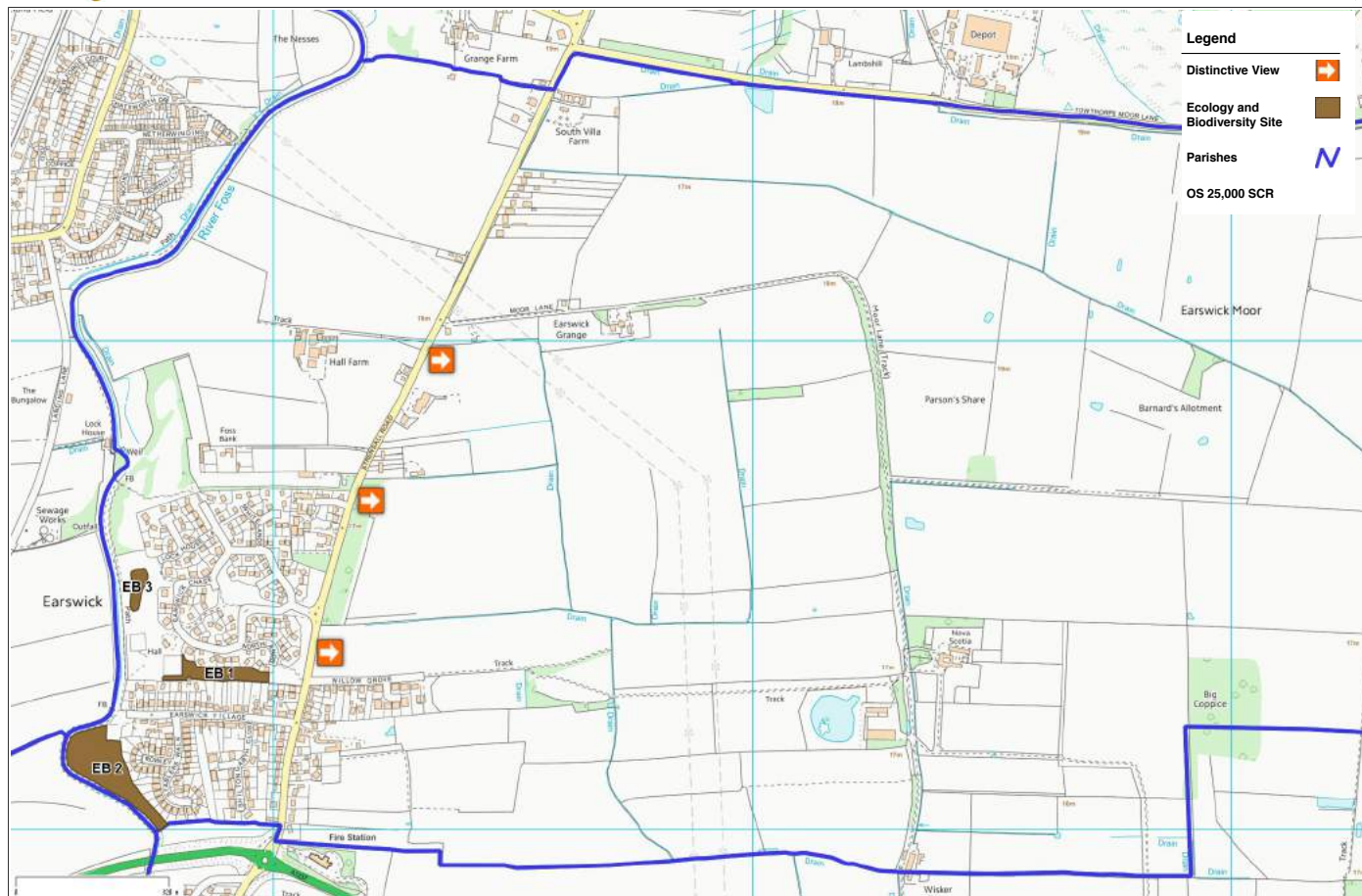


Map 5: Ecology and Biodiversity Sites and Distinctive View



Ecology & Distinctive Views
Ecology and Biodiversity Sites and Distinctive Views

Earswick CP



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154. Its relatively open and rural landscape means that attractive long open views from, into and within the Parish can be obtained from almost anywhere. This openness - the ability to see open countryside and the natural horizon – is much prized by Earswick residents.

155. This is particularly the case along the eastern boundary of the village, which offers a broad vista towards the historic Earswick Moor, containing many natural and built features of interest.

156. It is essential these important views should be protected through careful siting, design and the use of appropriate scale in any new development. The emotional and spiritual value of this open land to the people of Earswick should not be underestimated.

157. It should be noted that whilst there are other distinctive views in the parish these are, for the most part, located along the western boundary of the village looking towards the neighbouring village of Haxby and as such couldn't be included in this neighbourhood plan as this lies outside the Parish's application area.

POLICY ENP 7: DISTINCTIVE VIEWS - Development proposals should respect and wherever possible enhance the distinctive views identified on Map 5 by ensuring that the visual impact of development on these views is carefully and sympathetically controlled.



View eastwards from Strensall Road, between Willow Grove and Earswick Chase that gives a stunning 180-degree panoramic view of Earswick Moor. Location shown on Map 5.

158. The Parish has a rich variety of trees and hedgerows, which add greatly to its special character and appearance. This includes areas of (deciduous) woodlands mainly to the east, as well as hedgerows, and individual trees that are to be found across the Parish.

159. A significant amount of local work has taken place over recent years to maintain and enhance the features that make Earswick unique. In 2012 the community planted over 700 trees to mark the Queen's Diamond Jubilee. Two years later a further 100 trees were planted to commemorate the 100 year anniversary of the start of the First World War.

160. There has been concern locally about the loss of trees with amenity value within the village. Such trees contribute significantly to the attractiveness of the village and every effort should be made to retain them.

161. In particular, any future new development, as well as incorporating new tree planting and landscaping, schemes, should be designed to safeguard any existing significant trees, including allowing sufficient distance between them and new buildings to avoid later pressure for their removal. Where new trees are to be introduced the focus should be on native species.

POLICY ENP 8: TREES AND HEDGEROWS – Opportunities to enhance the coverage of trees and hedgerows (especially of species native to the York area) will be supported. Trees and hedgerows of good arboricultural, biodiversity and amenity value should be protected from loss or damage as a result of development. Where possible they should be integrated into the design of development proposals. Development proposals should demonstrate how they have taken account the need to protect existing trees and hedgerows of good value.

162. Whilst agriculture remains the principal land use in the Parish, the character of the local landscape is also defined by its buildings.

163. There is one building in the Parish that is nationally 'Listed' in recognition of its special architectural and historic interest. This is Rose Cottage, a building of seventeenth-century origin.

164. In addition to this nationally designated heritage asset the consultation has identified other features of local importance that the community wishes to see conserved and appreciated. These are the Village signs as you enter Earswick. They are of pleasant and good design and important to the character and identity of the Parish



Rose Cottage

165. National and City of York planning policies enables a community to offer such assets some level of protection by identifying them as locally important heritage asset.

POLICY ENP 9: BUILDINGS AND STRUCTURES OF LOCAL HERITAGE INTEREST – The Plan identifies the buildings and structures listed below as Earswick Character Buildings and Structures of local heritage interest.

Development proposals will not be supported that harm the historic significance and setting of Earswick Character Buildings and Structures.

Development proposals will be required to take into account the character, context and setting of these locally important assets including important views towards and from them. Development will be required to be designed appropriately, taking account of local styles, materials and detail.

The designation of these buildings and structures as part of a “Local Heritage List” by City of York Council is supported.

- Earswick Parish Sign(s)**



4.3 Local Facilities

166. The overall objective of this policy is to maintain and improve local facilities for all residents.

167. The Policy will ensure that the current level of services enjoyed within the Parish is retained and, where appropriate, new services and facilities can be added in the future.

168. Proposals for development will be required to identify their likely impact on local infrastructure, services and facilities and to demonstrate how any such impacts will be addressed.

169. **The following plans, documents and strategies support this policy:**

- National Planning Policy Framework
- Draft City of York Council Local Plan
- Planning Policy Guidance
- Localism Act

Justification and Evidence

170. With increasing mobility the viability of many rural services has declined significantly over the past fifty years. Many villages close to York have a poor range of retail and community services, as local residents increasingly use the larger retail outlets located within and on the periphery of the city.

171. Earswick is no different and relies mainly on its larger neighbouring villages of Strensall, Huntington and Haxby to provide local services such as health facilities, schools and shops. Three nearby large shopping parks at Clifton Moor, Monks Cross and Vangarde provide access to national retail outlets.

172. Earswick does however have an abundance of green spaces including 30 acres of open space with its children's play area, junior football pitch and exercise equipment, tennis courts and a village hall where a number of community events take place, including a thriving seniors monthly coffee morning.

173. These buildings and green spaces, and the activities and services they support, play a vital role in meeting the health, welfare and social needs of the residents of the Parish and fostering (and acting as the focal point for) community spirit and pride.

174. To improve the attractiveness and sustainability of the Parish it is essential that Earswick retains and provides local services that will sustain the vitality of the community and encourage local spending.

POLICY ENP 10: PROTECTING IMPORTANT COMMUNITY FACILITIES –
Development proposals that result in the loss of an existing community facility will only be allowed in special circumstances. The following facility has been identified as being especially important to the community:

- Earswick Village Hall



4.4 Transport and Highways

175. The objective of the following policy is to seek on-going improvements to transport facilities, roads and pathway conditions.

176. This will be achieved by improving accessibility for both pedestrians and cyclists to and from the Parish and by ensuring that traffic issues are a major consideration in any new residential development applications while continuing to seek improvements to its roads and pathways.

177. The following plans, documents and strategies support this policy:

- National Planning Policy Framework
- Draft City of York Local Plan
- Planning Policy Guidance
- City of York Local Transport Plan

Justification and Evidence

178. Consultation shows that transport is a top priority for local people.

179. The busy A1237 outer York ring road borders the community along its southern edge, with a turning off this highway that runs through the trunk of the Parish to the larger neighbouring village of Strensall. This is the major road between York and Strensall that also encompasses an army camp. Traffic flow increases during the summer months and at many weekends throughout the year, as coaches, lorries and other motor vehicles pass through the Parish to “short-cut” the extremely busy A64 York to Scarborough road. The main road through the Parish can become particularly congested during periods of peak travel.

180. Public transport provision in the Parish is barely adequate, with the only regular bus service travelling from Strensall to York city centre. During school terms, buses are also used to convey schoolchildren to and from the local High Schools. For most people living in the Parish, however, the car has become the principal mode of transport, even for some of the shortest journeys. Better footpaths, cycle paths and an underpass beneath the ring road connecting the Parish with the neighbouring parish of Huntington are needed and would help to address this issue.

181. Traffic management measures that improve highway and road pedestrian safety will be especially encouraged along roads where road safety issues have been identified locally, particularly from the northern approach to the village where the Ward and Parish Councillors are currently petitioning the relevant authorities to re-designate the speed limit from 60mph to 40mph. The suitability of the location of the existing bus stops will also be addressed.

182. The Ministry of Defence has recently announced plans to close the Strensall Army camp in 2020 with proposals to build around 550 homes on

the redundant site. Whilst the camp is located outside the application area of the Parish on, its northern boundary, the proposal would inevitably lead to a considerable increase in the volume of traffic passing through the village. The Parish Council, together with the Ward Councillors, will work closely with the City of York Council to identify measures to mitigate against any potential increased traffic flows along the Strensall Road through Earswick.

POLICY ENP 11: ENHANCEMENTS TO TRANSPORT AND HIGHWAYS

- The Parish Council will actively seek to work with City of York Council and other bodies to encourage opportunities to achieve an enhancement in the transport and highway network by various actions, including the following:

- a) Undertaking a review of all traffic issues in the Parish;**
- b) Ensuring that the means by which pedestrians and cyclists can cross the A1237 at Earswick, safely and securely, is considered as part of the reconfiguration of the roundabout;**
- c) Investigating ways to improve public transport;**
- d) Supporting the provision of a dedicated cycle lane through the Parish to Huntington, possibly as part of the ring road improvements;**
- e) Ensuring that any applications for development identify and consider the additional level of traffic that they are likely to generate and mitigate the impacts of this; and**
- f) Ensuring that any applications for development in the Parish consider how they will improve safe movement of pedestrians and cyclists to the services and community facilities within the Parish.**

183. The Parish has a good and well-used network of footpaths. Countryside footpaths around the open space lead to a flower meadow, scented garden, village pond, village green complete with maypole and two recently planted woodland areas. Walks along the River Foss, which flows along the western boundary of the Parish lead to the wider countryside.

184. Consultations show that these footpaths and bridleways are highly prized and cherished by residents, who wish to see them protected and wherever possible managed. Map 6 refers. (Note: at the present time there are no designated cycleways in the Parish).

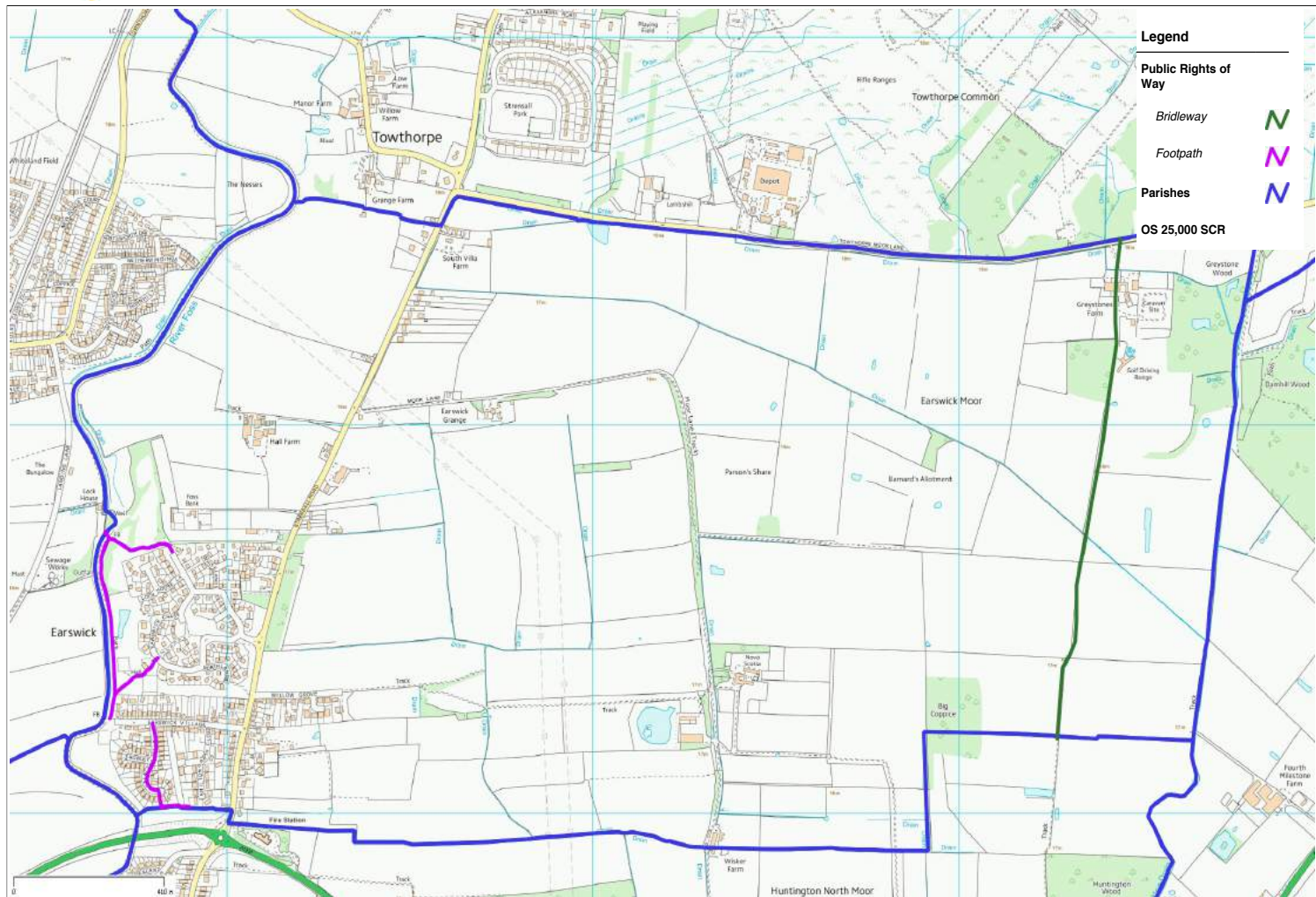
POLICY ENP 12: PROTECTING FOOTPATHS/BRIDLEWAYS AND CYCLEWAYS: Development proposals should seek to incorporate improvements to the network of footpaths/cycleways or may be required to contribute to such improvements through a planning obligation, where the legal requirements are met.

Map 6 – Public Rights of Way



Public Rights of Way

Earswick CP



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4.5 Safety and Security

185. The objective of this policy is to ensure that the Parish continues to be a safe and secure village in which to live.

186. This will be achieved by taking all reasonable measures to maintain the security of the Parish and its residents.

187. The following plans, documents and strategies support this policy.

- National Planning Policy Framework
- City of York Local Plan
- Planning Policy Guidance
- City of York Community Safety Plan

Justification and Evidence

188. Earswick is a very safe place in which to live. It enjoys a relatively low level of crime rate and the Parish already operates a very good Neighbourhood Watch Scheme that covers most areas of the Parish.

189. However, it remains a concern of local people. In the household survey residents placed Security and Crime as one of their top 3 key issues.

190. It is recognised that a neighbourhood plan cannot solve all the issues related to safety and security.

191. It can, however, help to highlight the importance of the local community in addressing it.

192. Furthermore, there is compelling evidence that the design of development proposals can make an important contribution to safety and security, for example through the incorporation of well-designed security features: the creation of spaces that are over looked and the creation of well-lit open spaces.

POLICY ENP 13: SAFE AND SECURE PARISH - Safety and security should be a high priority in the design of developments proposals in order to create attractive and safe public and private places.

5. Developer Contributions

193. Development can bring significant benefits to the local community, including new homes and jobs. It can also have negative impact, for example, where additional demand is placed on facilities and services that are already at or near capacity.

194. Planning obligations (known as Section 106 agreements) can be used to secure new community infrastructure, and, where necessary, address the impacts of development proposals. Contributions from Section 106 agreements can be pooled (but no more than five contributions) for the provision of one type of infrastructure. Occasionally, development will offer opportunities to enhance existing infrastructure. Where such improvements are made as part of new development proposals, this will be seen as a positive benefit.

195. A new system is also being introduced alongside the use of the existing Section 106 agreement. This is known as the Community Infrastructure Levy (CIL). CIL (like Section 106 agreements) is a tool available to City of York Council to fund and deliver infrastructure. This will require developers to make a payment to the City of York Council based on the size and type of development that is proposed. However CIL cannot be charged on a development proposal that is subject to a Section 106 agreement (to avoid double charging). The proceeds of CIL will then be used to provide the infrastructure necessary to support growth across the City. A proportion of these CIL receipts will automatically be devolved to the relevant Parish Council for allocation to neighbourhood priorities. This proportion is set at 25% in areas where there is a Neighbourhood Plan in force. At this time City of York Council is still considering whether to replace Section 106 agreements with CIL.

196. Through the preparation of the Plan, the Parish Council in conjunction with the community and other stakeholders has identified a small number of priority projects they wish to secure funding for (either in whole or in part) through the use of planning obligations.

POLICY ENP 14: DEVELOPER CONTRIBUTIONS - The Parish Council will seek to prioritise the use of financial contributions, whether from Community Infrastructure Levy or negotiated obligations such as Section 106 agreements, for improvements to and enhancement of community facilities; local green spaces; improvements to traffic management; and enhancement of footpaths and cycle ways.

6. Monitoring, Plan Delivery and Implementation

197. The Neighbourhood Plan will be delivered and implemented over a long period and by different stakeholders and partners. It is not a rigid “blue-print” and provides instead a “direction for change” through its vision, objectives and policies. Flexibility will also be needed as new challenges and opportunities arise over the plan period. In this respect the review period will be crucial.

198. The Plan will be regularly monitored. This will be led by the Parish Council in conjunction with City of York Council, as the local planning authority, on at least an annual basis. The policies and measures contained in the Plan will form the core of the monitoring activity, but other data collected and reported at the Parish level relevant to the delivery of the Plan will also be included.

199. The Parish Council proposes to formally review the Plan on a five-year cycle or to coincide with the review of the City of York Local Plan if this cycle is different.

200. In terms of its delivery, there will be three strands of activity that will direct delivery and each is important in shaping the Parish in the months and years ahead. These comprise:

- The statutory planning process will direct and control private developer and investor interest in the Parish in the context of the Neighbourhood Plan and the wider Local Plan and National Planning Policy Framework.
- Investment in, and management of, public services, assets and other measures to support local services and the vitality and viability of the Parish. In the context of the prevailing economic climate and public funding there is a recognition that public investment in the village will be challenging to secure.
- The voluntary and community (third) sector will have a strong role to play particularly in terms of local community infrastructure, events and Parish life. It is hoped that this sector may play a stronger role in the future.

201. In terms of the key areas of action the following summarises the Parish Council’s approach to delivery and implementation.

Housing Growth:

202. The Parish Council will work with developers and the Local Authority to deliver incremental growth over the Plan period, where this is applicable.

Local Character and Landscape:

203. The Parish Council will work with residents, owners of land and buildings, and other stakeholders to bring back into economic use brownfield

sites, and vacant properties, especially those which make a positive contribution to the character of the area.

Local Facilities:

204. The Parish Council will work with local organisations and the City of York Council to improve facilities and services for local people.

Transport:

205. The Parish Council will work to find ways to improve road safety, and address speed and parking issues.

Safety and Security:

206. The Parish Council will continue to invest in improved security measures to protect the public open space and the Parish assets.

Appendix 1 National Planning Policy Framework – Section 9. Protecting the Green Belt: Paragraphs 89-92

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- . buildings for agriculture and forestry
- . provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it
- . 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
- . the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- . limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan
- . limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development

90. Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- mineral extraction
- engineering operations
- local transport infrastructure which can demonstrate a requirement for a Green Belt location
- the re-use of buildings provided that the buildings are of permanent and substantial construction
- development brought forward under a Community Right to Build Order

91. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

92. Community Forests offer valuable opportunities for improving the environment around towns, by upgrading the landscape and providing for recreation and wildlife. An approved Community Forest plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals

within Community Forests in the Green Belt should be subject to the normal policies controlling development in Green Belts.

The 'Better Decision Making' tool should be completed when proposing new projects, services, policies or strategies.

This integrated impact assessment tool was designed to help you to consider the impact of your proposal on social, economic and environmental sustainability, and equalities and human rights. The tool draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services. The purpose of this new tool is to ensure that the impacts of every proposal are carefully considered and balanced and that decisions are based on evidence.

Part 1 of this form should be completed as soon as you have identified a potential area for change and when you are just beginning to develop a proposal. If you are following the All About Projects Framework it should be completed before going through Gateway 3.

Part 2 of this form should be filled in once you have completed your proposal and prior to being submitted for consideration by the Executive. If you are following the All About Projects Framework it should be completed before going through Gateway 4. Your answer to questions 1.4 in the improvements section must be reported in any papers going to the Executive and the full 'Better Decision Making' tool should be attached as an annex.

Guidance to help you complete the assessment can be obtained by hovering over the relevant text or by following this link to the 'Better Decision Making' tool on Colin.

Guidance on completing this assessment is available by hovering over the text boxes.

Please complete all fields (and expand if necessary).

Introduction

Service submitting the proposal:	Strategic Planning
Name of person completing the assessment:	Anna Pawson
Job title:	Development Officer
Directorate:	Economy and Place
Date Completed:	30/01/2019
Date Approved: form to be checked by service manager	

Part 1

Section 1: What is the proposal?

1.1	Name of the service, project, programme, policy or strategy being assessed? Earswick Neighbourhood Plan - Examiner's Report
1.2	What are the main aims of the proposal? The Earswick Neighbourhood Plan aims for Earswick Parish to be a desirable place to live for all residents based on its distinctive, semi-natural character and open space, safe and secure environment and community spirit. The main purpose of the report is to request that Members agree the recommendations of the Examiner and allow the Earswick Neighbourhood Plan to proceed to referendum.
1.3	What are the key outcomes? To ensure that the Earswick Neighbourhood Plan can be progressed.

Section 2: Evidence

2.1	<p>What data / evidence is available to understand the likely impacts of the proposal? (e.g. hate crime figures, obesity levels, recycling statistics)</p> <p>The Neighbourhood Plan uses the Local Plan evidence base to support its policies.</p>
2.2	<p>What public / stakeholder consultation has been used to support this proposal?</p> <p>Previous consultation responses received as part of two Pre-Submission Consultations (1st Consultation: 20th November 2016 to 7th January 2017 , 2nd Consultation: 4th December 2017 and 5th February 2018.) and the Submission consultation (4th October to 15th November 2018) have shaped policy formation.</p>
2.3	<p>Are there any other initiatives that may produce a combined impact with this proposal? (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)</p> <p>The Neighbourhood Plan has been developed alongside an emerging City of York Local Plan. The residents, businesses and people with a land interest in the Earswick area will also be consulted on as part of the Local Plan process.</p>

Part 1

Section 3: Impact on One Planet principles

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents.
This section relates to the impact of your proposal on the One Planet principles.

For 'Impact', please select from the options in the drop-down menu.
If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

Equity and Local Economy

Does your proposal?		Impact	What are the impacts and how do you know?
3.1	Impact positively on the business community in York?	Neutral	There are no specific policies relating to York's business community. However it is recognised in the plan that there remain opportunities for windfall employment development over the lifetime of the Plan.
3.2	Provide additional employment or training opportunities in the city?	Neutral	There are no specific policies relating to additional employment or training opportunities in the city. However it is recognised in the plan that there remain opportunities for windfall employment development over the lifetime of the Plan.
3.3	Help individuals from disadvantaged backgrounds or underrepresented groups to improve their skills?	Neutral	There are no specific policies relating to individuals from disadvantaged backgrounds.

Health & Happiness

Does your proposal?		Impact	What are the impacts and how do you know?
3.4	Improve the physical health or emotional wellbeing of staff or residents?	Positive	The Neighbourhood Plan includes policies to protect local green spaces, to conserve and enhance ecology and biodiversity, to respect distinctive views, to protect footpaths/bridleways and cycleways. Safety and security is also a high priority in the parish.
3.5	Help reduce health inequalities?	Positive	The Neighbourhood Plan includes policies to protect local green spaces, to conserve and enhance ecology and biodiversity, to protect footpaths/bridleways and cycleways, enhancement to transport and highways. Safety and security is also a high priority in the parish.
3.6	Encourage residents to be more responsible for their own health?	Positive	The Neighbourhood Plan includes policies to protect local green spaces, to conserve and enhance ecology and biodiversity, to protect footpaths/bridleways and cycleways, enhancements to transport and highways. Safety and security is also a high priority in the parish.
3.7	Reduce crime or fear of crime?	Positive	The Neighbourhood Plan includes a Policy relating to a safe and secure Parish. It states that safety and security should be a high priority in the design of developments proposals in order to create attractive and safe public and private places.
3.8	Help to give children and young people a good start in life?	Positive	The Neighbourhood Plan includes a policy to protect local green space which has 30 acres of open space and includes its children's play area, junior football pitch and exercise equipment, tennis courts and a village hall where a number of community events take place.

Culture & Community

Does your proposal?		Impact	What are the impacts and how do you know?
3.9	Help improve community cohesion?	Positive	The production of a Neighbourhood Plan should help improve community cohesion by bringing people together with a shared goal of improving their neighbourhood.
3.10	Improve access to services for residents, especially those most in need?	Positive	The Neighbourhood Plan includes policies to protect the network of footpaths, Bridleways and cycleways and enhancements to transport and highways.
3.11	Improve the cultural offerings of York?	Positive	There is a policy relating to buildings and structures of local heritage interests which seeks to protect and preserve the historic character and features of Earswick.

3.12	Encourage residents to be more socially responsible?	Neutral	No specific reference.
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Zero Carbon and Sustainable Water

Does your proposal?		Impact	What are the impacts and how do you know?
3.13	Minimise the amount of energy we use, or reduce the amount of energy we will use/pay for in the future?	Positive	There is a climate change policy in the Neighbourhood Plan which indicates that developers will be encouraged to install efficient water and waste management systems in new buildings, use locally sourced wood fuel for heating, promote the use of sustainable materials in construction and encourage energy efficient measures for new builds.
3.14	Minimise the amount of water we use or reduce the amount of water we will use/pay for in the future?	Positive	There is a climate change policy in the Neighbourhood Plan which indicates that developers will be encouraged to install efficient water and waste management systems in new buildings.
3.15	Provide opportunities to generate energy from renewable/low carbon technologies?	Positive	There is a climate change policy in the Neighbourhood Plan which indicates that developers will be encouraged promote the use of sustainable materials in construction and encourage energy efficient measures for new builds.

Zero Waste

Does your proposal?		Impact	What are the impacts and how do you know?
3.16	Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?	Neutral	There is a climate change policy in the Neighbourhood Plan which indicates that developers will be encouraged to install efficient water and waste management systems in new buildings.

Sustainable Transport

Does your proposal?		Impact	What are the impacts and how do you know?
3.17	Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?	Mixed	The Neighbourhood Plan includes policies to protect the network of footpaths, Bridleways and cycleways and enhancements to transport and highways.
3.18	Help improve the quality of the air we breathe?	Mixed	The Neighbourhood Plan includes policies to protect the network of footpaths, Bridleways and cycleways

Sustainable Materials

Does your proposal?		Impact	What are the impacts and how do you know?
3.19	Minimise the environmental impact of the goods and services used?	Positive	No specific reference

Local and Sustainable Food

Does your proposal?		Impact	What are the impacts and how do you know?
3.20	Maximise opportunities to support local and sustainable food initiatives?	Positive	No specific reference

Land Use and Wildlife

Does your proposal?		Impact	What are the impacts and how do you know?
3.21	Maximise opportunities to conserve or enhance the natural environment?	Positive	The Neighbourhood Plan includes policies to protect local green spaces, to conserve and enhance ecology and biodiversity and to respect distinctive views.

3.22	Improve the quality of the built environment?	Positive	There is a climate change policy in the Neighbourhood Plan which indicates that developers will be encouraged to install efficient water and waste management systems in new buildings, use locally sourced wood fuel for heating, promote the use of sustainable materials in construction and encourage energy efficient measures for new builds.
3.23	Preserve the character and setting of the historic city of York?	Positive	The Neighbourhood Plan includes a policy on the Green Belt and recognises the important role the Green Belt plays in determining the setting, character and identity of the village of Earswick and wider area.
3.24	Enable residents to enjoy public spaces?	Positive	The Neighbourhood Plan includes policies to protect local green spaces, to conserve and enhance ecology and biodiversity and to respect distinctive views.

3.25	Additional space to comment on the impacts		

Part 1

Section 4: Impact on Equalities and Human Rights

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents. This section relates to the impact of your proposal on **advancing equalities and human rights** and should build on the impacts you identified in the previous section.

For 'Impact', please select from the options in the drop-down menu.
If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'

Equalities

Will the proposal **adversely impact** upon 'communities of identity'?
Will it **help advance equality** or **foster good relations** between people in 'communities of identity'?

	Impact	What are the impacts and how do you know?	Relevant quality of life indicators
4.1 Age	Positive	None deemed likely	N/A
4.2 Disability	Neutral	None deemed likely	N/A
4.3 Gender	Neutral	None deemed likely	N/A
4.4 Gender Reassignment	Neutral	None deemed likely	N/A
4.5 Marriage and civil partnership	Neutral	None deemed likely	N/A
4.6 Pregnancy and maternity	Neutral	None deemed likely	N/A
4.7 Race	Neutral	None deemed likely	N/A
4.8 Religion or belief	Neutral	None deemed likely	N/A
4.9 Sexual orientation	Neutral	None deemed likely	N/A
4.10 Carer	Neutral	None deemed likely	N/A
4.11 Lowest income groups	Neutral	None deemed likely	N/A
4.12 Veterans, Armed forces community	Neutral	None deemed likely	N/A

Human Rights

Consider how a human rights approach is evident in the proposal

	neutral	What are the impacts and how do you know?
4.13 Right to education	neutral	None deemed likely
4.14 Right not to be subjected to torture, degrading treatment or punishment	neutral	None deemed likely
4.15 Right to a fair and public hearing	neutral	None deemed likely
4.16 Right to respect for private and family life, home and correspondence	neutral	None deemed likely

4.17	Freedom of expression	neutral	None deemed likely
4.18	Right not to be subject to discrimination	neutral	None deemed likely
4.19	Other Rights	neutral	None deemed likely

4.20	Additional space to comment on the impacts		

Part 1

Section 5: Developing Understanding

Based on the information you have just identified, please consider how the impacts of your proposal could be improved upon, in order to balance social, environmental, economic, and equalities concerns, and minimise any negative implications.

It is not expected that you will have all of the answers at this point, but the responses you give here should form the basis of further investigation and encourage you to make changes to your proposal. Such changes are to be reported in the final section.

Taking into consideration your responses about all of the impacts of the project in its current form, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?	
5.1	Given the wide range of policy areas covered by the Neighbourhood Plan and its over all vision which responds to the issues, opportunities and challenges facing the area it is considered that the plan will have a positive impact overall on creating a fair, healthy, sustainable and resilient neighbourhood.

What could be changed to improve the impact of the proposal on the <u>One Planet principles</u>? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)	
5.2	No improvements considered necessary.

What could be changed to improve the impact of the proposal on <u>equalities and human rights</u>? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)	
5.3	No mixed or negative impacts on equality and human rights are considered likely.

Section 6: Planning for Improvement

What further evidence or consultation is needed to fully understand its impact? (e.g. consultation with specific communities of identity, additional data)	
6.1	The community has been widely consulted on the content of the Plan. Members are being asked to agree the Examiner's recommendations which include progressing the Plan to referendum. Therefore, the community will have the final say when they vote in the referendum whether or not to agree with the final Plan.

6.2	What are the outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal? Please include the action, the person(s) responsible and the date it will be completed (expand / insert more rows)
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Action

Person(s)	Due date

6.3	Additional space to comment on the impacts

Part 2

Section 1: Improvements

Part 2 builds on the impacts you identified in Part 1. Please detail how you have used this information to make improvements to your final proposal.

Please note that your response to question 1.4 in this section must be reported in the One Planet Council implications section of reports going to the Executive.

1.1	<p>For the areas in the 'One Planet' and 'Equalities' sections, where you were unsure of the potential impact, what have you done to clarify your understanding?</p>
	<p>Given the wide ranging policy areas covered in the plan and the process taken so far in preparing the plan there are inherent links and good understanding of the one planet principles and equalities.</p>

1.2	<p>What changes have you made to your proposal to increase positive impacts?</p>
	<p>No changes considered necessary.</p>

1.3	<p>What changes have you made to your proposal to reduce negative impacts?</p>
	<p>No negative impacts anticipated.</p>

1.4	<p>Taking into consideration everything you know about the proposal <u>in its revised form</u>, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?</p> <p>Your response to this question must be input under the One Planet Council implications section of the Executive report. Please feel free to supplement this with any additional information gathered in the tool.</p>
	<p>Given the wide range of policy areas covered by the Neighbourhood Plan and its over all vision which responds to the issues, opportunities and challenges facing the neighbourhood it is considered that the plan will have a positive impact overall on creating a fair, healthy, sustainable and resilient neighbourhood.</p>

1.5	Any further comments?

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