

York Minster Precinct Neighbourhood Development Plan 2020-2035

**A report to the City of York Council on the Minster
Precinct Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by the City of York Council in September 2021 to carry out the independent examination of the York Minster Precinct Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 13 October 2021.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. The policies include detailed proposals for four Project Areas.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Minster Precinct Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the area as identified in Appendix A by reference to postcodes.

Andrew Ashcroft
Independent Examiner
7 January 2022

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the York Minster Precinct Neighbourhood Development Plan 2020-2035 (the 'Plan').
- 1.2 The Plan has been submitted to the City of York Council (CYC) by the York Minster Neighbourhood Forum (YMNF) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Plans can include whatever range of policies they see as appropriate to their designated neighbourhood area. The submitted Plan is very distinctive. The neighbourhood area is a concentrated part of the City Centre and has a clear focus on preserving the character and the appearance of the Minster Precinct. It includes both general policies and policies which address specific proposals.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area 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 YMNF, to conduct the examination of the Plan and to prepare this report. I am independent of both CYC and the YMNF. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

Examination Outcomes

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

Other examination matters

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

3 Procedural Matters

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

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Sustainability Assessment (which incorporates Strategic Environmental Assessment);
- the Habitats Regulations Assessment Screening Report;
- the Heritage Impact Assessment;
- the York Minster Conservation Management Plan;
- the Forum's responses to the Clarification Note;
- the representations made to the Plan;
- the saved elements of the Regional Spatial Strategy for Yorkshire and Humber;
- the City of York Draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005);
- the submitted City of York Local Plan 2017-2033;
- the National Planning Policy Framework (July 2021);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 13 October 2021. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

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

3.4 The Plan was prepared in the context of the 2019 version of the NPPF. This is reflected in the Basic Conditions Statement. Since the Plan was submitted for examination the NPPF was updated in July 2021. Where it is necessary to do so, I comment on the relationship between the most current version of the NPPF and the policy concerned in Section 7 of the report.

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 YMNF has prepared a Consultation Statement. This Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission versions of the Plan. Its principal feature is the way in which it captures the key issues in a proportionate way and is then underpinned by more detailed appendices.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the ongoing engagement with CYC;
 - the ongoing engagement with conservation and heritage bodies;
 - the development of a Consultation Strategy;
 - the public consultation event (May-June 2018);
 - the public consultation on a draft Plan (May 2019);
 - radio interviews and newspaper bulletins in both local and national news outlets (ITV, BBC, Yorkshire Post, York Press) with the Dean of York, the Chair of the YMNF and the Director of Works & Precinct;
 - the development a dedicated project website; and
 - the development of a social media campaign.
- 4.4 Appendices 1 and 2 of the Statement reproduces details of the way in which the YMNF engaged with the wider community. They provide a degree of depth and interest to the Statement. It is clear that the process has been proportionate and robust.
- 4.5 Appendix 9 of the Statement provide specific details on the comments received as part of the consultation process on the second pre-submission version of the Plan (December 2020 to February 2021). It identifies the principal changes that worked their way through into the submission Plan. The appendix helps to describe the way in which the Plan has been refined in response to this important part of the plan-making process.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I have concluded that the Plan has promoted an inclusive approach to seeking the opinions of all concerned

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

Representations Received

4.8 Consultation on the submitted Plan was undertaken by CYC. This exercise generated comments from the following organisations:

- Historic England Yorkshire
- The Coal Authority
- The York Minster Fabric Advisory Committee
- City of York Council

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

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 York Minster and its surrounding Precinct form a highly sensitive and complicated part of York city centre. It was designated as a neighbourhood area on 14 March 2019.
- 5.2 As the Plan describes the focus of the neighbourhood area is the Cathedral and Metropolitan Church of St Peter in York, better known as York Minster. The Minster is more than 800 years-old and is a Gothic masterpiece of stone and stained glass, and home to the largest collection of medieval glass in the UK. The Minster has international architectural and artistic importance and is a magnet that draws visitors to York. It is a defining symbol of the City of York, and a place of prayer and pilgrimage that welcomes over 700,000 visitors per year.
- 5.3 The Minster sits within a precinct of approximately six hectares of land, bounded by the historic city walls to the north and west and by city streets to the south and east. It is an integral element of the city centre, connected with surrounding streets and surrounded by homes and businesses. The Minster itself is widely visible both within the city centre, and from more remote locations within and around the City.

Development Plan Context

- 5.4 The development plan context is both complex and unusual. It consists of two saved policies from the Regional Spatial Strategy for Yorkshire and Humber as follows:
- Policy YH9: Green Belts – the definition of the inner boundaries of the Green Belt around York.
- Policy Y1: York sub area – the definition of detailed boundaries of the outstanding sections of the green belt and the inner boundary and the protection and enhancement of the historical and environmental character of York.
- These saved policies will apply in the neighbourhood area until they replaced by the emerging City of York Local Plan. Plainly the latter policy has a greater significance than the former to the Minster Precinct.
- 5.5 The CYC does not have an 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.
- 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. The following policies in that Plan are particularly relevant to the neighbourhood area:

- Policy D5 Listed Buildings Policy
- Policy D6 Archaeology
- Policy D8 Historic Parks and Gardens
- Policy D9 City of York Historic Environment Record
- Policy D10 York City Walls and St. Mary's Abbey Walls ('York Walls')
- Policy D11 Extensions and Alterations to Existing Buildings

5.8 Consultation took place on proposed Main Modifications to the emerging Local Plan in June/July 2019 and in May/July 2021. Following recent exchanges between CYC and the planning inspectors three further phases of hearings have recently been arranged (February/April/May and June 2022). The submitted Plan has been designed to run concurrently with the emerging York Local Plan (which has been revised to 2035 since it was submitted). This follows important national advice in Planning Practice Guidance.

Unaccompanied Visit

5.9 I visited the Minster Precinct on 13 October 2021. I took the opportunity to look at the northern parts of the Precinct from the City Walls. The Walls were interesting both in their own right and in providing views into the extensive garden spaces in this part of the Precinct.

5.10 This part of the visit helped significantly in my understanding of Project Areas PA3 and PA4. In relation to PA3, I was able to see the Plan's intentions for Zones A-D and the proposal for new public green space. In relation to PA4, I was able to see the proposals for Zones A (storage and housing) and Zone B (workshop for masons).

5.11 I then looked at the Plan's proposals for the West Front (Project Area PA2). I was able to appreciate the need for the proposed public realm improvements. I saw the way in which the incorporation of the South African war memorial would better sit within the wider enhancements to the public realm.

5.12 I then looked at the Minster Yard and College Green area (PA1). I saw that it had a quieter character than that of PA2. I saw the statue of Constantine the Great and the impressive Roman column. I saw the attractive opportunities as included in the parameter plan. It was clear that the proposals for a recognised visitor entrance and new outdoor seating and a new public green space will assist in celebrating the setting of the Minster and enhancing its attractiveness to visitors.

5.13 I then looked at the Chapter House Yard and the surrounding area (PA4). I saw the importance of this part of the Precinct to the day-to-day activities of the Minster.

- 5.14 I then took the opportunity to look at Dean's Park. I saw that it had a quieter character which was enjoyed by several groups of people including those looking for peace and quiet during their working days.
- 5.15 I then took the opportunity to look at Chapter House Street and Ogleforth. I saw the way in which these thoroughfares related to and interconnected with the heart of the Precinct area
- 5.16 I finished the visit by walking more generally within the streets which surround the Minster Precinct. I saw their vibrancy and attractiveness. I also saw the attractive views towards the Minster from Duncombe Place, Stonegate and High Petergate.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.
- 6.2 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).
- 6.3 I assess the Plan against the basic conditions under the following headings:
- National Planning Policies and Guidance*
- 6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021.
- 6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are of particular relevance to the Minster Precinct Neighbourhood Plan:
- a plan led system – in this case the relationship between the neighbourhood plan and existing development plan context as described in section 5 of this report;
 - building a strong, competitive economy;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.
- 6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.7 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements. Plainly the development plan context with the City of York is both unusual and challenging. In these circumstances, I have given particular attention to the relevant part of Planning Practice Guidance (ID: 41-009-0509) which comments about the way in which a qualifying body and a local planning authority should discuss and aim to agree the relationship between policies in an emerging neighbourhood plan, an emerging local plan and the adopted development plan with appropriate regard to national policy and guidance.
- 6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the neighbourhood area. In particular it includes a series of policies on the scale and nature of new development taking account of the international, national and local importance of the historic character and significance of the neighbourhood area. It also sets out policies for four Project Areas. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the 2019 version of the NPPF.
- 6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This is reinforced in Planning Practice Guidance - paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.10 As submitted, the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.11 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies and proposals and for the future residential and employment-related development within the Minster Precinct (Policies PA3 and PA4). In the social role, it includes a policy on well-being (Policy D1). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on listed buildings (Policy C2), on conservation areas/scheduled monuments (Policy C3), design excellence (Policy A4) and on proposals for open spaces (Policy PA1 and PA2). YMN has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.12 I have already commented in detail on the development plan context in the City of York in paragraphs 5.4 to 5.8 of this report. I am satisfied that subject to the incorporation of the modifications recommended in this report that the submitted Plan is in general conformity with the strategic policies in the development plan.
- 6.13 I also consider that the submitted Plan delivers a local dimension to the policies on the City Centre and heritage matters in the emerging Local Plan.

European Legislation – Strategic Environmental Assessment

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement the YMNF commissioned a Sustainability Assessment (SA) for Neighbourhood Plan. It incorporates Strategic Environmental Assessment (SEA). This outcome was determined following advice from City of York Council that the emerging Neighbourhood Plan has potential economic impacts on the wider city centre.
- 6.16 The details of the SA reflect the scoping process. It was established that the following issues required specific assessment:
- Economy
 - Health and Wellbeing
 - Society
 - Landscape, Cultural Heritage and Archaeology
- 6.17 The SA/SEA is exceptional in the way in which assesses the various matters in general, and provides an evidence base for the development of policies in the Plan in particular.
- 6.18 The SA/SEA provides a very detailed assessment of the reasonable alternatives which were considered for the four key areas of change (and as developed in Policies PA1 to PA4). In this respect the SA/SEA addresses this important matter in a way which meets the basic conditions.
- 6.19 The SA comments about the process taken to decide upon the four key areas of change and how it was undertaken by the YMNF. It advises that the process took account of both the physical attributes of each option, and the extent to which the various policies and proposals would be compatible with the objectives of the Plan and the role of the community in life at the Minster.
- 6.20 In this context, the SA advises that the Minster receives no Government funding or central Church of England financial support. The responsibility for caring for the building and its Precinct falls with Chapter which relies on the generosity of various funding bodies and paying visitors. It also advises that ensuring a viable and

sustainable business to underpin the care of the Minster is a key aim of the Plan and that it has been driving element of the identified key areas of change.

- 6.21 Finally, the SA advises that the four areas of change have been chosen as the most appropriate and sensitive development areas following numerous consultations with various stakeholders. It also comments that the Plan has been developed to provide a flexible document against which Chapter can manage its resources appropriately to maintain both a viable and sustainable precinct and business model for future generations to enjoy the Minster.

European Legislation – Habitats Regulations Assessment

- 6.22 YMNF, CYC and the Chapter of York collectively prepared a separate Habitats Regulations Assessment (HRA) of the Plan (April 2021). It takes account of the likely effects of development in the neighbourhood area on the Strensall Common SAC, the River Derwent SAC, the Lower Derwent SAC, SPA and Ramsar site and on the Humber Estuary SPA, SAC and Ramsar site. It concludes that the Plan is not considered to have the potential to cause a likely significant adverse effect on a European protected site. It also concludes that there will be no likely significant in-combination effects. Its level of detail provides assurance that this important matter has been comprehensively addressed.
- 6.23 The work undertaken on HRA screening is exemplary. Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.

European Legislation – Human Rights

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

Summary

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

7 The Neighbourhood Plan policies

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

The initial section of the Plan (Sections 1-5)

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way.
- 7.9 The Plan has been prepared in a very professional way. In its own right, it is a first-class neighbourhood plan. In a broader context, it is an important part of a wider package of initiatives being pursued by the Minster/Chapter which include the Chapter's Strategic Plan 2015-2020 and the Conservation Management Plan 2021. This wider approach provides both a strong context for the Plan and the mechanisms to ensure the delivery of its proposals. For a Plan of such importance, it has been prepared in relatively quick order.
- 7.10 The Plan is beautifully-presented and organised. A very clear distinction is made between its policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies. The various maps are produced to a very high quality and provide clarity to all concerned. The various high-quality photographs enhance the attractiveness of the document and highlight the policies and other issues which the Plan addresses.

- 7.11 The Introduction comments generally about the neighbourhood planning process. It does so to good effect. In this case it relates that wider process to the package of initiatives which are being pursued by the Minster and the Chapter of York. It helpfully sets out a series of challenges which the Plan has sought to address. In an indirect way the Plan identifies both the Plan period (on the front cover) and the neighbourhood area (on Figure 1). However, the text does not comment directly on this matter. I recommend a modification to remedy this matter.

At the end of paragraph 1.0.5 add: 'The neighbourhood area is shown on Figure 1. The Plan period is 2020 to 2035'

- 7.12 Section 3 comments about the Minster Precinct in its wider context. It is a very well-considered element of the Plan. In particular, it provides a context for the subsequent policies. The Minster and its Precinct need little introduction. Nevertheless, this part of the Plan comments about its history, the different elements of the Minster as they exist today, its land uses, access and movement, its economy, its community and well-being, and its historic environment.
- 7.13 Section 4 comments about the development of the Plan. It comments about its relationship with the wider work of the Chapter and the formation of the Neighbourhood Forum. It highlights the consultation events which took place and the earlier iterations of the Plan. It overlaps with the submitted Consultation Strategy.
- 7.14 Section 5 sets out the vision and objectives of the Plan. The Vision neatly weaves spiritual, cultural, community and environmental matters as follows:

'In 2035, York Minster Precinct continues to be a welcoming and special place loved and used by the local community and visitors from around the world. It is acknowledged as a lynchpin in the cultural identity and daily life of the City of York and reaches out to engage the community in discovering God's love'

- 7.15 The Vision is then underpinned by nine objectives. In a very innovative way Figure 15 of the Plan then summarises the Spatial Vision for the Neighbourhood Area and how it will evolve in response to the vision and objectives to strengthen the overall character and quality of the Precinct.
- 7.16 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report. In the context of my earlier views about the overall excellence of the submitted Plan I will restrict my policy-based comments to a brief summary of the policy, an assessment of the way in which it meets the basic conditions and, where necessary, any required modifications.

Policy A1 Purpose and ambition

- 7.17 This is an overarching policy. It sets out the purpose and the ambition of the Plan and two main requirements. The first is stewardship for the benefit of all. The second is sustaining vitality and viability. Thereafter it sets out four overarching principles for new development.

7.18 The initial part of the policy could be read as much as a summary of Section 5 (Vision and Objectives) as a land use policy. I sought the comments of YMNF on the approach it had taken. It commented that ‘this policy was drafted in response to earlier public comments received through the first pre-submission draft consultation in 2020. We felt it important to offer an overarching policy which set out the purpose of the Plan and how development would be supported.’

7.19 On the balance of the information I am satisfied that the policy is appropriate within the context of a neighbourhood plan. In particular it provides a direct link between Section 5 and the detailed policies. The four principles are at the heart of the policy and provide an overall framework for other more detailed elements of the Plan.

7.20 The policy meets the basic conditions.

Policy A2 Sustainable Development

7.21 This policy sets out the need for new development to be of a sustainable nature. It identifies eight principles with which new development should comply.

7.22 The policy has been well-developed. It relates the principles of sustainable development to the very specific circumstances of the Minster Precinct. The eight principles both reflect national policy and respond to the distinctive circumstances found in the neighbourhood area.

7.23 I recommend that the policy is modified so that the detailed principles apply as appropriate to the development concerned – in some cases development will impact on all eight areas and in other cases only some of the criteria will be relevant to the particular proposals. Otherwise, the policy meets the basic conditions. It will assist significantly in the delivery of sustainable development in the Precinct.

In the fifth paragraph replace ‘New development’ with ‘As appropriate to its scale and nature new development’

Policy A3 Policies Map

7.24 This policy acts as a spatial plan for the Minster Precinct. It makes a helpful distinction between the general policies and the site-specific policies/proposals. It comments that the policies map sets out the proposed general distribution of land uses across the Precinct and is a co-ordinated spatial plan to deliver the vision and objectives of the Neighbourhood Plan during the plan period. It identifies the four principal project areas where built development, land use change and improvements to green infrastructure and public realm will be focused. It comments that the Chapter of York will work closely with the Neighbourhood Forum, City of York Council, Historic England, York Civic Trust and other key stakeholders to implement development and enhancement in line with the policies map to deliver (PA1-4)

7.25 The approach taken in the policy helps to provide a context for the wider Plan. I recommend that the final sentence of the policy (which refers back to Policy A2) is

deleted. There is no need for a policy to refer in this way to another policy as the Plan is read as a whole. Otherwise, it meets the basic conditions

- 7.26 I also recommend that the policy's title is modified so that it more clearly explains its approach. Whilst the Policies Map is an important part of the wider Plan it is a Map which shows the various policies as they apply within the Precinct Area rather than a policy in its own right.

Deleted the final sentence of the policy.

Replace the policy's title with: 'Spatial Plan'

Policy A4 Design Excellence

- 7.27 This policy requires that all development proposals should, where relevant, be required to demonstrate design excellence and is to be inspired by and contribute to the distinctive and historic nature of the Precinct. It also comments about resilience to climate change and extreme weather events, and then need to reduce carbon emissions. It identifies ten design principles. They are both appropriate and distinctive to the neighbourhood area.
- 7.28 I recommend that the first part of the policy and the initial component of the second part of the policy are modified so that they adopt a format which more closely reflects that of a development plan document. However, their purpose will remain unaffected.
- 7.29 In addition recommend that the policy is modified so that the detailed principles apply as appropriate to the development concerned – in some cases development will impact on all the design principles and in other cases only some of the principles will be relevant to the particular proposals.
- 7.30 I also recommend that the first and second criteria are set out in bullet point format as the other principles. I also recommend that the policy is explicit that all of the criteria need to be met (insofar as they are relevant to the proposal).
- 7.31 The Plan was prepared within the context of the 2019 version of the NPPF. In July 2021 an updated version of the NPPF was published. The principal changes between the two versions of the NPPF relate to design matters. However, in many respects Policy A4 had anticipated the contents of the updated NPPF. It is directly informed by the excellent context of the Plan and the way in which it addresses this important matter in a general way. In addition, it is underpinned by the submitted Heritage Impact Assessment and the preparation of detailed guidelines for the four specific parts of the Precinct (PA1-PA4). As such, I am satisfied that there the submitted Plan continues to have regard to national policy.
- 7.32 With the incorporation of the recommended modifications the policy will meet the basic conditions. It will do much to ensure that new development is delivered to the highest possible standards and in doing so contribute to the environmental dimension of sustainable development.

Replace the first part of the policy with: ‘Development proposals should demonstrate design excellence and be inspired by and contribute to the distinctive and historic nature of the Precinct, be resilient to climate change and extreme weather events, and reduce carbon emissions’

Replace the opening element of the second part of the policy with ‘As appropriate to their scale and nature, development proposals will be supported which meet the following criteria:’

Set out the first and second criteria with bullet points.

At the end of each bullet point replace the full stop with a semi-colon. After the semi colon at the end of the penultimate bullet point add ‘and’

Policy B1 Landscape and Biodiversity Net Gain

7.33 This policy comments about the need for biodiversity net gain and sets out proposals for developments which affect trees and about greenspaces and the public realm. It addresses these matters in a well-balanced way.

7.34 The policy specifically addresses proposals which may affect trees. The potential loss of trees is a matter which has been raised in several of the representations. I sought the YMNF’s comments on the various representations and the way in which it was intending to address this important matter. It commented as follows:

‘...we have always been very clear with the public that the Minster takes the management of its estate very seriously. We regularly have applications for tree works including crown lifting and thinning. Where a tree has come to the end of its life, we replace the tree. We are committed to a net increase of trees within the Precinct but need to balance access and public realm with good tree management. Indeed, we have a programme of planting to make sure these new trees become established long before the original needs to be felled. The London Plane tree at the West Front of York Minster is contentious. Through the extensive consultation, it is clear that half of the city want it to go and half want it to stay. This issue will be debated during the consultations on both the development brief and planning application for Queen Elizabeth Square’

7.35 The response highlights that the retention and/or replacement of trees within wider enhancement or public realm works can divide opinions. I have considered the matter very carefully within both this context and given the information available in the Plan itself. Taking all matters into account, I am satisfied that the YMNF has taken a responsible approach on this matter and which meets the basic conditions. I have reached this conclusion for the following reasons:

- the retention/replacement of any affected trees will be considered and determined within the wider context of the public realm enhancements proposed in the Plan;
- these matters will be considered more specifically as any required planning applications and/or applications for works to protected trees are determined in

due course and in the context of detailed site-specific policies elsewhere in the Plan; and

- trees have a natural lifespan, and, in any event, some trees may be more suited for the scale, nature and layout of the public realm works proposed in the Plan.

7.36 I recommend two detailed modifications to the policy to bring the clarity required by the NPPF. In particular, I recommend that the first paragraph of the policy acknowledges that not all development proposals will automatically have any relationship with biodiversity. Otherwise, it meets the basic conditions. It will do much to assist in the delivery of the environmental dimension of sustainable development.

Replace the first paragraph with: ‘Where relevant, development proposals should protect and enhance existing areas of biodiversity in the Precinct, including any green corridors’

In the third paragraph of the policy add ‘would’ between ‘proposals’ and ‘affect’

Policy C1 Historic Environment

7.37 Policies C1-C3 address related elements of the historic environment. My recommended modifications overlap and their presentation as separate modifications would be confusing as they rely on the common supporting text in this section of the Plan. On this basis, I set out the package of recommended modifications for the three policies after my assessment of Policy C3.

7.38 Policy C1 sets out the Plan’s general approach towards the historic environment. It includes the following related elements:

- guidance for circumstances where proposals may have an impact on the significance of heritage assets;
- the identification of a series of key principles which developments should follow;
- commentary on changes of use of heritage assets; and
- environmental change and the climate emergency.

7.39 The policy provides an excellent local iteration of Section 16 of the NPPF.

7.40 The final three paragraphs of the policy address climate change issues and strongly encourage developers to engage in pre-application discussions with CYC. As submitted, they use language more usually seen in supporting text of neighbourhood plans. I sought the YNPF’s views about their relocation from the policy to the supporting text. It commented as follows:

‘Because of the importance of environmental sustainability to the Forum we felt these paragraphs sit better in the policy itself, not least because of our ambition to address the climate emergency through appropriate adaptation. In the (current) absence on any local or national planning policy/guidance relating to the adaptation of heritage assets, and the balance of harm, we felt these points would hold more weight embedded within the policy, rather than explanatory text.’

- 7.41 I understand the approach taken in the submitted Plan. Nevertheless, the language used is not that of a land use policy and I am not persuaded that they are capable of modification to become policies in their own right. As such, I recommend that they are deleted from the policy and repositioned into the supporting text. Whilst I acknowledge the Forum's thinking and approach, I am satisfied that the overall effect and purpose of the Plan is otherwise unaffected by this recommended modification.

Policy C2 Listed Building Consent

- 7.42 This policy sets out a series of local details about how applications for listed building consent will be determined. In general terms it meets the basic conditions. However, I recommend that its third paragraph (on the suggested need for the York Civic Trust to be consulted on applications for LBC) is deleted. Whilst this is an entirely appropriate course of action it is a process matter. However, I recommend that this element of the policy is repositioned into the supporting text.

Policy C3 Archaeological and Scheduled Monuments Consent

- 7.43 This policy sets out a series of key principles which any proposals requiring these specialist consents should follow. In general terms it meets the basic conditions. However, I recommend that its final two paragraphs are deleted. Whilst the approach intended is an entirely appropriate course of action it is a process matter. However, I recommend that these elements of the policy are repositioned into the supporting text.

Delete the final three paragraphs of Policy C1.

Delete the third paragraph of the Policy C2.

Delete the final two paragraphs of Policy C3.

Reposition the final paragraph of the Policy C1 at the end of submitted paragraph 6.4.1. Thereafter reposition the third paragraph of Policy C2 at the end of the modified paragraph.

Reposition the two preceding paragraphs of Policy C1 (combined) as a new paragraph (paragraph 6.4.4)

Insert a new paragraph 6.4.5 to read:

'Policy C3 comments about the archaeology and scheduled monuments consent procedures. Where development proposals affect Scheduled Monuments, an application must be made to Historic England for Scheduled Monument Consent. When Scheduled Monument Consent is granted, it is usually subject to certain conditions that may specify methods of working, or arrangements for prior archaeological investigation and recording. These conditions are listed in the consent letter and are applied in order to safeguard the scheduled remains'

Renumber submitted paragraphs 6.4.4 and 6.4.5 accordingly.

Policy D1 Wellbeing

- 7.44 This policy comments that development which supports the wellbeing of York's residents by increasing public access, creating new public spaces and supports the Minster's Mission of welcome will be supported. It identifies five factors which proposals should meet (as appropriate to the nature of the particular proposal).
- 7.45 I recommend a detailed modification to ensure that the Plan has the clarity required by the NPPF. Otherwise, it meets the basic conditions. It will assist in delivering the social dimension of sustainable development.

Replace 'Development which supports' with 'Development proposals which promote'

Policy E1 Movement and Public Realm

- 7.46 This policy comments that throughout York Minster Precinct greater emphasis will be placed upon pedestrian safety and priority over vehicles, particularly in relation to the reordering of Duncombe Place (Policy PA2) and improvements to Deangate (Policy PA1). It also identifies a series of factor to enhance the public realm of the Precinct.
- 7.47 The policy sets out a very comprehensive to this matter. Nevertheless, its final two factors are out of context with the other factors. In particular they are process matters rather than design principles. As such I recommend that they are deleted from the policy and repositioned into the supporting text.
- 7.48 I also recommend a detailed addition to the second criterion so that it takes account of the more general approach in the following policy in the Plan.

Delete the final two bullet points in the policy.

At the end of the second bullet point add: 'subject to consideration for universal accessibility as set out in Policy E2 of this Plan'.

Reposition the two bullet points so that they sit at the end of paragraph 6.6.1 of the Plan.

Policy E2 Accessibility and Wayfinding

- 7.49 This policy comments that proposals for wayfinding improvements will be supported where they assist with navigation around the Precinct, support increased footfall to the Precinct's visitor attractions and businesses, and link to proposals for wider city centre wayfinding improvements. The approach reflects the wider approach of the Minster to work towards universal accessibility wherever possible.
- 7.50 The policy has been well-considered. I recommend detailed modifications to its wording so that it has the clarity required by the NPPF. Otherwise, it meets the basic conditions.

In the first paragraph of the policy replace ‘is to work’ with ‘will work’

In the second paragraph delete ‘therefore’

Policy E3 Electric Vehicles and Parking

- 7.51 This policy takes account of the Minster’s support for environmental sustainability objectives, and comments that applications for suitable electric charging points which are appropriately positioned will be supported. It also comments that the Chapter of York will begin to introduce electric charging points within the Chapter House Car Park to encourage non-tourist visitors and staff to use electric or hybrid cars.
- 7.52 With modifications the first part of the policy meets the basic conditions. It addresses a land use matter. In contrast, the second part of the policy is a community action – it identifies actions and priorities to be pursued by the Minster in pursuit of the sustainable use of vehicles. As such I recommend this part of the policy is deleted and that a Community Action is introduced into this Section of the Plan to address this matter. The Action is set out at the end of Policy E4 which addresses a similar matter.
- 7.53 Finally I recommend that the policy’s title is modified so that it more closely reflects its purpose.

In the first paragraph of the policy replace ‘applications’ with ‘development proposals’

Delete the second part of the policy.

Replace the policy title with: ‘Electric Vehicle Charging’

Policy E4 Green Travel Plan

- 7.54 This policy comments that the Minster will work towards reducing unnecessary vehicle movement and parking within the Precinct by providing alternative modes of transport in a Green Travel Plan which will consider the impacts of any proposals on neighbouring streets and car parks and the needs of blue badge holders.
- 7.55 As submitted the policy is hybrid in its nature. Most of its details are actions and priorities to be pursued by the Minster in pursuit of green travel in and around the Precinct. I recommend that these elements are repositioned into an additional community action. Nevertheless, I also recommend that an element of the submitted policy is retained as a land use element. It follows the format suggested by CYC in its representation.

Replace the policy with: ‘Development proposals that reduce unnecessary vehicle movements and parking within the Minster Precinct will be supported.’

Insert a new Community Action using the same format as other Community Actions in the Plan (after Policy E4) to read:

‘The Chapter of York will begin to introduce electric charging points within the Chapter House Car Park to encourage non-tourist visitors and staff to use electric or hybrid

cars. In the future, priority for parking will be given to visitors and staff using electric cars.

The Minster will work towards reducing unnecessary vehicle movement and parking within the Precinct by providing alternative modes of transport to be articulated in a York Minster Green Travel Plan. This will consider the impacts of any proposals on neighbouring streets and car parks and the needs of blue badge holders. Other businesses and institutions within the Neighbourhood Plan Area will be encouraged to collaborate in a joint Green Travel Plan strategy'

Policy F1 Monitoring and Securing Delivery

7.56 The policy comments on a series of related matters as follows:

- that the Plan will be subject to annual monitoring by the Neighbourhood Forum and periodic review in consultation with the Chapter of York before the end of the Plan period, or earlier if required;
- that where necessary, the Chapter of York will work closely with City of York Council and Historic England to prepare development briefs, which will set out design parameters for project areas in greater detail than is appropriate for this Neighbourhood Plan; and
- public consultation will continue to inform the design development of individual projects.

7.57 The policy takes an appropriate approach to these important matters. In particular the annual monitoring review of the Plan will allow it to assess the implications on its policies (if any) once the emerging Local Plan is adopted.

7.58 The two final paragraphs of the policy address consultation on listed building consent and ongoing liaison with CYC. Whilst both issues are important the first is a process matter and the latter is already addressed elsewhere in the Plan (and in the supporting text associated with the policy itself). As such I recommend that they are deleted.

Delete the final two paragraphs of the policy.

Policy PA1 Minster Yard and College Green

7.59 This policy sets out the Plan's approach to the Minster Yard and College Green. It comments that the focus of the busy visitor welcome facilities will be at the south of the Minster, reflecting consultation feedback received during the 'Issues & Options' Stage in May 2018. The main visitor entrance to the Minster will be moved to the South Transept. The Chapter will redevelop its existing property at 1 Deangate to provide a new ticket and box office. The former Minster School will be redeveloped to create a new refectory (café/restaurant), new public open space and opportunities for office, education and residential conversion in the future. Within the Minster, the reordering of visitor flows from the south door and the visitor experience of the Minster will be guided by the Minster Liturgical Plan.

- 7.60 The policy sets out ten parameters to provide a context to secure a high-quality outcome for such proposals.
- 7.61 The policy takes a very positive approach to this important matter. In particular, it identifies important land use and design principles against which development proposals can be assessed.
- 7.62 I recommend a series of detailed modifications to the submitted policy which, in their different ways, address two important matters:
- the distinction between policy and development principles on the one hand and supporting text on the other hand – in some cases the policy includes elements of the latter; and
 - the distinction between the broader enhancement plans for the Minster precinct and the neighbourhood plan itself (which has a sharp focus on land use issues).

The effect of the recommended modifications does not detract from the overall approach of the policy and its outcomes.

Replace B with ‘New outdoor seating for residents and visitors’

In E replace ‘To be visible’ with ‘The new development should be visible’

Replace G with: ‘The development of a zone for reconfigured stonemasons’ compound with appropriate fencing to allow for continued visitor engagement’

Replace H with: ‘Access should be maintained to the Stoneyard and refectory from Deangate. On road cycling route should be maintained with careful design to minimise conflict between the cycling route and pedestrians’

Delete I.

In J replace ‘Enhancement of College Green to provide’ with: ‘The enhancement of College Green should’

At end of paragraph 7.1.1 add: ‘The policy approach offers a longer-term opportunity to reconfigure Deangate to enhance the quality and enclosure of the public realm in this area. Any changes to traffic routing will require agreement with the City of York Council in its capacity as the Highways Authority’

Policy PA2 West Front and Queen Elizabeth Square

- 7.63 This policy sets out the Plan’s approach to the East front of the Minster. It comments that a new civic and ceremonial space will be created for the City and named in honour of Her Majesty the Queen. This public space will be a significant feature of the City’s public realm and requires the highest quality design. The policy comments that the Chapter of York will place a statue of the Queen in an empty niche on the West Front to mark the Platinum Jubilee in 2022.
- 7.64 The details of the policy comment that detailed proposals for Queen Elizabeth Square will be brought forward by way of a development brief which will confirm the technical

and operational requirements and civic ambitions for the space in agreement with CYC, Historic England and York Civic Trust. This will be followed by a Design Competition with public consultation playing an important part in the development of the design proposals.

- 7.65 The policy sets out five parameters to provide a context within which to secure a high-quality outcome for such proposals.
- 7.66 The policy takes a very positive approach to this important matter. It identifies important land use and design principles against which development proposals can be assessed. In particular, it will bring significant enhancements to this important element of the public realm and be a major feature in the way in which the City of York marks Her Majesty's Platinum Jubilee. It will assist significantly in contributing to the various elements of sustainable development.
- 7.67 I recommend a detailed modifications to the submitted policy to ensure that it uses language appropriate to a development criterion in a neighbourhood plan. Otherwise, it meets the basic conditions.

Replace C with: 'The South African War Memorial should be incorporated into the design of the new square and surrounding public realm'

Policy PA3 Learning and gardens

- 7.68 This policy sets out a range of policy guidance for the proposals in Area PA3. In summary Zones A-D are proposed to become a centre for learning and participation with space to exhibit the Minster's artefacts. The Plan comments that it will have multifunctional space for use by visiting schools and community groups and for adult learning and will include: teaching space, learning, office, exhibition space, stores and conservation studio, library. In detail the four areas are proposed for the following works:
- A. Old Palace to be retained, repaired and enhanced with expanded public access as part of the learning and education centre.
 - B. A reconfiguration or redevelopment of existing twentieth century extensions to the Old Palace.
 - C. Indicative location for additional built extension to the learning centre. The design will be required to respond appropriately to the setting of heritage assets including the Old Palace, Minster and City Walls and key views, and will be informed by a detailed heritage impact assessment and 3D modelling.
 - D. Enhanced public realm providing access to the Old Palace learning and education centre, sensory garden and City Walls.
- 7.69 The policy sets out four parameters to provide a context to secure a high-quality outcome for such proposals.
- 7.70 The policy takes a very positive approach to this important matter. It identifies important land use and design principles against which development proposals can be assessed.

- 7.71 I recommend a series of modifications to bring the clarity required by the NPPF. They ensure that the first part of the policy reads as a land use policy rather than partly as a land use policy and partly as a promotional document. They are also designed to ensure that the second part of the policy sets out specific requirements which need to be met rather than as a continuation of the description of the wider project (as set out in Zones A-D).

Replace the opening element of the second paragraph of the policy with:

‘Zones A – D will become a centre for learning and participation with space to exhibit the Minster’s artefacts. It will have multifunctional space for use by visiting schools and community groups and for adult learning and will include: teaching space, learning, office, exhibition space, stores and conservation studio and library. It will incorporate the following elements:’

Replace the final part of the policy with:

‘Development proposals should also incorporate the following elements:

- **the wider support for controlled and authorised access to the City Walls.**
- **the delivery of a new sensory garden, the design of which appropriately incorporates the Kohima War Memorial to the Second Division taking account of healthy and mature trees in the immediate locality’**

Policy PA4 Own Use Properties

- 7.72 This policy addresses the buildings to the north, east and south of the Minster House functions which are essential for its daily operations. The Plan proposes the development of space for additional facilities to support those who live and work in the Precinct. They are both distinctive to the neighbourhood area and respect its historic character.
- 7.73 It sets out the following proposals for three specific areas as follows:
- A. Existing garages and rear garden space to be redeveloped to provide storage on the ground floor and Minster staff housing on the first floor. Redevelopment to be no higher than the existing ridge line, and its plan, massing, roofscape, materials and details to respond positively to the character and appearance of the site and the setting of heritage assets.
- B. A new workshop to house the Minster’s masons will be created as part of the investment in the Stoneyard to establish an international centre of excellence for heritage skills across the Precinct. The building is to be a lightweight, single storey construction, with a green living roof and is to be sensitively designed in relation to the character of the retained gardens.
- C. The display of part of the Minster’s lapidarium with examples of historic stone to be viewed from the city wall.

- 7.74 The policy takes a very positive approach to this important matter. It identifies important principles against which development proposals should be designed and can be assessed.
- 7.75 I recommend a series of modifications to bring the clarity required by the NPPF. The policy sensibly identifies the potential need for 3D modelling of emerging proposals. Nevertheless, this is a process matter rather than policy in its own right. In the circumstances, I recommend that this element is deleted from the policy and repositioned into the supporting text. I also recommend that the wording of Part C of the policy is clarified to explain its intentions.

Delete ‘3D modelling of proposals is likely to be necessary to develop appropriate design solutions’

Replace C with: ‘The display of part of the Minster’s lapidarium with examples of historic stone being able to be viewed from the City Walls’

At the end of paragraph 7.4.2 add: ‘Policy PA4 sets out key land use and design principles for this important part of the Minster Precinct. Given its heritage and environmental sensitivity, 3D modelling of development proposals may be necessary to develop appropriate design solutions’

Community Actions

- 7.76 The Plan includes a series of Community Actions. They are non-land use matters which have naturally arisen as the Plan was being prepared. In some cases, the Actions will complement land use policies in the Plan.
- 7.77 National guidance comments that such Actions should be located in a separate part of the Plan to distinguish them from the land use policies. In this case, the Actions are included in the main body of the Plan. Having considered this matter very carefully, I am satisfied that the approach taken is appropriate. I have reached this conclusion for two reasons. The first is that some of the Actions complement the land use policies and enhance the natural flow and legibility of the Plan. The second is that they are identified in a different fashion to the land use policies.
- 7.78 Nevertheless, the Plan does not directly provide a context for the Community Actions. I recommend that this matter is incorporated within Section 4.9 (The Structure of the Plan). This will bring the clarity required by the NPPF and reinforce the points identified above.

Renumber paragraph 4.9.2 to 4.9.3.

Introduce a new paragraph 4.9.2 to read:

‘The Plan includes a series of Community Actions. They are non-land use matters which have naturally arisen as the Plan was being prepared. In some cases, their implementation will complement the land use policies. The Actions are incorporated within the policy key themes. They are distinguished from the land use policies by their display in a Community Action box and without the shading associated with the policies’.

- 7.79 In other parts of this report I have recommend that Actions are modified or that new Actions are included in the Plan. In this context I also recommend a modification to the Action on accessibility and cycling to take account of specific comments from CYC.

In the Community Action on page 70 add: 'Additionally, this will seek to ensure the suitable location for cycle parking or amendments to existing facilities to make them accessible to all types of cycles'

Other matters - General

- 7.80 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 YMNF 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.

Other Matters – Specific

- 7.81 CYC has made a series of comments and suggested changes to the submitted Plan. They reflect the positive and collaborative way in which the Plan has been prepared.
- 7.82 I have addressed the CYC comments in relation to specific policies earlier in this report. I set out below a series of additional modifications to the general text in the Plan and to community actions insofar as they are necessary to ensure that the Plan meets the basic conditions. In doing so, I have taken account of responses of YMNF to the comments made by CYC.

At the end of paragraph 1.0.3 add: 'The importance of the Minster and the City of York Council working collaboratively to secure funding is captured in a Community Action'

In the Introduction insert an additional Community Action to read: 'The Forum and the City of York Council will work collaboratively to secure funding for projects in general, and as identified in this Plan in particular'.

Add an additional bullet point at the end of paragraph 1.0.6 to read:

'The York Minster Precinct attracts crowds as result of its cultural and historic assets. The Minster is one of the City's leading visitor attractions and draws around 700,000 visitors to the Precinct annually (pre-pandemic). As such measures for the safety and security of users and facilities need to be constructively considered through management of access and links to the rest of the city centre, particularly in relation to vehicles'

In paragraph 3.3.2:

On page 20 - South of the Minster: Replace the first bullet point with 'Relationship between the strategic cycle route through the square and the Square's public realm use by pedestrians'

On page 23 – North of the Minster: Replace the third bullet point with: 'Poor quality surfacing and parked cars on the cobbled street east of Dean's Park and their effect on the setting of the Minster and Dean's Park.'

Modify the fourth bullet point to read: 'Poor quality surfacing and parked cars on the cobbled street east of Dean's Park, which is part of the private estate and an un-adopted section of the road'.

In paragraph 3.5.3 replace the second sentence with: 'The latter has a negative visual impact on the setting of Dean's Park and the Minster and hinders pedestrian access to the park gates.'

At the end of paragraph 3.7.5 add: 'This approach will help to identify opportunities to support community and well-being'.

Insert an additional community action (in Section 5.2) to read: 'The Minster Precinct Forum and the City of York Council will work collaboratively to achieve Eco Gold Church status by 2025.'

Policies Map – ensure consistency between the Map itself and the Key on the Chapter House Yard.

At the end of paragraph 7.0.2 add: 'The proposals for the Project areas should be considered in conjunction with the other policies in the neighbourhood plan. This will ensure that the Plan is read as a whole.'

At the end of 7.2.2 final bullet point add: 'and ensuring that any proposals can be maintained in perpetuity'

Other Matters – Referendum Area

- 7.83 This matter presents interesting geographic and administrative challenges. On the one hand, the neighbourhood area has been deliberately drawn to be as tight as possible to reflect the scale, nature and influence of the Minster. On the other hand, the policies and proposals in the Plan have the ability to affect local residents within the immediate vicinity of the neighbourhood area itself.
- 7.84 In these circumstances, I recommend that the referendum area is the neighbourhood area and residential properties within the immediate vicinity of the neighbourhood area. It is the area where the immediate effects of the development proposed in the Plan could be experienced. Appendix A of this report identifies this area by reference to postcodes.
- 7.85 For the avoidance of any doubt, I am satisfied that a referendum in a more extensive area in the City of York is unnecessary. The development proposals in the Plan have

been very well-developed and are designed to ensure the ongoing sustainability and self-sufficiency of the Minster. In this context, the Plan's policies and proposals will consolidate and reinforce the international, national and local importance and attractiveness of the Minster. The Plan does not include proposals of strategic significance within the wider City. This conclusion reinforces the findings of the submitted Sustainability Assessment (incorporating Strategic Environmental Assessment) and the related conclusion of the Habitats Regulations Assessment.

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 2035.
- 8.2 It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community. It is a very impressive Plan in its own right and it positively overlaps with other strategic documents produced by the Minster.
- 8.3 Following the independent examination of the Plan I have concluded that the Minster Precinct Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

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 Minster Precinct Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area.
- 8.5 Taking account of my considerations in paragraphs 7.83 to 7.85 of this report, I recommend that the referendum area is the neighbourhood area and residential properties within the immediate vicinity of the neighbourhood area. Appendix A of this report identifies the postcodes which are included in the referendum area.

Other comments

- 8.6 I am very grateful to everyone who has contributed towards an efficient examination. The wider process has been carefully-managed in accordance with the examination arrangement note. This has provided an opportunity for the Forum to comment on the questions in the clarification note and to respond to the representations received to the Plan. This has made the recommended modifications to the Plan much easier to prepare and within an overall spirit of achieving an agreed and positive outcome.
- 8.7 In particular the City of York Council has provided ongoing support and access to documents and the Forum has commented in a timely and helpful way to the questions in the clarification note.

- 8.8 The examination reflects the collaborative fashion in which the Plan has been prepared. This is one of its major strengths. It will also assist significantly in the delivery of its policies and community actions.
- 8.9 In short, the Plan is a major achievement. It will do much to secure the longer-term sustainability of the Minster and the attractiveness and accessibility of the Minster Precinct.

Andrew Ashcroft
Independent Examiner
7 January 2022

Appendix A**York Minster Precinct Neighbourhood Plan Referendum Area**

The referendum for the York Minster Precinct Neighbourhood Development Plan should take place in the following postcode areas:

YO1 7AB	YO1 7FJ	YO1 7JR	YO1 8BH	YO31 7EA
YO1 7AH	YO1 7FX	YO1 7JW	YO1 8DA	YO31 7EB
YO1 7AL	YO1 7HD	YO1 7LD	YO1 8HX	YO31 7EF
YO1 7BD	YO1 7HF	YO1 7LF	YO1 8QF	YO31 7EH
YO1 7BP	YO1 7HG	YO1 7LG	YO1 8QG	YO31 7EQ
YO1 7BR	YO1 7HH	YO1 7LH	YO1 8QJ	YO31 7ER
YO1 7BT	YO1 7HL	YO1 7LJ	YO1 8QN	YO31 7EX
YO1 7BU	YO1 7HN	YO1 7LP	YO1 8QP	YO31 7EY
YO1 7BX	YO1 7HP	YO1 7LQ	YO1 8QR	YO31 7HA
YO1 7BZ	YO1 7HS	YO1 7LS	YO1 8QU	YO31 7HB
YO1 7DJ	YO1 7HT	YO1 7LW	YO1 8QW	YO31 7HY
YO1 7DN	YO1 7HU	YO1 7QB	YO1 8QZ	YO31 7HZ
YO1 7DR	YO1 7HW	YO1 8AA	YO1 8RN	YO31 7JA
YO1 7DS	YO1 7HY	YO1 8AB	YO1 8RW	YO31 7JS
YO1 7DT	YO1 7HZ	YO1 8AD	YO1 8XJ	YO31 7JZ
YO1 7DX	YO1 7JA	YO1 8AJ	YO1 8ZD	YO31 7PD
YO1 7DY	YO1 7JB	YO1 8AN	YO1 8ZW	YO31 7PE
YO1 7ED	YO1 7JD	YO1 8AQ	YO30 7BL	YO31 7PH
YO1 7EF	YO1 7JF	YO1 8AR	YO30 7BN	YO31 7PJ
YO1 7EH	YO1 7JG	YO1 8AS	YO30 7BP	YO31 7QR
YO1 7EJ	YO1 7JH	YO1 8AU	YO30 7BR	YO31 7QS
YO1 7EN	YO1 7JJ	YO1 8AW	YO30 7BS	YO31 7QT
YO1 7EP	YO1 7JL	YO1 8AX	YO30 7BW	YO31 7RB
YO1 7EW	YO1 7JN	YO1 8AZ	YO30 7DU	YO31 7RD
YO1 7EY	YO1 7JP	YO1 8BE	YO31 7AB	YO31 7UQ
YO1 7FD	YO1 7JQ	YO1 8BG	YO31 7AD	