

**Decision Session – Executive Member for
Economy and Strategic Planning**

25 October 2022

Report of the Director of Place

Selby Local Plan Pre-submission Consultation Response

Summary

1. Selby District Council (SDC) is holding formal consultation on the proposed submission version of Selby District Local Plan and associated evidence base. The consultation ends at 5pm 28th of October 2022.
2. The SDC Local Plan includes an allocation for a new settlement located close to the CYC administrative boundary. The allocation is known as 'Heronby' (referred to as Stillingfleet in previous consultations).
3. CYC has been consulted by SDC as part of this consultation. This report provides a summary of the concerns regarding the allocation at Heronby and the potential impact on CYC.

Recommendations

4. The Executive Member is asked to:
 - 1) Agree the response to be submitted to Selby District Council for the formal consultation on the pre-submission Selby District Council Local Plan:
 - a. Objections to the evidence base related to the allocation of Heronby regarding transport impacts to CYC as well as the implications of the necessary highway improvements within CYC boundary.
 - b. Objections to the approach related to the allocation of Heronby to education provision and the potential impact to CYC students

- c. Concern regarding the deliverability of the Heronby allocation given the lack of evidence on viability.
- d. Objection to the level of engagement SDC has had with CYC in developing the evidence base and on strategic matters that cross administrative boundaries with regard to the significant adverse impacts the allocation of Heronby would have on CYC under Duty to Cooperate

Reason: CYC has been formally consulted under Regulation 19 of The Town and Country Planning (Local Development) (England) Regulations 2012 (as amended)

Background

5. Selby District Council (SDC) is holding formal consultation on the proposed submission version of Selby District Local Plan and associated evidence base. The consultation period ends 5pm on Friday 28th October 2022. This is the last statutory consultation phase before SDC submits the Plan to the Planning Inspectorate. It is known as Regulation 19 consultation.
6. CYC has been consulted by SDC during previous rounds of consultation. A summary of the most recent responses is provided in the section below.
7. The SDC Local Plan includes an allocation and a Policy STIL-D for a new settlement 'Heronby' (formerly known as Sillingfleet) to deliver approximately 3,387 homes alongside employment space, schools and a village centre. The site is located approximately 1km from the CYC boundary alongside the A19. The policy states that approximately 945 of the planned homes would be delivered within the Local Plan period to 2040. The site would be complete by approximately 2065.

Previous consultation with Selby District Council

Selby District Council - Preferred Options Local Plan March 21

8. CYC formally responded to the consultation on Selby District Council's Preferred Options Local Plan in March 2021. The complete response is attached as Annex 1 to this report for reference.
9. CYC was generally supportive of the Plan's general approach to strengthen, through regeneration, the role of Selby as the Principal

Town, and sensitive heritage-led regeneration in Tadcaster, acknowledging the constraints of adjacent Green Belt.

10. At this stage, three different options were consulted on in regard to a new settlement, of which Heronby was one (referred to as Stillingfleet at this stage). CYC raised concerns in our response as below:

We are concerned that Land South of Escrick Road, Stillingfleet (STIL-D) does not represent a suitable or sustainable location for development. The capacity of the A19 is a critical issue for York as this is a key commuting route between the two authorities. The cumulative and significantly adverse impacts to the capacity of our road infrastructure would be difficult to resolve, even with proposed mitigation (likely to be required within the CYC area and especially at the A19/A64 junction). It is therefore our view that we could not support a new settlement in this location. Should this option be pursued we would welcome more detailed discussions to allow us to feed into future cross-boundary transport modelling, and to understand the potential impacts for York.

11. While the response made clear CYC would not support a settlement in this location for the reasons detailed above, the response requested that if Heronby was to be pursued CYC would welcome more detailed discussions to allow us to feed into future cross-boundary transport modelling, and to understand the potential impacts for York.

*Selby District Local Plan - Additional Sites Consultation Document
September 21*

12. This consultation ran from August to September 2021 and was related to sites submitted through the Selby District Local Plan Preferred Options consultation (above). A total of 44 additional or amended sites were submitted for consideration as part of the consultation. Those additional sites considered to be the most suitable were put forward as Preferred Sites.
13. The consultation did not relate to sites which were previously included as part of the Local Plan Preferred Options consultation only the additional or amended sites.
14. CYC did not formally respond to this consultation as none of the new sites raised concerns regarding impact to CYC.

*Selby District Local Plan – Evidence Base Documents Consultation
October 2021*

15. This consultation ran from September to October 2021 and was related to Evidence Base documents to support the Selby District Local Plan:
 - Green Belt Review (2021)
 - Greenspace Audit (2021)
 - Local Plan and CIL Viability Report (2021)
 - Indoor and Outdoor Sports Facilities Assessment (2021)
16. CYC responded to this consultation on 14 October 2021 in relation to their Stage One Green Belt Review. The complete response is attached as Annex 2 to this report for reference.
17. Within this response the penultimate paragraph stated:

We continue to note that there is an intention by Selby District Council to progress a new settlement as part of the proposed spatial strategy to deliver housing needs. We understand that this work is currently progressing and would welcome further engagement with City of York Council when appropriate. We would particularly like early engagement should a new settlement or growth be preferred in the vicinity of Escrick village, to discuss potential impacts on related cross-boundary infrastructure (particularly the A19 corridor).

Current Consultation - Pre-submission Local Plan

18. As part of this current consultation period, SDC has published a draft Local Plan and an extensive evidence base to support it.
19. Whilst CYC has no specific comment on the general extent of the pre-submission Local Plan, significant objection is raised to the allocation of a new settlement Heronby. The site is located approximately 1km from the CYC administrative boundary alongside the A19 and raises significant issues related to transport, viability and deliverability as well as concerns about the impact on education provision within CYC. The draft policy wording and extract from the SDC Policy map is provided at Annex 3.
20. Additionally, concern is raised about the Duty to Cooperate in the development of the SDC Local Plan and the allocation of Heronby.

21. The evidence documents specifically related to Heronby are listed below:

- 4b Heronby 1. Illustrative Masterplan
- 4b Heronby 10. Strategic footpath - As Proposed
- 4b Heronby 11. Connectivity Hierarchy
- 4b Heronby 12. Movement Plan
- 4b Heronby 13. Full Bypass - As Proposed
- 4b Heronby 14. Escrick Improvements
- 4b Heronby 15. Phasing plan
- 4b Heronby 16. Transport Assessment with Appendices (Jan 2022)
- 4b Heronby 16a. Transport Assessment Addendum (May 2022)
- 4b Heronby 17. Preliminary Ecological Appraisal (Nov 2021)
- 4b Heronby 18. Heronby Village, Escrick - Tree Report 181121 (Nov 2021)
- 4b Heronby 19. Soils and Agriculture to the South West of Escrick Road Stillingfleet (Feb 21)
- 4b Heronby 2. Wider Context Plan - As Proposed-A2
- 4b Heronby 20. Heronby Heritage Statement (Oct 2021)
- 4b Heronby 21. Preliminary Appraisal Flood Risk and Drainage (Oct 2021)
- 4b Heronby 22. Flood Risk Annex A - EA Information
- 4b Heronby 23. Heronby Exhibition boards_v8
- 4b Heronby 24. Heronby Exhibition Masterplan_v4
- 4b Heronby 3. Phase 1 plan-A2
- 4b Heronby 4. Town Centre moved south - A2
- 4b Heronby 5. Landscape context
- 4b Heronby 6. Landscape framework
- 4b Heronby 7. Country Park
- 4b Heronby 8. Land Use Plan - per use type-A2
- 4b Heronby 9. Green Space Plan- A2
- 4b Heronby Heronby Delivery Strategy Exec Summary FINAL (Feb 2022)
- 4b Heronby Heronby Delivery Strategy FINAL (Feb 2022)

22. SDC have also published to support the plan generally (and which have relevance to the proposed allocation at Heronby):

- a Strategic Highway Model Stage 2 Transport Forecasting Report (August 2022), This document assessed the SDC Local Plan to 2040, at which point 1,260 homes are forecast to be delivered on Heronby
- Selby Local Plan and CIL Viability Report (January 2021)

- Selby Local Plan and CIL Viability Addendum Report (August 2022)
- Sustainability Appraisal (SA) (July 2022)
- New Settlement Paper (August 2022)

Transport

23. The evidence base includes two transport evidence documents related to Heronby:
- Heronby 16 and Heronby 16a – Transport Assessment produced for Escrick Park Estate by Bryan G Hall
 - Strategic Highway Model Stage 2 Transport Forecasting Report (August 2022) – produced for SDC by WSP

SDC Transport Evidence

24. The Transport Forecasting Report prepared by SDC in August 2022 only provides an assessment to 2040 (the end of the plan period) and does not assess Heronby at full build out. Additionally, the Transport Assessment (TA) conflicts with the wording of the Policy STIL-D. The policy provides for 3,387 dwellings by 2065 with approximately 945 delivered by 2040. The TA tests 1,260 units to 2040 out of a potential 4,000 delivered.
25. Given the proximity to the CYC boundary, and in accordance with the Duty to Co-operate, as part of the assessment and allocation of Heronby, SDC should have approached and worked with CYC officers to agree the basic parameters of the transport assessment for the new allocation, including but not limited to:
- forecasts of trip generation;
 - underlying assumptions about the usage of the road network in both authorities;
 - the deliverability or otherwise of any highway interventions required to mitigate the traffic impact of the new development.
26. SDC has not engaged in any meaningful manner with CYC transport officers in relation to the assessment of potential impacts of Heronby on the road network within CYC. Neither the Escrick Estates or SDC TAs produced for the site have been prepared with engagement with CYC nor has CYC reviewed or agreed the transport modelling. This leaves CYC in the position of having to consider whether the two TAs effectively represent the impact of Heronby on York's road network, and whether

the mitigations set out in the TA – but which are in York, not Selby - are deliverable and desirable in York's view, and in accordance with the transport policies in York, which are applied to development in the city.

27. The SDC TA up to 2040 only evaluates a situation where 1,260 homes of 4,000 are constructed. Firstly, it is not in accordance with the wording of the policy in terms of housing numbers and secondly it does not assess the full impact of the completed development. On this basis, the SDC TA is not considered to provide a suitable robust evidence base to support the allocation.

Transport Assessment – Escrick Park Estate

28. The judgements arrived at in the SDC report are derived from the TA prepared by Bryan G Hal. This makes an assessment of development of 4,000 houses by 2066, as well as an intermediate year assessment (2040) when 1,260 houses are delivered. CYC officers have had no involvement in or provided any feedback on the preparation of the Transport Assessment prepared by Bryan G Hall.
29. In the TA the number of trips generated by the development is forecast, then those trips are distributed to destinations and assigned to road links. The mode share methodology used and its application to the site at Heronby is not clear.
30. For trip generation forecasts, site context is key and a site which has, for example, very good bus or rail links would be expected to generate fewer external car trips than one which had poor bus and rail links. A development where most residents also worked within the development would also be expected to generate fewer external trips than one where most residents commuted to work outside the development.
31. For Heronby, the TA uses an external trip generation factor for the site of approximately 0.34 trips per home in the AM peak hour for forecasts to 2040 (1,260 houses). This equates to one home in 3 on the development generating a vehicle trip which leaves the site in a typical AM peak hour. This figure is relatively low given the site context and the limited sustainable transport offer. The figure is justified within the document as the development contains employment and education as well as homes, leading to the conclusion that many trips are internalised within the site. However, for comparison, developments of a similar size in York would tend to use a 0.5-0.7 trip generation figure.

32. In the absence of detailed evidence supporting this trip generation figure, CYC are not convinced that the TA accurately reflects the impacts on the road network.
33. By full build out in 2066 the TA reduces the trip generation figure to 0.18 trips per dwelling. This equates to 2 external car trips being generated for every 11 homes in an AM peak hour. This figure is exceeding low for reasons which are not clear within the TA. As noted above, in the absence of detailed evidence supporting this trip generation figure, CYC are not convinced that the TA accurately reflects the impacts on the road network.
34. The TA advises that 56% of the external vehicle trips generated by Heronby in the AM peak hour are forecasted to travel north of along the A19 towards York.
35. Trip rates are fundamental to assessing the traffic impact of a scheme. To give an indication of the effect of different trip rates being used for Heronby:
 - as forecast, at 0.18 trips per dwelling in the AM peak hour at full build out, the number of additional trips from Heronby on the A19 towards York is forecast to be 434 vehicles (about 25% above current flows)
 - However, if the 2040 trip generation value of 0.34 trips per home is used to full build out then the increase would be 843 vehicles (approximately 50% above current flow).
 - If a trip rate of 0.6 external vehicle trips per home is used (considered generally to be a realistic upper bound for a development of this type) then vehicle trips north on the A19 would be 1,488, nearing a doubling of the current AM peak flow in the York direction.
36. Because of the significant differences trip rates have in assessing the traffic impact (as shown above), the current trip generation assumptions cannot be accepted by CYC without further explanation, clarification and justification.
37. Additionally, the TA does not suggest any further sustainable mode provision is required beyond what is currently available (bus service 415, which skirts the site, and the existing York – Selby cycle track which goes through the site). The TA considers the site has a suitable level of

sustainable transport provision already based on one bus route and a cycle track. CYC do not agree this provision represents a good level of sustainable transport options for a settlement of this size for the following reasons:

- Whilst bus service 415 is frequent, its journey times to central York (which for this service is Piccadilly, not York Railway Station) are long during the peaks at 35-40 minutes between Escrick and central York
- Whilst there is a direct bus service to the (southern side of) York city centre, there are no direct buses to other important trip attractors in York, including the Rail Station, University and the business parks at Monks Cross and Clifton Moor. For many of these destinations, using the car is going to be more practical and therefore attractive than using the bus and walking to the destination or changing to a different bus
- There are no bus priorities on the A19 between Heronby and the Designer Outlet. Consequently, any increase in journey times as a result of Heronby traffic would adversely effect the attractiveness of the bus service, which is already impacted by traffic congestion
- The York – Selby cycle track is principally a leisure path. It is not lit and does not go directly to York city centre, limiting its use as a year-round commuting route. York is around 10kms from Heronby, a distance which is generally accepted to be only attractive to a small minority of cyclists
- The A19 is a poor environment for cyclists, having no segregated cycle facilities, stretches which are unlit and high vehicle speeds between Heronby and Designer Outlet.
- The developers also comment that the Designer Outlet park and ride is on the direct route from the site to York city centre, but in practice, any such trip would still generate a vehicle movement on the congested sections of the A19, so it is unclear what the benefit of trips using park and ride would be to the traffic network between Heronby and the A64.

38. Critically, the TA does not propose any improvements to bus or cycle routes above the current provision for sustainable modes. This compares badly with the similarly sized developments in York, with the proposed new garden village ST15 (a slightly smaller allocation) having a 15% bus mode share target for journeys to work. This is supported with a £2 million revenue contribution towards providing a bus service and £4

million towards improving walk and cycle routes between the site and York incorporated as part of the viability testing of the Plan and accompanying Infrastructure Delivery Plan.

39. CYC considers that with poor cycle and bus options currently and no further improvements or enhancements proposed as part of the allocation, a far larger proportion of the trips to/ from Heronby will be by car. Although the TA forecasts that only 53.3% of person trips from Heronby will be via private motor vehicle, CYC considers a higher proportion of trips from a site like this would be by private motor vehicle. Additionally, the total number of trips from Heronby is likely being considerably understated because the TA uses low trip generation factors which are not robustly justified.
40. CYC considers that in lieu of engagement, joint transport modelling and robust evidence to the contrary, the low trip generation figures and modal share forecast is not plausible and will act to understate the traffic impact of the development on the A19 north of Heronby and Naburn Lane.

Impacts of Heronby trips

41. No improvements to sustainable modes of travel are proposed in the TA. However, it does propose a mitigation package of highways improvements north of Heronby within the CYC boundary. These comprise (amongst other improvements with SDC itself):
 - an Escrick bypass;
 - improvements to the Crockey Hill junction
 - A19/A64 interchange.
42. These improvements collectively add over 1 km of widening to the A19. These improvements are all located in whole or part, within the CYC boundary and therefore on highways for which York is the highways and planning authority. Specifically:
 - Several hundred metres of the Escrick bypass, including a large new roundabout junction north of Escrick would be built within the York boundary, within the greenbelt
 - The A19 widening, whilst within the current highway boundary would be significant construction in a rural area
 - Widening the A19 solely for Heronby traffic would prevent the delivery of other schemes in the area which CYC wishes to

pursue to deliver its own transport policies (for example, schemes to improve the road for cyclists or buses/ park and ride)

- As noted above, the proposal provides no mitigation to improve sustainable transport in the same way as required for sites in York's draft Local Plan

43. Additionally, the junction designs and plans for sections of new highways provided as part of the evidence base have been prepared without the involvement of CYC officers. As such:

- CYC do not know if the junctions have been modelled correctly with the right information on junction geometry, capacity and traffic signal phasings. The models have not been presented to CYC for validation.
- CYC has not been able to comment on whether the proposed modifications to highways are feasible with respect to highways land boundaries or location of utilities equipment
- The improvements have been designed in isolation, without consideration for CYC proposals or other impacts identified with the emerging CYC Local Plan
- Particularly in respect of the Escrick bypass, CYC has not been able to assess whether the changes are acceptable in planning given their location in Green Belt.

44. There is significant uncertainty about (a) whether the proposed measures are adequate to deal with the forecast increases in traffic (b) whether CYC as both the highways and planning authority would approve them and (c) the feasibility, costs and delivery of the measures.

45. The highways measures set out in TA for Escrick Park Estates have a considerable cost attached; likely to be in the tens of millions of pounds. It is not clear whether the developers of Heronby are proposing to fund the new infrastructure themselves.

46. The Transport and Viability Briefing Note (May 2022) referred to in Policy STIL-D has not been made available for review by CYC officers as SDC advised it was commercially sensitive.

47. In the absence of this information, CYC has to take a cautious approach and assume costs of these improvements (some or all) may be required to be met from public funds.

48. Because the junction improvements are within CYC administrative boundaries, and because funding improvements to reduce congestion

normally fall to the local highways authority within whose area the improvements are located, CYC should assume the works would ultimately be expected to be funded by CYC and not SDC or Escrick Park Estates. This is not acceptable to CYC.

49. Consequently, in terms of transport impacts, it is concluded:
- The development is in a location which will generate large numbers of car trips because bus, cycle and walk alternatives are not attractive;
 - The TA appears to underestimate the traffic impacts of the development. Certainly, the trip generation and mode share figures are lower than those CYC would recognise from other similar sites;
 - The modelling work on junctions has not been validated by CYC as local highways authority for those junctions. Some of the proposed highway measures may not be feasible or affordable;
 - Even if the measures are feasible, the viability of the development, and hence any need for public funding to develop the site, is not clear because that information has not been made available despite requests to SDC; and
 - The TA contains no proposals to uprate sustainable transport in the area to mitigate the traffic growth from the site in a way that would be supportive of CYC's Local Plan's transport and development policies – something that should be incorporated into the development through the duty to cooperate
50. The lack of engagement means that the range of significant uncertainties associated with the TA has only emerged at a very late stage in Selby's Local Plan making process. CYC has not been able to raise concerns or carry out joint transport work to test and attempt to resolve or mitigate the impact of the Heronby allocation. The transport impact of Heronby and mitigation proposals set out in the Heronby TA are not acceptable to CYC for the reasons given above.

Education

51. The allocation would fall within the catchment area of Fulford School which is administered by South York Multi Academy Trust. The proposed policy text includes the requirement to provide a new secondary school within the site. The SDC secondary pupil yield is 13% which is considerably lower than the 26% recent analysis of new housing developments in York, has shown CYC's secondary pupil yield to be. The lower secondary pupil yield used by SDC makes it unlikely that the

site will be considered of a suitable size to generate sufficient secondary aged pupils to support a new secondary school onsite.

52. If a secondary school is not delivered on site or is delivered at a much later stage of the site build out, CYC are concerned about the impact to pupils within CYC. Although the statutory duty to ensure sufficient secondary school places does not lie with CYC, the additional pupils expected to be generated by the proposed development could displace City of York children who would historically expect to be allocated a place at Fulford School.
53. Fulford School is currently undergoing expansion but further significant expansions to the school are not considered feasible. Therefore it is the strong preference of CYC that the allocation at Heronby be removed from the catchment area of Fulford School to mitigate potential impact to CYC students. However, the admission authority for Fulford School, South York Multi Academy Trust has advised that the area of the proposed development should remain within the catchment area of the school at this point in time.
54. Although a preliminary meeting took place between SDC and CYC a year ago to discuss the impact of the Heronby allocation, further discussions are required to enable CYC to raise concerns and attempt to resolve or mitigate issues. As these discussions have not taken place, the education implications of the allocation are not acceptable to CYC for the reasons given above.

Viability

55. To support the Local Plan generally and the allocation at Heronby specifically, SDC have published a Selby Local Plan and CIL Viability Report (January 2021) as well as a Selby Local Plan and CIL Viability Addendum Report (August 2022).
56. Additionally, a Transport and Viability Briefing Note (May 2022) is referred to in Policy STIL-D specifically related to the Heronby allocation. However, this has not been made available for review by SDC due to commercial sensitivity.
57. The draft Policy STIL-D identifies significant infrastructure that would be required to support Heronby. This includes highways improvement (as detailed above) as well as two primary schools, a secondary school and health care facilities.

58. The assessment of Heronby in the Local Plan Viability Assessment (January 2021) does not refer to the specific highway or other infrastructure requirements, and places the development at high risk, concluding that:

The S106/infrastructure costs are unknown at this early stage and the landowner has not confirmed a willingness/understanding to fund the S106/infrastructure through land value capture.
59. The subsequent Addendum report (August 2022), remains silent on these matters, despite finding the site to be viable:

The landowner has been transparent about their land value requirements, which de-risks the delivery and is able to withstand infrastructure cost increases more than other sites.
60. Given the restricted availability of the Transport and Viability Briefing Note (May 2022), it is not evident to CYC the basis on which conclusions in the Viability Addendum have been drawn and no assessment can be made on the soundness of these assumptions.
61. It is simply unclear from the evidence how infrastructure relating specifically to the Heronby allocation is to be delivered or funded.
62. The absence of critical information and the inconsistency with the draft Infrastructure Delivery Plan (IDP) – which refers to developer contributions funding the Escrick bypass but provides no indication of cost - calls into question the viability of Heronby's development and undermines SDC's assumption that the site is developable.

Assessment of New Settlement options

63. Two other new settlement options have been considered as part of the Local Plan's development: Burn Airfield and Church Fenton.
64. SDC's evidence shows Burn Airfield to be dismissed on flood risk grounds as the entirety of the site is located in Flood Zone 3. Both the Sustainability Appraisal (SA) (July 2022) and the New Settlement Paper (August 2022) acknowledge that it would not pass the Sequential Test for flood risk as other sites with lower risk are available.
65. CYC does not disagree with this conclusion. However, given the severity of the site's flood risk constraint it is not clear why it was originally pursued as a credible option/alternative.

66. Church Fenton, which is wholly previously developed land, is assessed as having similar (if not marginally better) sustainability outcomes than Heronby. But it is ultimately dismissed because it “is in Flood Zone 2 and will involve the loss of a commercial airfield”. This is pitted against the wider benefits of Heronby which are stated as being “improvements to the highways network and provision of a country park”. For the reasons outlined above, CYC is not persuaded that the site can deliver highway improvements as it is suggested.
67. Whilst it is accepted that Church Fenton is in Flood Zone 2, the assessment in the SA and New Settlement Paper fails to properly balance this (which is demonstrated can be adequately mitigated) and other surmountable constraints with the genuine opportunities and benefits that co-location of a new settlement with the existing and approved employment at the site would bring – and indeed other compelling strengths of the site such as its brownfield status and sustainable transport options.
68. The impacts of Heronby on the strategic highway network are acknowledged in the SA insofar as it confirms there are impacts that could be mitigated at notable cost. It makes clear that, given the absence of any commitment to funding this mitigation, the Church Fenton site is the most deliverable. This risk to delivery is not reflected in SDC’s justification for the selection of Heronby.
69. SDC consider that an alternative sequentially preferable site (Heronby) in flood risk terms is available, however CYC consider the deliverability and wider sustainability issues associated with Heronby mean the site is not preferable to Church Fenton when considered with balance, judgement and reasoning applied. CYC consider the approach taken by SDC is not appropriate.
70. SDC has stated that the loss of the airfield is unacceptable without providing evidence that this loss is significant and should therefore carry more weight in the planning balance.
71. In light of these concerns, CYC does not consider the assessment of the three preferred options sites and selection of Heronby as a new settlement to be sound.

72. Paragraph 24 of the National Planning Policy Framework 2021 advises that Local Planning Authorities are under a duty to cooperate with each other on strategic matters that cross administrative boundaries.
73. Paragraph 27 advises that
In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency
74. As part of the evidence base, SDC has published a Draft Duty to Cooperate statement. At paragraph 5.24 of this document, in the section entitled 'Neighbouring Authorities' it is stated:
Of particular note are ongoing discussions taking place with City of York Council regarding the cross-boundary impacts of the proposed new settlement at Heronby, including impacts on school places and the A19, including the A19/A64 junction.
75. CYC do not consider this to be factually accurate. Despite two formal responses to SDC (as detailed above in 'Previous consultation with Selby District Council) requesting to be involved in more detailed discussions to allow CYC to feed into future cross-boundary transport modelling, and to understand the potential impacts for York if the allocation at Heronby was to be pursued, no further meetings have been held and CYC has not been involved in any of the relevant work related to the evidence base for Heronby or its potential impact on CYC.

Recommendation

76. Object to the Selby Local Plan for the following reasons:
- a. Significant shortcomings in the evidence base regarding transport impacts to CYC as well as the implications of the necessary highway improvements within CYC boundary.
 - b. The approach to education provision and the potential impact to CYC students is unclear and insufficiently developed.
 - c. Questionable deliverability of the Heronby allocation given the lack of evidence on the site's viability.

- d. Objection to the selection of Heronby as the site for a new settlement when assessed against the two other preferred options and, more specifically, against Church Fenton.
- e. CYC consider that SDC has not fulfilled its requirements under Duty to Cooperate having not engaged with CYC in developing the evidence base and considering cross administrative boundary strategic matters that arise as a result of the Heronby allocation and the potential for significant adverse impacts on CYC.

Consultation

- 77. The report relates to CYC as a consultee regarding an adjoining borough's Local Plan.
- 78. The Strategic Planning Policy team have sought the view of both transport and education officers and incorporated the responses into the report.

Options

- 79. Submit an objection response to SDC in response to the consultation on the pre-submission Local Plan for the reasons outlined above.
- 80. Do not submit an objection response to SDC in response to the consultation on the pre-submission Local Plan

Analysis

- 81. By submitting a response CYC ensures that SDC is aware of the concerns CYC have in regards to the allocation at Heronby. The response would also highlight CYC concerns regarding the Duty to Cooperate.
- 82. If CYC chose not to respond at this (Regulation 19) stage of the Local Plan process, there would not be the opportunity to respond at later stages of the process, including not being able to appear at the Local Plan Examination in Public. By not submitting a response to the consultation, there is a risk that the significant issues identified in relation to the proposed allocation at Heronby are not communicated clearly to SDC.

Implications

83. The decision relates to consultation on an adjoining borough's emerging Local Plan and the impact the Heronby allocation within that would potentially have on CYC. While, if adopted, the allocation at Heronby could have significant impacts on CYC as set out above, the risk is longer term. SDC have not submitted the Local Plan formally to the Planning Inspectorate and, if submitted, there are significant stages for the Plan to go through before it reached the point of adoption.
84. Submitting a response to Selby District Council's Regulation 19 Consultation would ensure that CYC would also have further opportunity to attend the Local Plan Examination in Public to make representations in person.

Legal Implications

There is a legal duty placed on Selby District Council to engage constructively, actively and on an ongoing basis with other local authorities in relation to strategic matters when preparing a new local plan, including those matters that cross the district boundary. SDC have failed to engage with CYC at key stages on cross boundary issues.

SDC's Statement of Community Involvement (2020) states that: *"The duty to cooperate applies to strategic issues which have significant impacts affecting two or more local authority areas. The Council's participation in cross-boundary planning with its duty to cooperate partners which include neighbouring authorities...will be an ongoing process throughout the preparation of the Local Plan"*.

As set out in this report, it is considered that SDC's Local Plan has not been prepared in compliance with statutory requirements or with their Statement of Community Involvement. Accordingly it cannot be considered to be legally compliant for the purposes of a Local Plan examination.

Risk Management

85. Submitting a response at Regulation 19 of the Local Plan process ensures that CYC can continue to engage in the SDC Local Plan process and appear at the Local Plan Examination in Public if necessary.

Contact Details

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Report **Date** 14/10/2022
Approved

Specialist Implications Officer(s) List information for all

Legal:

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Wards Affected:

All

For further information please contact the author of the report

Background Papers:

- 4b Heronby 1. Illustrative Masterplan
- 4b Heronby 10. Strategic footpath - As Proposed
- 4b Heronby 11. Connectivity Hierarchy
- 4b Heronby 12. Movement Plan
- 4b Heronby 13. Full Bypass - As Proposed
- 4b Heronby 14. Escrick Improvements
- 4b Heronby 15. Phasing plan
- 4b Heronby 16. Transport Assessment with Appendices (Jan 2022)
- 4b Heronby 16a. Transport Assessment Addendum (May 2022)
- 4b Heronby 17. Preliminary Ecological Appraisal (Nov 2021)
- 4b Heronby 18. Heronby Village, Escrick - Tree Report 181121 (Nov 2021)

- 4b Heronby 19. Soils and Agriculture to the South West of Escrick Road Stillingfleet (Feb 21)
- 4b Heronby 2. Wider Context Plan - As Proposed-A2
- 4b Heronby 20. Heronby Heritage Statement (Oct 2021)
- 4b Heronby 21. Preliminary Appraisal Flood Risk and Drainage (Oct 2021)
- 4b Heronby 22. Flood Risk Annex A - EA Information
- 4b Heronby 23. Heronby Exhibition boards_v8
- 4b Heronby 24. Heronby Exhibition Masterplan_v4
- 4b Heronby 3. Phase 1 plan-A2
- 4b Heronby 4. Town Centre moved south - A2
- 4b Heronby 5. Landscape context
- 4b Heronby 6. Landscape framework
- 4b Heronby 7. Country Park
- 4b Heronby 8. Land Use Plan - per use type-A2
- 4b Heronby 9. Green Space Plan- A2
- 4b Heronby Heronby Delivery Strategy Exec Summary FINAL (Feb 2022)
- 4b Heronby Heronby Delivery Strategy FINAL (Feb 2022)
- Strategic Highway Model Stage 2 Transport Forecasting Report (August 2022), This document assessed the SDC Local Plan to 2040, at which point 1,260 homes are forecast to be delivered on Heronby
- Selby Local Plan and CIL Viability Report (January 2021)
- Selby Local Plan and CIL Viability Addendum Report (August 2022)
- Sustainability Appraisal (SA) (July 2022)
- New Settlement Paper (August 2022)

Annexes

- Annex 1: CYC response to Selby District Council's Preferred Options Local Plan, March 2021
- Annex 2: : CYC response to Selby District Local Plan Evidence Base Documents Consultation, October 2021
- Annex 3: Pre-Submission STIL-D Heronby Policy

List of Abbreviations Used in this Report

SDC = Selby District Council

CYC = City of York Council
IDP – Infrastructure Delivery Plan
TA = Travel Assessment