

**Notice of a public meeting of
Executive**

To: Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Orrell, Runciman, Smalley, Waller and Widdowson

Date: Thursday, 18 March 2021

Time: 5.30 pm

Venue: Remote Meeting

A G E N D A

Notice to Members – Post Decision Calling In:

Members are reminded that, should they wish to call in any item* on this agenda, notice must be given to Democracy Support Group by **4:00 pm on Monday, 22 March 2021**.

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

1. Declarations of Interest

At this point, Members are asked to declare:

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

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

2. **Exclusion of Press and Public**

To consider the exclusion of the press and public from the meeting during consideration of Annex 11 to Agenda Item 13 (Community Asset Transfer Update) on the grounds that it contains information relating to the financial or business affairs of particular persons. This information is classed as exempt under paragraph 3 of Schedule 12A to Section 100A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006).

3. **Minutes** (Pages 1 - 14)

To approve the minutes of the last Executive meeting, held on 11 February 2021.

4. **Public Participation**

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is at **5.00pm on Tuesday, 16 March 2021.**

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

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

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

- 5. Forward Plan** (Pages 15 - 18)
To receive details of those items that are listed on the Forward Plan for the next two Executive meetings.
- 6. City of York Council Recovery and Renewal Strategy - March Update** (Pages 19 - 56)
The Chief Operating Officer to present an update report for March 2021 on the council's activities both directly in response to Covid-19 and to support recovery and renewal.
- 7. Plans for the Future of the Health and Care System in York** (Pages 57 - 92)
The Chief Operating Officer, Corporate Director of People and Director of Public Health to present a report which provides an update on plans to extend and improve the collaborative working between health and care services in York during the Covid-19 pandemic, including the establishment of a new 'York Health and Care Alliance'.
- 8. Huntington Neighbourhood Plan - Examiner's Report** (Pages 93 - 252)
The Assistant Director of Planning and Public Protection to present a report which seeks approval of the recommendations of the Examiner on the Huntington Neighbourhood Plan, and of the proposed additional Green Belt officer modifications, to enable the Plan to proceed to Referendum.
- 9. Pollinator Strategy** (Pages 253 - 266)
The Assistant Director of Transport, Highways and Environment to present a report which seeks approval for a Pollinator Strategy.
- 10. York Outer Ring Road Phase 1 Dualling - Resolution in principle to promote a Compulsory Purchase Order and associated Side Roads Order** (Pages 267 - 282)
The Assistant Director of Transport, Highways & Environment to present a report which seeks approval in principle to pursue a Compulsory Purchase Order and a Side Roads Order to acquire land required for Phase 1 of the York Outer Ring Road dualling and junction upgrade scheme, following completion of the procurement and consultation elements of the scheme.

- 11. Joint Waste Management Agreement** (Pages 283 - 322)
The Assistant Director of Transport, Highways and Environment to present a report which seeks approval to update the Joint Waste Management agreement entered into with North Yorkshire County Council in December 2010, to deliver a shared service across the City of York and North Yorkshire County council areas.
- 12. Consultation on Additional Licensing Scheme for Houses in Multiple Occupation (HMO)** (Pages 323 - 388)
The Interim Director of Place to present a report which seeks approval to consult on a proposal to improve the quality and energy efficiency of rented accommodation in the city by expanding the current scheme for licensing Houses in Multiple Occupation to those with 3 or 4 occupants within wards where there is most evidence of poor housing conditions and poor management.
- 13. Community Asset Transfer Update** (Pages 389 - 446)
The Interim Director of Place to present a report which seeks approval to grant leases of public open space and buildings to various local community groups and organisations to facilitate community management and responsibility of those assets and provide savings to the council.
- 14. Urgent Business**
Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services officer:

Name: Fiona Young

Contact details:

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

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

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

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

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

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

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

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

 (01904) 551550

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City of York Council

Committee Minutes

Meeting	Executive
Date	11 February 2021
Present	Councillors Aspden (Chair), Ayre, Craghill, Cuthbertson, D'Agorne, Orrell, Runciman, Smalley, Waller and Widdowson
In Attendance	Councillor Myers

PART A - MATTERS CONSIDERED UNDER DELEGATED POWERS

88. Declarations of Interest

Members were asked to declare at this point in the meeting any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests, that they might have in the business on the agenda.

Cllr Cuthbertson declared a personal interest in Agenda Item 6 (City of York Trading Limited – Proposed Amendments to Shareholder Agreement), as a non-Executive Director of CYT. He did not take part in the debate or decisions on this item.

Cllrs Craghill and Smalley each declared a prejudicial interest in Agenda Item 7 (Renewal of the Council's Contract with Make It York), as Directors of MIY. They did not take part in the debate or decisions on this item.

89. Minutes

Resolved: That, subject to an amendment to Minute 81 (Declarations of Interest) to record the interests declared by Cllrs D'Agorne and Waller in Agenda Item 6 (The York BID Renewal Ballot) and their non-participation in this item, the minutes of the Executive meeting held on 14 January 2021 be approved as a correct record, to be signed by the Chair at a later date.

90. Public Participation

It was reported that there had been 7 registrations to speak at the meeting under the Council's Public Participation Scheme.

The following spoke in relation to Agenda Item 7 (Renewal of the Council's Contract with Make It York):

- Joan Concannon, Director of External Relations at the University of York and a member of the MIY Board, spoke in support of the proposals, which she said would help MIY work collaboratively to achieve optimal results for the city.
- Janice Grey, a local resident, noted that in view of the overlap between the work of MIY and that of other bodies there was scope for reducing costs, and suggested that the contract with MIY should be reviewed annually.
- Cllr Douglas, Member for Heworth Ward, objected to the proposals on the grounds that they did not represent best value for money or take proper account of the needs of local businesses.
- Andrew Lawson, Executive Director of York BID, spoke in support of continuing the contract with MIY, which he considered important to achieving joint ambitions for the city, and of continued consultation with stakeholders.
- David Horne, MD of LNER and Executive Director of MIY, spoke in support of the proposals, stressing the importance of joint working to harness the potential of major projects and build a strong platform for the future of the city.

Gwen Swinburn spoke on Item 7 and on matters within the Executive's remit. She expressed concerns about the governance of the council's arms-length 'Teckal' companies and asked that this matter be referred to Audit & Governance Committee.

Andrea Dudding spoke on Item 11 (Financial Strategy 2021/22 to 2025/26) on behalf of UNISON. She called on Members, in considering the budget, to remember their responsibility to

ensure best practice in employment and to bring services back in house and protect as many jobs as possible.

91. Forward Plan

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

92. City of York Council Recovery and Renewal Strategy - February Update

The Chief Operating Officer presented a report which provided an update on the council's activities in response to Covid-19, both directly and to support recovery and renewal. This month's report included updates in relation to recent flooding, cold weather and pressures on discharge from hospital, and considered the impacts of Brexit and the need to re-open the city when restrictions allowed.

As at 29 January, the rate of positive Covid-19 cases in York had been 269.2 per 100k of population. This was above the regional average but below the national rate. Flooding and cold weather in January had placed additional strain on the council's response. However, response protocols had coped with the challenge. Both the vaccination programme and implementation of the test and trace strategy continued to progress well.

The Chair placed on record his thanks to staff, partners, volunteers, businesses and residents across the city for the way they had responded in the face of difficult weather conditions, and called on government to provide sufficient funding to help prevent future flooding events. He noted that the Covid-19 case rate had fallen significantly in recent weeks and was currently below both the regional and national averages.

Resolved: That the contents of the report be noted.

93. City of York Trading Limited - Proposed Amendments to Shareholders Agreement

The Director of Governance presented a report which asked Executive to review the Shareholders Agreement in respect of

City of York Trading Limited (CYT) and to approve proposed amendments to the Agreement.

CYT was a council-owned company the main purpose of which was to supply temporary teaching, care and administrative staff. The Shareholders Agreement had last been reviewed in 2015 and the CYT Board felt it was now time to review it again. The changes proposed by the Board were summarised in paragraph 11 of the report and shown in detail in Annex B. They related mainly to the minimum and maximum numbers of Executive and non-Executive Directors on the Board.

Resolved: (i) That approval be given to make the amendments to the Shareholders Agreement and affix the Council's seal to the document.

Reason: To ensure that the provisions of the Shareholders Agreement accurately represent the most current and up to date practices of City of York Trading Limited.

(ii) That it be noted that the s151 Officer and the Monitoring Officer, in consultation with the Chair of the Shareholder Committee, have commenced a review of the Shareholder Committee and its associated governance arrangements and that updated arrangements will be reported to Full Council for approval to update the council's Constitution.

Reason: To confirm that Executive is aware of action being taken to ensure that governance arrangements for the Shareholder Committee remain effective and fit for purpose.

94. Renewal of the Council's Contract with Make it York

The Corporate Director of People presented a report which proposed the main terms on which the Council would let a new contract to Make it York (MIY) for the period 2021-24.

The report followed measures agreed by Executive on 15 December 2020 to secure the future of MIY in the context of the Covid-19 pandemic (Minute 76 of that meeting refers). The next steps must now be taken, before the existing contract came to

an end on 31 March. The new contract would address a number of issues, including the effects of Covid-19, mitigation of the risk to the council's investment in MIY, and clarification of governance arrangements. The option to bring MIY's functions back in-house was not recommended, due to cost and the broad success of the current model. Draft priorities for the Service Level Agreement (SLA) were set out in the report and in Appendix A. It was proposed to consult key stakeholder groups on these over the coming month and bring back final proposals for approval in April.

The Executive Member for Economy & Strategic Planning welcomed the proposals for a new SLA to address performance and governance issues and encouraged stakeholders to participate in the consultation. Having noted the comments made on this item under Public Participation, it was

- Resolved:
- (i) That the priorities on which the new service specifications are to be based be agreed as set out in paragraph 10 of the report and following.
 - (ii) That approval be given to undertake further work with Make It York to develop the outcomes and service levels schedule of the contract (the SLA), following consultation with businesses and other stakeholder groups, and to bring these back to Executive in April.
 - (iii) That approval be given to extend the current contract on the current terms until the new contract is in place, following approval of that new contract by Executive in April.

Reason: In order to create a closer relationship between the council and MIY, enabling them to work collaboratively with other organisations in the city and make the best use of resources for the benefit of York in the face of the challenges ahead.

95. Request to Extend Home to School Transport Contracts

The Corporate Director of People presented a report which sought approval to extend the existing contracts for home to school transport to 31 August 2022.

Home to school transport contracts in York were split into two areas. Contracts for home to school dedicated bus services were currently held by York Pullman. Contracts for minibuses and taxis were held by Streamline Taxis. All contracts were due to expire at the end of August 2021.

Two options were available:

Option 1 – procure new contracts, to begin on 1 September 2021;

Option 2 - extend the existing contracts for a further year. This was the recommended option, as it would enable the transport industry to return to some form of normality after the pandemic, widening the number of providers able to bid for the work and allowing costs to stabilise.

Resolved: That Option 2 be approved and the existing home to school transport contracts be extended for a period of one year, from September 2021 to August 2022.

Reason: To ensure that there is provision in place to meet both the Local Authority's statutory duties in relation to home to school transport, and provision for vulnerable young people.

96. 2020/21 Finance and Performance Monitor 3

The Chief Finance Officer presented a report which provided details of the council's overall finance and performance position for the period 1 April 2020 to 31 December 2020, together with an overview of any emerging issues.

The report highlighted the continuing financial consequences of the Covid-19 pandemic, as well as underlying budget pressures across adults' and children's social care. Cost impacts of the recent lockdown and flooding had not been included in the forecasted out-turn. The financial pressures facing the council were projected at £5.7m. As a result of work to identify mitigation measures and further action to bring spending under

control, it was considered this could be reduced to £3.7m by the end of the financial year. The position within each directorate was summarised in Table 1 at paragraph 19 of the report and detailed in Annex 1, along with mitigation measures. Reserves would be reviewed on a quarterly basis this year and released to support the in-year position where appropriate.

With regard to performance, progress was reported against the core set of strategic indicators in the Council Plan. Indicators with a good direction of travel were listed in paragraph 29, while indicators showing a worsening direction of travel were divided into those directly affected by Covid-19 (listed in paragraph 31), and those affected by wider factors (listed in paragraph 32). Further details were provided in Annex 2 to the report. Progress had been made on all of the 8 key outcome areas in the Council Plan, as highlighted in paragraph 35 and detailed in Annex 3.

The Executive Member for Finance & Performance commented that the council's service delivery performance remained strong despite the impact of Covid and continuing pressures on local authority budgets.

Resolved: That the finance and performance information, and the actions needed to manage the council's financial position, be noted.

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

97. Capital Programme - Monitor 3 2020/21

[See also under Part B]

The Chief Finance Officer presented a report which set out the projected out-turn position on the council's capital programme for 2020/21, including any over or under-spends, along with requests to re-profile budgets to and from current and future years.

A decrease of £24.824m was reported on the approved capital budget, resulting in a revised programme of £119.859m. Variances in each portfolio area were outlined in Table 1 at paragraph 7 of the report, and detailed in paragraphs 8-74. The effect of the revisions was shown in Table 2, at paragraph 75.

Despite the disruption of capital investment during the pandemic, progress had been made in a number of areas including Shared Ownership homes, conversion of bus fleets, major expansion at Archbishop Holgate School, further rollout of ICT and completion of the Community Stadium. Due to the impact of Covid-19, only a small number of schemes within the School Maintenance programme had been prioritised in the current year . It was therefore proposed to re-profile a further £1.1m into 2021/22, as set out in paragraphs 14-15.

Resolved: (i) That the 2020/21 revised budget of £119.859m, as set out in paragraph 6 of the report and in Table 1, be noted.

(ii) That the re-stated capital programme for 2020/21-2024/25, as set out in Table 2 at paragraph 75, be noted.

(iii) That approval be given to fund the schemes listed in the table at paragraph 15 from the existing Maintenance programme for 2021/22.

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

98. Financial Strategy 2021/22 to 2025/26

[See also under Part B]

The Chief Finance Officer presented a report which asked Executive to recommend to Council the financial strategy for 2021/22 to 2025/26, including detailed revenue budget proposals for 2021/22.

The strategy would deliver a balanced budget for 2021/22, with savings proposals totalling £7.9m. Overall, £12.5m additional revenue funding would be added to the budget to meet continuing pressures on adult social care and children's services, support the council's response to the Covid-19 pandemic and maintain progress on the objectives of the Council Plan. The proposals were predicated on a basic council tax increase of 1.99% in 2021/22, plus an additional increase of 3% in line with the government's social care precept. The net revenue budget of £131.392m would be funded by

council tax income of £98.051m and retained business rates of £33.341m.

The report included statutory advice from the s151 Officer, at paragraphs 202-224. A summary of the budget expenditure and savings proposals was provided in Annexes 1 and 2, with HRA growth and savings proposals in Annexes 5 and 6. Results of consultation with residents and businesses were detailed in Annex 4; it was noted that responses had increased from 825 to 2,251 this year.

In response to comments made under Public Participation, officers confirmed that proposals to review adult social care staffing would involve exploring options; there was no fixed view at this stage. Members supported the recommendations in the report, commenting individually on their respective portfolio areas. The Chair highlighted the increase in funding to crucial services and the need for the council to achieve a stable position in the face of unprecedented financial pressures.

Resolved: (i) That the revocation of the 2020/21 North and West Yorkshire 50% retention business rates pool on 31 March 2021 be noted, and that City of York Council's membership of the 2021/22 Leeds City Region 50% business rates pool from 1 April, as outlined in paragraph 106 of the report, be agreed.

Reason: To confirm membership of the Leeds City Region 50% business rates pool for 2021/22.

(ii) That the average rent increase of 1.5%, based on national formulas linked to RPI and CPI, be approved to apply to all rents for 2021/22, with the exception of Gypsy, Roma and Traveller Community site rents, to which a 1.2% increase shall apply as described in paragraphs 152 and 154.

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

PART B - MATTERS REFERRED TO COUNCIL

99. Capital Programme - Monitor 3 2020/21

[See also under Part A]

The Chief Finance Officer presented a report which set out the projected out-turn position on the council's capital programme for 2020/21, including any over or under-spends, along with requests to re-profile budgets to and from current and future years.

A decrease of £24.824m was reported on the approved capital budget, resulting in a revised programme of £119.859m. Variances in each portfolio area were outlined in Table 1 at paragraph 7 of the report, and detailed in paragraphs 8-74. The effect of the revisions was shown in Table 2, at paragraph 75.

Despite the disruption of capital investment during the pandemic, progress had been made in a number of areas including Shared Ownership homes, conversion of bus fleets, major expansion at Archbishop Holgate School, further rollout of ICT and completion of the Community Stadium. Due to the impact of Covid-19, only a small number of schemes within the School Maintenance programme had been prioritised in the current year. It was therefore proposed to re-profile a further £1.1m into 2021/22, as set out in paragraphs 14-15.

Recommended: That Council approve the adjustments detailed in the report and contained in Annex A, resulting in a decrease of £24.824m in the approved budget.

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

100. Financial Strategy 2021/22 to 2025/26

[See also under Part A]

The Chief Finance Officer presented a report which asked Executive to recommend to Council the financial strategy for 2021/22 to 2025/26, including detailed revenue budget proposals for 2021/22.

The strategy would deliver a balanced budget for 2021/22, with savings proposals totalling £7.9m. Overall, £12.5m additional revenue funding would be added to the budget to meet continuing pressures on adult social care and children's services, support the council's response to the Covid-19 pandemic and maintain progress on the objectives of the Council Plan. The proposals were predicated on a basic council tax increase of 1.99% in 2021/22, plus an additional increase of 3% in line with the government's social care precept. The net revenue budget of £131.392m would be funded by council tax income of £98.051m and retained business rates of £33.341m.

The report included statutory advice from the s151 Officer, at paragraphs 202-224. A summary of the budget expenditure and savings proposals was provided in Annexes 1 and 2, with HRA growth and savings proposals in Annexes 5 and 6. Results of consultation with residents and businesses were detailed in Annex 4; it was noted that responses had increased from 825 to 2,251 this year.

In response to comments made under Public Participation, officers confirmed that proposals to review adult social care staffing would involve exploring options; there was no fixed view at this stage. Members supported the recommendations in the report, commenting individually on their respective portfolio areas. The Chair highlighted the increase in funding to crucial services and the need for the council to achieve a stable position in the face of unprecedented financial pressures.

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

- a) The net revenue expenditure requirement of £131.392m;
- b) A council tax requirement of £98.051m;
- c) The revenue growth proposals as outlined in the body of the report;
- d) The 2021/22 revenue saving proposals outlined in Annex 2;
- e) The fees and charges proposals outlined in Annex 3;
- f) The consultation feedback set out in Annex 4;

- g) The Housing Revenue Account (HRA) growth set out in Annex 5, the HRA savings proposals set out in Annex 6, the HRA 2021/22 budget set out in Annex 7, and the HRA 30-year plan set out in Annex 8.
- h) The dedicated schools grant proposals outlined in paragraph 156; and
- i) The use of £52k New Homes Bonus to fund one-off investment, as outlined in paragraph 87.

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

101. Capital Budget 2021/22 to 2025/26

The Chief Finance Officer presented a report which set out the Capital Strategy for 2021/22 to 2025/26; in particular, proposals to prioritise investment in the economy, housing and transport and to invest to save.

The schemes outlined in the report continued the transformational programme to drive regeneration and accelerate the city's economic recovery. The report set out £41.037m of new investment over the five-year period, of which £8.500m was externally funded and £11.954m was met from the Housing Revenue Account, with £20.433m to be funded by council borrowing. A summary of the new proposals was provided in Table 2 at paragraph 13 of the report, with further details in the following paragraphs and in Annex A. The full re-stated programme for the 5-year period was detailed in Annex B

In supporting the programme, Members welcomed the investment in the council's response to Covid and in their own portfolio areas, including major projects, libraries, homes and public spaces, carbon reduction and flood alleviation schemes.

Recommended: (i) That Council agree the revised capital programme of **£546.880m**, reflecting a net overall increase of **£41.037m** (as set out in Table 2 at paragraph 13 of the report and in Annex A), key elements of which include:

- a) New schemes funded by prudential borrowing totalling £7.513m, as set out in Table 3;

- b) New schemes funded by a combination of prudential borrowing and external funds totalling £3.300m, as set out in Table 4 and summarised in Table 5;
- c) New schemes funded by a combination of prudential borrowing and other internal funds totalling £200k, as set out in Table 6;
- d) Extension of prudential borrowing funded Rolling Programme schemes totalling £10.870m, as set out in Table 5 and summarised in Table 7;
- e) Extension of externally funded Rolling Programme schemes totalling £7.00m, as set out in Table 9; and
- f) An increase in HRA-funded schemes totalling £11.954m, funded from a combination of HRA balances and Right to Buy balances, as set out in Table 10.

(ii) That Council note that the total increase in council borrowing as a result of new schemes being recommended for approval is £20.483m, the details of which (schemes) are considered within this report and the financial strategy report.

(iii) That Council approve the full re-stated programme totalling **£546.880m**, covering financial years 2021/22 to 2025/26, as set out in Table 14 at paragraph 75 of the report, and in Annex B.

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

102. Capital Financing & Investment Strategy

The Chief Finance Officer presented a report which asked Executive to recommend the capital and investment strategy to Council for approval, in accordance with the Prudential Code 2017.

The strategy, attached as Annex A to the report, set out the council's approach to business case development and risk. It

remained broadly unchanged from the previous year, save for the inclusion of an additional section to reflect the potential impact of the Covid-19 pandemic.

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

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

103. Treasury Management Strategy Statement and Prudential Indicators for 2021/22 to 2025/26

The Chief Finance Officer presented a report which asked Executive to recommend to Council the treasury management strategy and prudential indicators for the 2021/22 financial year.

The report covered the council's capital plans (including prudential indicators), the minimum revenue provision policy, the treasury management strategy and the annual investment strategy.

Officers confirmed that there were no significant changes to note. The report had been considered by Audit & Governance Committee and their comments had been incorporated.

Recommended: That Council approve:

- a) The proposed treasury management strategy for 2021/22, including the annual investment strategy and the minimum revenue provision policy statement;
- b) The prudential indicators for 2021/22 to 2025/26 in the main body of the report;
- c) The specified and non-specified investments schedule at Annex B; and
- d) The scheme of delegation and the role of the section 151 officer, in Annex D.

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

Cllr K Aspden, Chair

[The meeting started at 5.35 pm and finished at 7.17 pm].

Forward Plan: Executive Meeting: 18 March 2021

Table 1: Items scheduled on the Forward Plan for the Executive Meeting on 22 April 2021

Title and Description	Author	Portfolio Holder
<p>Renewal of the Council’s Contract with Make It York</p> <p>Purpose of Report To propose the terms on which the Council will let a new contract to Make it York (MIY) for the period 2021-24.</p> <p>Executive will be asked to: agree to enter into a further contract with MIY; consider feedback following consultation with businesses and other stakeholder groups; agree the outcomes and service levels to be included in the contract.</p>	Charlie Croft	<p>Executive Member for Culture, Leisure and Communities</p> <p>Executive Member for Economy and Strategic Planning</p>
<p>CYC Renewal and Recovery Strategy</p> <p>Purpose of Report To provide an update on activities in response to the Covid-19 and the work to support recovery and renewal. This follows previous Executive decisions to approve the Recovery and Renewal Plan, which frames the Council's recovery activities for the year.</p> <p>Executive will be asked to: note the report.</p>	Will Boardman	Executive Leader

Table 2: Items scheduled on the Forward Plan for the Executive Meeting on 20 May 2021

Title and Description	Author	Portfolio Holder
<p>Inclusion Review – Internal capital works at Applefields Special School and Danesgate PRU</p> <p>Purpose of Report To approve the budget for capital works at Applefields Special School and Danesgate PRU to reconfigure internal spaces to support the outcomes of the inclusion review. Works to be carried out at different times over summer 2021, 2022 and potentially 2023.</p> <p>Executive will be asked to: approve the allocation of Basic Need Capital Funding in the Children, Education and Communities Capital Programme to carry out re-configuration of teaching space and provide additional office accommodation in two phases at Applefields School, and re-organisation and re-modelling of accommodation at Danesgate PRU in a number of phases. This work will also involve the development and implementation of a transport plan for the site.</p>	<p>Alison Kelly & Claire McCormick</p>	<p>Executive Member for Children, Young People and Education</p>
<p>CYC Renewal and Recovery Strategy</p> <p>Purpose of Report To provide an update on activities in response to the Covid-19 and the work to support recovery and renewal. This follows previous Executive decisions to approve the Recovery and Renewal Plan, which frames the Council's recovery activities for the year.</p> <p>Executive will be asked to: note the report.</p>	<p>Will Boardman</p>	<p>Executive Leader</p>

Table 3: Items Slipped on the Forward Plan

None

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Executive**18 March 2021**

Report of the Chief Operating Officer
Portfolio of the Leader of the Council

City of York Council Recovery and Renewal Strategy – March Update**Summary**

1. This report provides an update on activities both directly in response to Covid-19 and the work to support recovery and renewal. This follows previous Executive decisions to approve the Recovery and Renewal Plan, which frames the Council's recovery activity.
2. In this month's report, the implications of the Government's Roadmap for the easing of restrictions are considered, in respect of the activities the council will undertake to support the safe reopening of city spaces and promote building back better and fairer as a city. It also highlights the ongoing work to support communities.
3. It is highly likely given the fast-changing nature of the pandemic that some of the information within this report will have changed between publication and the Executive meeting. Updates will, therefore, be given at the meeting.

Recommendations

4. Executive is asked to:
 - a. Note the contents of the report
 - b. Approve the recommendations in relation to the reopening of the city centre (outlined in Annex 1), namely to delegate to the Corporate Director of Economy and Place in consultation with the Executive Member for Economy the following interventions:
 - i. To provide temporary public toilets in the city centre during the initial stages of lockdown easing should they be required at a cost of £2k per week
 - ii. The expenditure of up to £200k ARG to fund the delivery of the principles for managing city and secondary centre spaces that are set out in this report
 - iii. The submission of any planning application required for temporary managed outdoor spaces

- iv. Extend the Covid Marshalls until the end of June at a cost of £28k to facilitate the Covid-safe management of the city through Covid Containment Grant funding
- c. Approve the recommendations for the use of the Additional Restrictions Grant outlined in Annex 2, including the closure of applications for the Additional Restrictions Grant on 31 March 2021
- d. Approve the participation in a Behavioural Insights trial to support Covid-safe behaviours, as outlined in Annex 3
- e. Approve the deferral of the implementation of the following fees until Step 4 of the Government's recovery roadmap and agree the related discount:
 - i. Cremation fees to be charged at £745 until Covid restrictions are relaxed (estimated to be June 21st at the earliest)
 - ii. Free recording of services to be maintained until the same date
- f. Approve the use of the Government Covid Recovery Grant to mitigate the financial implications of the discounts in 4.e above for 3 months (subject to further review should the date for Step 4 be moved).

Background

5. On 25th June, Executive received a report to outline the council's 1-year Recovery and Renewal Strategy. This highlighted the need for a revised set of strategies to address the very significant and immediate impacts of coronavirus across all aspects of life in our city.
6. The strategy set the following principles upon which we will build our response:
 - a. Prioritise the health and wellbeing of our residents, against the immediate threat of coronavirus and the consequences of changes to the way we live. Public Health guidance will be paramount in all the decisions we make.
 - b. Support the economic recovery of the City, helping to create a strong, sustainable and inclusive economy for the future. Learning lessons from the challenges of coronavirus, promote a system that utilises the strengths of our city and region to the benefit of all York's residents and businesses.
 - c. Protect and prioritise the City's environment and reinforce our work to mitigate and adapt to climate change.
 - d. Pursue improvements in service delivery where they have been identified as part of the Response phase, creating a more efficient and resilient system.
 - e. Reinforce and restore public confidence in the resilience of public agencies and resilience to future challenges and emergencies.

7. Included in June's report was a One Year Transport and Place Strategy, as the first part of the economic recovery approach. A report in July supplemented this with a Business Support Plan, a Skills and Employment Plan and a Tourism Marketing Plan.

CYC Recovery and Renewal Plan (1 year)				
Economic Recovery Plan			Communities	Corporate
Business Support Plan	One Year Transport and Place Plan	Skills and Employment Plan	Recovery from coronavirus: A community-based approach	Organisational Development Plan
Tourism Marketing Plan				

Latest Outbreak Update

8. Given the continually changing context, an update on the latest situation will be given verbally to the Executive at the meeting.
9. The latest official 7 day rate of positive cases of Covid in York is, at 3 March, 45.6 per 100,000 population. This figure has dropped significantly since the peak of the third wave of infection and represents a reduction to amongst lowest levels in the region. Whilst this represents a positive direction of travel, this figure is still significantly higher than that seen during the lowest points of the summer. Caution and compliance with current restrictions are, therefore, critical to ensure cases continue to fall.
10. The rollout of the vaccine continues at pace. The latest figures show that 247,629 vaccine doses have been given to people across North Yorkshire and the Vale of York
11. On 22 February, the Government published its Spring 2021 Covid-19 Response, outlining the Roadmap to the easing of restrictions, as well as the wider strategy for health, economic and social support. The Roadmap contains 4 steps, which will be progressed through consecutively reducing restrictions on the basis that 4 tests are met. These test are:
- Test 1: The vaccine deployment programme continues successfully.
 - Test 2: Evidence shows vaccines are sufficiently effective in reducing hospitalisations and deaths in those vaccinated.
 - Test 3: Infection rates do not risk a surge in hospitalisations which would put unsustainable pressure on the NHS.

- d. Test 4: Government's assessment of the risks is not fundamentally changed by new Variants of Concern.

12. Full detail of the four steps can be found on the Government's webpages at <https://www.gov.uk/government/publications/covid-19-response-spring-2021/covid-19-response-spring-2021#roadmap>

13. In summary, the steps are as follows:

a. Step 1: 8 March

- Schools and colleges are open for all students. Practical Higher Education Courses.
- Recreation or exercise outdoors with household or one other person. No household mixing indoors.
- Wraparound childcare.
- Stay at home.
- Funerals (30), wakes and weddings (6)
- 29 March
- Rule of 6 or two households outdoors. No household mixing indoors.
- Outdoor sport and leisure facilities.
- Organised outdoor sport allowed (children and adults).
- Minimise travel. No holidays.
- Outdoor parent & child groups (up to 15 parents).

b. Step 2: At least five weeks after Step 1, no earlier than 12 April.

- Indoor leisure (including gyms) open for use individually or within household groups.
- Rule of 6 or two households outdoors. No household mixing indoors.
- Outdoor attractions such as zoos, theme parks and drive-in cinemas.
- Libraries and community centres.
- Personal care premises.
- All retail.
- Outdoor hospitality.
- All children's activities, indoor parent & child groups (up to 15 parents).
- Domestic overnight stays (household only).
- Self-contained accommodation (household only).
- Funerals (30), wakes, weddings and receptions (15).
- Minimise travel. No international holidays.
- Event pilots begin.

- c. Step 3:** At least five weeks after Step 2, no earlier than 17 May.
- Indoor entertainment and attractions.
 - 30 person limit outdoors. Rule of 6 or two households (subject to review).
 - Domestic overnight stays.
 - Organised indoor adult sport.
 - Most significant life events (30).
 - Remaining outdoor entertainment (including performances).
 - Remaining accommodation.
 - Some large events (expect for pilots) - capacity limits apply.
 - Indoor events: 1,000 or 50%.
 - Outdoor other events: 4,000 or 50%.
 - Outdoor seated events: 10,000 or 25%.
 - International travel - subject to review.
- d. Step 4:** At least five weeks after Step 3, no earlier than 21 June. By Step 4, the Government hopes to be able to introduce the following (subject to review):
- No legal limits on social contact
 - Nightclubs.
 - Larger events.
 - No legal limit on life events.

14. It is worth reflecting that these easements of restriction will only be possible if the risk of health services being overrun continues to fall. It is highly likely that over the period of these steps, infection rates will see some increases. This is on the basis that there will be increased social contact permitted, within a population of which the majority, to start with, will not have been vaccinated.

15. This is a very different scenario to previous increases in infection rate, as over time more and more of those most vulnerable to serious illness, hospitalisation or death from the infection will have been vaccinated. However, the more prevalent the infection within communities, the more likely those who remain vulnerable to Covid-19 for any reason become infected. For this reason, there remains an individual and collective responsibility to ensure that everybody continues the basic measures to prevent infection (Hands, Face, Space), as well as getting a test and isolating if they have symptoms or have been in contact with someone who does.

Recovery Updates

Communities

16. Recovery at a city level means re-establishing the quality of life for all residents and ensuring the determinants of good health and wellbeing are supported. A wide range of research, including the Covid-19 Marmot Review, identifies the negative impact of Covid upon many pre-existing inequalities across society, often culminating in poorer health outcomes for particular groups. Not only is there a moral imperative to build back better and fairer, but also a practical need to address and minimise the negative impacts of inequality which would otherwise inhibit the recovery of our city.
17. For this reason, the council has been working with partners across the region to consider how best to support this recovery whilst living with Covid (in some shape or form) for the foreseeable future. There is a recognition that priorities at this point have to be the safe reopening of the economy whilst maintaining momentum in vaccinations, being vigilant against new variants and ensuring Covid-secure environments. Over time, emphasis must shift to ways of living with Covid as part of the overall health context, and longer term recovery and changes in service delivery. Key in this second phase is addressing inequalities which are likely to have been exacerbated by Covid and the response to it.
18. The considerations of how to build back better, including the importance of inclusive growth, will be at the heart of the 10 year city plan which is being discussed with city partners. It is envisaged that this will be consulted upon over the summer and, once adopted, can provide a vision and guiding principles for York's social, economic and environmental prosperity over the next decade.
19. Over the course of the pandemic, the council has continued to support communities, particularly those people requiring additional support as a result of the restrictions. Annex 4 sets out some of the approach that has been taken as well as the immediate plans for continuing this support.
20. In addition to people who are clinically extremely vulnerable and those needing to self-isolate, anyone can continue to contact the council in an emergency or if they don't have any other support. Please email covid19help@york.gov.uk or call 01904 551550.
21. Anyone who would like to help the city through volunteering can now do so through York CVS Volunteer Centre at:
<http://www.communitycvcs.org.uk/covid-19/covid-19-volunteers/>

Economic

22. Based on the Government's Roadmap, the council is making preparations for the safe re-opening of the city centre, supporting the recovery of businesses and communities. Achieving the right balance to support

individual's safety whilst facilitating increased business and social activity will be challenging, given the changing parameters of the pandemic alongside the desire of many people to return to activities which have been restricted as quickly as possible.

23. At this stage, it is not recommended that the council commits additional resource to promoting additional visitors to the city. Given the likelihood of varying rates of infection as a result of wider derestriction, the overarching principle has to be the safety of York's residents and visitors.
24. As a city with a vast array of cultural and historical assets, and a wide and well-earned reputation for being a good place to visit, it is likely that the return of visitors (local and from further afield) will be rapid as restrictions are eased. This is hugely positive for a significant sector in York's economy and will be a welcome return to the vibrancy of the city. However, it will also bring challenges in ensuring this return does not also adversely impact in other ways.
25. To ensure these challenges are addressed, the Council will continue to progress work on the Purple Flag with partners, in promoting a safe and vibrant city centre. The multi-agency Safety Advisory Group will continue to lead on the approval of any events or activities in the city. This will focus on the assessment of the public health impact, continually reviewing the processes, the evidence related to the pandemic and that of public behaviours.
26. In considering the impacts on the city of each stage of de-restriction, a number of considerations and required actions have already been identified. Annex 1 identifies the current assessment of risks, opportunities and necessary actions to support the safe re-opening of the city centre, with a set of recommendations (noted above in paragraph 4b.)
27. A further consideration of the impact of Government Roadmap on the Additional Restrictions Grant is included at Annex 2.
28. Annex 3 describes a proposal to trial a behavioural insights approach to support the safe use of the city centre. The proposal is to work with the Public Health England (PHE) Behavioural Science and Insights Unit to take an evidence based approach to mitigate the risk of increased community transmission as a result of increased visitors to the city centre (resident or non-resident). Recognising that we will be living with Covid-19 for some time, and to better support city centre businesses over what could be a prolonged period, the trial would take place over three months leading up to wider reopening which is currently proposed for 21 June 2021. This would involve taking a city wide approach and learning from the experiences of business owners observing behaviour and asking visitors

and residents about their behaviour to understand how Covid-safe behaviours can best be prompted amongst both visitors and local employees in open spaces in the city centre, district shopping areas and public spaces.

29. The work with Public Health England is free of charge and resource implications would be managed through redeployment. The Public Health Containment Grant would fund refinements to signage.
30. On 3 March, the Chancellor announced the 2021 Budget, with a wide variety of fiscal and economic policy measures. The full detail can be found here: <https://www.gov.uk/government/topical-events/budget-2021>
31. In terms of local government-administered support, the following was announced:
 - a. The extension of the 100% business rates holiday until the end of June for eligible businesses, namely retail, hospitality and leisure.
 - b. Business rates will then be discounted by two-thirds until the end of the year for the same businesses. This will be capped at £2 million per business for properties that were required to be closed on 5 January 2021, or £105,000 per business for other eligible properties. Local authorities will be compensated for the loss of income resulting from these measures.
 - c. All local authorities in England will receive an additional £425 million of discretionary business grant funding as part of the Government's Restart Grants scheme.
32. The council will continue to review the information and guidance round this as it is available to ensure applicable support can be provided to businesses as quickly as possible.

Corporate

33. Given the requirement to develop plans and approaches which include Covid for some time to come, the council has been considering its corporate planning and the internal governance to support this during the next phases of response and recovery. The internal groups currently focussed on recovery actions will be re-aligned to the new corporate structure, allowing these arrangements to unite development of policy and recommendations for both Covid and other service issues.
34. A further report will come to Executive on the Council Plan and the development of a 10 year plan for the city, taking into consideration the changed context within York and the need to focus on particular areas to support the best possible recovery.

35. In respect of fees and charges, in light of the Government's recovery roadmap and restrictions on funerals remaining until Step 4 (i.e. 21st June 2021 at the earliest) it is proposed to defer the 2021/22 full restoration of the £920 fee for cremations (with a service) and maintain the current reduced fees at a rate of £745 (to include the rate of inflation increase but maintain a discount of £175).

36. It is also proposed to maintain the free recording of funeral services, deferring the standard charge of £62 per funeral to the same date.

Council Plan

37. The Recovery and Renewal Strategy outlines activities for the next year to allow the continued achievement of Council Plan outcomes.

Implications

- **Financial** – The financial impacts are largely included within this report. In respect of recommendations e. and f., the worst case impact on revenue is estimated to be around £166k per quarter (£147k for funerals and £19k for recordings). The Government's Covid Recovery Grant would be used to mitigate the budget impacts.
- **Human Resources** – No specific impacts identified.
- **One Planet Council / Equalities** – A principle of recovery is to ensure climate change is considered in decisions taken. The economic recovery plans recognise and respond to the unequal impact of coronavirus and the risk of increasing levels of inequality as a result.
- **Legal** – No specific impacts identified.
- **Crime and Disorder** – No specific impacts identified.
- **Information Technology** – No specific impacts identified.

Risk Management

38. There remain significant areas of risk in responding to this crisis across all areas of recovery. The highest priority continues to be the health and wellbeing of residents and all planning and decisions will be taken with this in mind.

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Report
Approved



Date 10/03/2021

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report

Annexes

Annex 1 – Reopening the city centre
Annex 2 – Roadmap and Additional Restriction Grant
Annex 3 – Behavioural Insights trial
Annex 4 – Communities Update

Background Reports

Update on Coronavirus Response – 7 May 2020

<https://democracy.york.gov.uk/documents/s139955/Coronavirus%20Executive%20Report.pdf>

City of York Council Recovery and Renewal Strategy - June

<https://democracy.york.gov.uk/ielIssueDetails.aspx?IId=59688&PlanId=0&Opt=3#AI55501>

CYC Recovery and Renewal Strategy Update – July

<https://democracy.york.gov.uk/mglIssueHistoryHome.aspx?IId=59899>

CYC Recovery and Renewal Strategy update - August

<https://democracy.york.gov.uk/ielIssueDetails.aspx?IId=60167&PlanId=0&Opt=3#AI55914>

CYC Recovery and Renewal Strategy update – September

<https://democracy.york.gov.uk/documents/s142400/Recovery%20and%20Renewal%20Update%20Report.pdf>

CYC Recovery and Renewal Strategy update – October

<https://democracy.york.gov.uk/ielIssueDetails.aspx?IId=60724&PlanId=0&Opt=3#AI56530>

City of York Council Recovery and Renewal Strategy - November Update
<https://democracy.york.gov.uk/documents/s144127/Recovery%20and%20Renewal%20Update%20-%20November%202020%20v0.3.pdf>

City of York Council Recovery and Renewal Strategy – December update
<https://democracy.york.gov.uk/ieIssueDetails.aspx?IId=61412&PlanId=0&Opt=3#AI57153>

City of York Council Recovery and Renewal Strategy –January Update
<https://democracy.york.gov.uk/ieIssueDetails.aspx?IId=61755&PlanId=0&Opt=3#AI57489>

City of York Council Recovery and Renewal Strategy –February Update
<https://democracy.york.gov.uk/documents/s146708/Recovery%20and%20Renewal%20Update%20-%20February%202021.pdf>

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Annex 1 - Re-opening the city centre



Topic: COVID_19 Economic Recovery – re-opening the city centre

Circulation: Executive

Date: 18 March 2021

Author: Andy Kerr, Head of Regeneration Programmes

Purpose

To set out the anticipated impacts of the government's timetable for the easing of lockdown on the city centre and the proposed responses and mitigations.

Recommendations

Delegate to the Corporate Director of Economy and Place in consultation with the Executive Member for Economy the following interventions:

- To provide temporary public toilets in the city centre during the initial stages of lockdown easing should they be required at a cost of £2k per week
- The expenditure of up to £200k ARG to fund the delivery of the principles for managing city and secondary centre spaces that are set out in this report
- The submission of any planning application required for temporary managed outdoor spaces
- Extend the Covid Marshalls until the end of June at a cost of £28k to facilitate the covid-safe management of the city through Covid Containment Grant funding

Background

On Monday 22 February the prime minister set out the proposed timetable for the easing of the lockdown measures that have been introduced in response to Covid-19. Over a series of 5 week periods – subject to meeting four tests relating to the prevalence of the virus at each stage – restrictions will gradually be released, reducing social distancing measures and allowing the reopening of the economy. These four stages begin on 8 March and will run through to all restrictions being lifted by 21 June at the earliest.

Roadmap to easing lockdown and the impact on the city centre

	March				Apr				May				Jun				
	8	15	22	29	5	12	19	26	3	10	17	24	31	7	14	21	28
Step 1	Meet one person outdoors Stay at home				Rule of 6 outdoors Stay at home ends Stay local												
Step 2					Seated pub beer gardens open with rule of 6 No need for a substantial meal or curfew All shops reopen Self-catering UK holidays for households								School holiday				
Step 3					Easter holiday				Pubs reopen Rule of 6 indoors Groups of 30 outdoors Outdoor and indoor entertainment (with limits) Hotels and B&Bs reopen								
Step 4													All restrictions end Potential social distancing				

Managing the city centre

The likely key impacts and consideration at each stage are as follows:

Stage one

8 March – there are likely to be no significant changes or implications for the city centre. The reopening of schools will potentially increase those travelling on public transport and changing buses in the city centre. The flexibility to meet one other person outside of your household is only a minor change to the existing ability to meet for exercise, including a walk.

29 March – the stay at home order will be lifted although people are encouraged to remain local. This is likely to see an increase in both residents and regional visitors to the city centre, whilst the ability to meet up to 5 other people outdoors will probably mean groups meeting and potentially drinking alcohol in public spaces. There will be increased custom for businesses that are already open in the city centre, particularly those serving takeaway food such as the Shambles Market. The school Easter holidays which run up to the 12 April may see a further increase in footfall and volumes of people

Key considerations

- *Public health messaging and reiterating the stay local message – the city isn't open to visitors*
- *Footstreet hours to remain at 5pm to facilitate closed hospitality businesses running takeaway services*
- *Consideration of additional public toilets to respond to higher numbers of people and eating and drinking in public spaces?(cost of approximately £2k per week)*
- *Covid Marshals and BiD Rangers to focus on ensuring social distancing, particularly in busy areas such as Shambles Market*

Stage two – no earlier than 12 April

The ending of the stay local messaging, beginning of self-catering holidays, and reopening of all shops, hairdressers and pub beers gardens is likely to result in a significant influx of people to the city centre.

Although the need to have a substantial meal has been removed, the requirement for people to be sat outdoors to drink and no indoor opening allowed will limit the majority of hospitality premises capacity to open, putting pressure on those that can and potentially leading to groups drinking in public spaces. The government guidance states that the “*requirement to order, eat and drink while seated (table service) will remain*” which includes pavement café licences and pub beer gardens. It is not yet confirmed whether the new licensing laws introduced last year to allow alcohol to be purchased and consumed off premises will remain, although the prime minister’s spokesperson has suggested that they will. This will be crucial in determining whether a managed outdoor seated area like last summer’s College Green is permissible.

It has been confirmed that pubs operating with outdoor spaces will be allowed to let customers use their toilets.

The removal of the 10pm curfew should reduce the pressure at bus stops and taxi ranks at the end of the evening.

Key considerations:

- Public health messaging that York is open to visitors but please follow social distancing and behave responsibly
- Need to refresh Let’s Be York signage?
- Footstreet hours increased to 8pm to coincide with the reopening of hospitality and pavement café licences
- Continue or provide additional toilets due to the limited number of hospitality businesses with outdoor space leading to drinking in public spaces?
- **Key confirmation required – are off-licence alcohol sales allowed/what flexibility is there on table service?**
- Increased drive for pavement café licences and parklets
- Consideration of creating managed outdoor seating areas IF they are permissible under the rules of serving someone in a seated location
- Potential rise in anti-social behaviour as people rush to socialise

Stage three – no earlier than 17 May

The full reopening of pubs under the rule of 6 indoors and up to 30 people outdoors, plus improving weather, will likely lead to a significant rise of people visiting the city centre in the evenings and all day through weekends. However, the ongoing social distancing requirements will mean that some premises will struggle to operate on indoor custom only and may choose not to open or seek managed outdoor space support.

Demand for outdoor seating will flex with the weather.

Museums, cinemas and theatres can reopen, although there are likely to be little issues beyond ensuring Covid-safe compliance.

Reopening of hotels and B&Bs will again see further visitors to the city.

The racecourse would be able to start to run attended race meetings, although outdoor seated venues will be limited to 10,000 people (or a quarter-full, whichever is lower) although they are seeking clarity from government as to whether they fall under the sports stadia criteria. The first fixture that occurs in stage 3 (assuming the stage is not delayed) is 22nd May.

Key considerations:

- Public health messaging that York is open to visitors but please follow social distancing and behave responsibly
- Covid-safe events programme?
- Need for additional public toilets reduces due to pubs being able to open indoors? Or still required to facilitate any managed outdoor spaces/events?
- Ongoing need for outdoor seating due to social distancing and rule of 6 reducing pubs and restaurants indoor capacity
- Race dates may lead to a further spike in city centre footfall and visitors

Stage four – no earlier than 21 June

All restrictions end.

Key considerations:

- Public health messaging to be sensible
- Demand for outdoor seating may continue due to cultural change and summer weather
- Significant volumes of residents and visitors to the city centre

Proposed management of city centre spaces

The priority is to ensure that the city centre is managed through the transition periods, and at each stage, as effectively and safely as possible. The dates at which each stage will be changed are not fixed, and dependent on a number of tests. However, it is prudent to prepare for the best case scenario to ensure that the city centre is prepared if the restrictions do change at the earliest proposed point. Failing to do so could result in the necessary mitigations not being in place and significant organisational issues, compromised safety, and reputational damage to the council and the city. This does mean that measures that are put in place may not be needed at that point and required to run beyond the intended time period, but this is considered a necessary and lower risk than being unprepared.

Officers are working with Make It York and the BiD to identify interventions that respond to the above considerations and allow the successful and safe management of the city centre whilst maximising opportunities to support the local economy. This will follow the principles agreed during the previous reopening of the city centre from Covid restrictions; ensuing public spaces are well managed, Covid safe, and provide outdoor space to operate for businesses that are constrained by the size of their premises and social distancing restrictions.

The key clarification required from central government is the application of the guidance regarding hospitality's ability to serve alcohol. If this is limited to people sat within the boundaries of the premises then this will have a significant impact on the number of businesses that can open; whether managed outdoor seating is required or can operate in that phase; and the potential knock on impacts for people seeking to drink alcohol bought from shops in the city centre.

There is a budget of £200k from ARG funding to facilitate any measures, although this may need to flex if the implementation of any stage is delayed as it may be needed to facilitate ongoing business support grants. This does present a logistical challenge as a commitment to funding managed public spaces will be needed in advance of confirmation of when lockdown will be eased. To ensure the £200k budget can be ring-fenced it will require the freezing of new ARG applications in March, although the recent budget announcement's suggest there will be favour funding forthcoming, providing further reassurance of ring-fencing the £200k.

Should the free Behavioural Insight proposal set out in a further annex to this report be approved then that approach will be embedded in to the city centre management. In addition to the proposed approach to managing city centre spaces it is also proposed to extend the Covid Marshalls until the end of June at a cost of £28k, to be funded through Covid Containment Grant. This will allow them to provide ongoing support to residents, businesses, and visitors during the staged route out of lockdown.

Make It York plans (provided by Make It York)

12th April - Stage 2 in Roadmap

- Reopening for all traders in the Shambles Market
- Street food offer on Parliament Street to help alleviate some of the pressure on the Shambles Food Court (local traders only)
- Option of additional seating on Parliament Street – reliant on funding, tied into how accurate the steps are. If potential delays to steps it may be prudent to push for 17th May.

17th May – Stage 3 in Roadmap

- Potentially covered seating area on Parliament Street to help facilitate extra demand on local businesses following the success of the College Green offer. Confirmation on table service and licensing required. Also incorporating additional city centre spaces for a managed outdoor offering to move footfall around the city, including the Eye of York and Tower Gardens. Onus is on filling vacuums which developed last year and caused a spike in anti-social behaviour. We will push for offering to be broad, supportive and safe.
- Funding support would be required for the operational and infrastructure costs for a seating area on Parliament Street. Marshalling/security a necessity to ensure avoidance of flash points.

21st June – Stage 4 in Roadmap

- Option to launch the summer programme of events early to occupy Parliament Street and St Sampsons Square and potential offerings at Tower Gardens and the Eye of York. Objectives are to provide an innovative and welcoming offer to residents/staycation visitors and the Yorkshire hinterland. Event will allow for and encourage dissipation of footfall and be beneficial to the city as a whole. The summer showcase will be a focal point for recovery and civic pride.

To allow for managed space in the city centre from April/May Make It York will need funding support – they can provide sample costs and proposals but first need to understand if there is an in principle support from the council.

Decisions needed:

- Approve the principle of the proposal to allow further work to be undertaken

College Green

Officers are also working with the BiD to see what options are available to reinstate the successful College Green managed outdoor seating area for surrounding businesses which was in place last summer. The cost last year was £30k for a 10 week period which covered installation, management and security. It is the view of officers that a planning permission should be sought for the use of the space this year given the longer lead in time, and the application should be submitted now to enable whatever proposals emerge to proceed as soon as possible.

Decisions:

- Approve the principle of the proposal to allow further work to be undertaken
- Approve the submission of a planning application for the site to be used as a temporary meanwhile use

Minster School

The Minster School are considering a commercially led operation within the old school grounds to provide outdoor seating serviced by catered outlets. The council are not required to provide any financial support, but will need to respond in a timely manner to any regulatory approvals that may be required.

General outdoor seating opportunities

The BiD are working to identify a series of locations that may be suitable for small scale seating areas to be provided for the use of any businesses in the surrounding area. These would be formed of high quality robust picnic style benches with umbrellas and planters to protect them should they be adjacent to any highway.

The principle is that the neighbouring businesses would be expected to manage and keep these areas clean with the clear warning that should they not they will be removed.

This would need support from Covid funding but the number of spaces can be flexed and tailored to the available budget.

Decisions:

- Approve the principle of the proposal to allow further work to be undertaken

Public toilets

As noted in this report there is a potential need for additional public toilets given the numbers of people in the city centre who may be eating or drinking outside of pub premises and therefore wouldn't have access to those premises' toilets. This could lead to a potential rise in people relieving themselves in public. Temporary toilets were installed in Parliament Street last summer during the non-essential retail phase of re-opening at a cost of £2k per week. However, it should be noted that this was in response to government guidance at that point that business shouldn't open their toilets to the public, which this time is not the case. *This decision may depend on what managed outdoor seated spaces emerge and are approved, as the provision of large scale outdoor seating may require the toilets to be provided to facilitate them.*

Finance

The following table sets out the proposed measures and the estimated cost of each. The cost of the extended footstreets through to September was agreed by Executive in November and has been funded in the 2021/22 budget and is included to note.

It should be noted that the cost of the managed public spaces is an informed approximation based on the experience of College Green last summer. If they are agreed in principle they will be worked up in detail and then can be considered on their individual merits. It is proposed that £200k ARG is set aside to provide a £30k contingency.

Measure	Estimated cost	ARG	Containment grant	21/22 already budgeted
Covid Marshalls	£28k		£28k	
Public toilets (if required)	£20k	£20k		
Extended footstreet costs to September	£60k			£60k
Trader Initiative contingency	£80k	£80k		
Parliament Street (stage 2 and 3)	£50k	£50k		
College Green (stage 2, 3 and 4)	£40k	£40k		
General outdoor seating	£10k	£10k		
Total	£288k	£200k	£28k	£60k

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Executive Recovery Report – Annex 2**18th March 2021**

Report of the Head of Economic Development

Impact of Government Roadmap on Additional Restrictions Grant

1. Our unique approach in York to supporting small and micro businesses through the pandemic – first through our micro grant scheme and now through our use of the Additional Restrictions Grant (ARG) – has sought to provide small grants to as many grass roots businesses as possible. There are considerably more than 1,000 businesses in York that have had this help. Had they be in any other local authority area they would still be waiting for assistance one year into the pandemic.
2. Leeds, for example, has so far spent less than 10% of its £24m allocation for ARG. Whereas there are still frequent calls regionally and nationally to help the self-employed and businesses outside of the rates system, we have done sterling work in York to get cash to precisely these businesses. This is “the York model” of inclusive economic development.
3. For the current ARG grants, we are providing payments of between £750 and £3,000 per 6 week period to 1,249 businesses, with applications still arriving and a further 140 or so potential cases under assessment. A total of £236k per week is being paid out, which is very close to the original estimate of £250k per week provided in November 2020 when the scheme was being set up.
4. Applications to ARG are still open, with approximately 40 applications per week being received at present. To enable certainty on future costs, while still ensuring that the grants are open to as many businesses as possible, it is recommended that we close applications on 31 March 2021. This would enable targeted communications to encourage businesses that have not yet applied to do so, while simplifying future implementation of grant payments within the available budget.

5. The system in which we are operating has changed significantly from that originally forecast, with the removal of the regional tiered approach, and the lockdown has proved to be much longer than many expected at the end of last year. We originally allowed for 4 to six months of lockdown, allocating the balance of funding to provide a reopening budget of £200k and a business support scheme of £500k.
6. The Prime Minister's announcement on 22nd Feb 2021 of a new step based approach – the roadmap to recovery – provides some clarity regarding the reopening of businesses by sector. The Budget of 3rd March 2021 made an additional £425m available through ARG, which would translate to £1.34m for York if allocated on the same basis as previous announcements. This can also be factored in to the forecast for ARG grants over the coming months, and allows a forecast total budget of £7,421,920.
7. BEIS Officials have indicated that the additional ARG budget will only be available for Local Authorities that have spent their existing allocation by the end of June 2021. We still await formal confirmation both of the amount available and the process for claiming it, although the formal guidance on eligible spending was updated on 4th March 2021 (available here).
8. An additional 200 applications to ARG prior to the recommended close of the scheme at 31 March 2021 would take expenditure close to the current ARG total as allocated at the Executive Member for Finance and Performance's decision session in January 2021. The table below summarises those costs, expressing the commitment in terms of a range between 100 and 200 new applications. The overall budget will need constant review as we move from step to step in the Roadmap, as the unallocated balance must accommodate the cost of any delays in this process.

Item	Cost (£m)	Budget (£m)
Grants to businesses	5.7 to 6.0	
Reopening	0.2	
Voucher scheme (provisional)	0.5	
Total cost	6.4 to 6.7	
Jan total ARG		6.08
Additional provisional allocation		1.34
Total ARG		7.42

9. Should there be any delay in moving between steps, the incremental costs would depend on the quantum and sector of businesses remaining closed, and the length of the delay. A delay in moving from step 1 to step 2 (currently forecast for 12 April) would cost c. £250k per week, while a similar delay in moving to step 3 would mean an additional c. £150k per week of grants would be paid. Beyond step 3, the costs reduce to c. £10k per additional week.
10. While the availability of funding prior to the receipt of additional ARG as outlined in the budget will be limited due to the successful rollout of business grants, the overall budget envelope, together with the inclusion of an estimated 200 further grants, provides sufficient confidence to confirm the £200k reopening budget from ARG.

Recommendations

11. In consideration of the use of ARG to fund items beyond direct business grants:
 - Plans for support beyond direct grants should be based on the steps in the roadmap, with commitments to spend being made no further than one step in advance, and based on behavioural insight in consultation with partners
 - Applications for ARG should close on 31 March 2021
 - The budget allocation of £200k to support reopening should be confirmed to enable detailed planning and implementation over the coming weeks
 - For the voucher scheme and other business support measures, it will only be clear whether there are sufficient funds to implement when the step 3 date is confirmed and the final decision on budget should not be taken before that date.

Reason: To support to York businesses which are affected by the Lockdown and Tier 3 restrictions but not eligible for Local Restrictions Grant (Closed) funding.

Consultation

12. In developing these proposals, Officers have consulted with the Federation of Small Businesses, Institute of Directors, York BID, Make it York, York Chamber of Commerce, and the University of

York. Further consultation will be undertaken as the scheme develops, but to date all consultation has been positive and we have outline support from all of these organisations for the scheme as presented in this paper.

Implications

Financial

13. There are no direct financial implications arising from this scheme as it is funded entirely from the Government Additional Resources Grant.

Human Resources (HR)

There are no HR implications.

Equalities

This report will impact on all communities equally.

Legal

The Additional Restrictions Grant is provided under Section 31 of the Local Government Act 2003.

Crime and Disorder, Information Technology and Property

No implications

Risk Management

21. The key risk associated with this paper is that there is not enough money in both the core and discretionary schemes to provide the level of financial support required by affected businesses in the city during the ongoing covid-19 pandemic.

Author responsible for the report:

Chief Officer responsible for the report:

Simon Brereton

Tracey Carter

Head of Economic Growth

Interim Director of Place

Report
Approved

Date

Specialist Implications Officer(s):

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

All

For further information please contact the author of the report

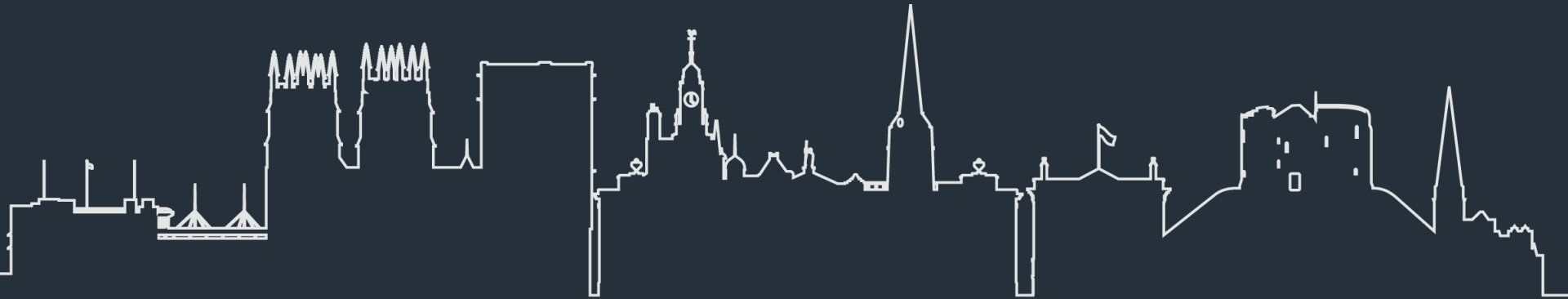
Background Papers: None

Annexes

none

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Annex 3 - Public Health England Behavioural Science and Insights Unit Supporting reopening the city



Objectives

- Working with Public Health England (PHE) Behavioural Science and Insights Unit to mitigate the risk of increased community transmission as a result of increased visitors to the city centre (resident or non-resident)
 - Run a behaviour insight-led trial for 3 months up to wider opening on 21 June 2021, collating and sharing insight from target groups and refreshing signage/interventions based on PHE recommendations
 - Focus on promoting covid safe behaviours before and during visits
 - Take a city wide approach by building confidence amongst business premises owners and owners non-council operated outside space

Plan

The work will be in stages timed around key reopening dates:

- 25 March – zoom discussion with businesses
- Prior to 29 March – review the existing signage and propose changes. Signage will be revised and installed for 29 March and then 12 April.
- Prior to 17 May – focus groups with businesses with outside space to understand their experiences about how people behave in the outside spaces and the impact the signage had/didn't have AND interview residents/visitors to the city about their experiences together with a city-wide survey for residents. This insight will inform a second refinement of signage / interventions.
- Prior to 21 June – refined signage / interventions will be installed across the city
- During the summer, we will poll businesses about how visitors are behaving in open spaces in light of the refined signage and whether the insight has made a difference.

Summary of behavioural trial

Install and adapt signage and interventions

Insight gather

Test , learn, adapt

Install final signage

The key measures for the city centre are summarised in the following table:

Stage One	Stage two	Stage three	Stage four
8 March	12 April	17 May	21 June
<ul style="list-style-type: none"> Meet one person outdoors 	<ul style="list-style-type: none"> Seated pub beer gardens open with rule of 6 No need for a substantial meal or curfew All shops reopen Self-catering UK holidays for households 	<ul style="list-style-type: none"> Pubs reopen Rule of 6 indoors Groups of 30 outdoors Outdoor and indoor entertainment (with limits) Hotels and B&Bs reopen 	<ul style="list-style-type: none"> All restrictions end
<p>29 March</p> <ul style="list-style-type: none"> Rule of 6 people outdoors Stay at home rule ends but encouraged to stay local 			

Businesses with outside space are invited to:

- Attend a zoom session with PHE to answer questions and hear more about how insight has helped other businesses keep consumers and staff safe
- Thursday 25 March
- Attend one of six focus groups facilitated by PHE to share experiences and expertise
- Dates to be confirmed (March/April)

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Executive Recovery Report – Annex 4**18th March 2021****Communities Update**

1. This report provides an update on the Communities response to the pandemic, with a transitional approach proposed for the virtual hubs for the period April - July

Hubs

2. The Communities & Equalities team continue to operate a network of five virtual hubs (Tang Hall, York Travellers Trust Clifton, Foxwood Community Centre, Clements Hall and Haxby Memorial Hall) managed by up to 10 CYC staff per day and supported by a body of dedicated “hub volunteers”.
3. The hubs are now principally concerned with:
 - a. supporting the clinically extremely vulnerable (CEV) and others who were referred for support in earlier lockdowns
 - b. developing proactive community schemes for example around food to respond to local need
4. Where once there were also a significant number of requests for help routed to hubs via the Customer Centre, these have now largely dried up.
5. The hubs had been making between 30 and 150 calls per day; however, this has increased in recent days with a further 3,800 names being added to the CEV list (which now stands at 11,523). Whilst this has created an immediate pressure in making the calls there is little evidence that these additional names will lead to a demand for significant ongoing support.

6. Shielding will come to an end on 31 March and government funding for the hubs will no doubt cease at that point. Our intention will be to resume the roll out of physical hubs; however, physical hubs clearly cannot operate before July at the earliest and there is a danger of a hiatus in support for residents. It is clear that there are issues for individuals and communities around mental health and wellbeing caused by isolation, financial and other pressures associated with the pandemic and that these are exacerbated by the disruption to normal community support mechanisms.
7. To address these needs a transitional approach will be taken to support individuals and communities, moving away from crisis support and seeking to build resilient support networks. In this approach:
 - a. Community Hubs will work with ward teams in each ward to link existing community groups with those that have been formed in support of the Covid response with the aim of establishing a network of trusted community groups that will provide support to residents and using ward budgets to fill identified gaps in local provision
 - b. Hub managers are currently working to identify those who may benefit from engaging with a local hub longer-term and starting to interact with them by virtual means such as weekly wellbeing calls and socially distanced doorstep chats.
 - c. The hubs commissioning budget will be used to commission provision from partners, primarily in the voluntary and community sector, to meet identified cross-city needs
 - d. As lockdown restrictions ease the hubs will start to build to ensure there is at least one community hub for each ward offering a physical meeting place for local people to come together, and filling in the gaps between existing community venues.
 - e. When residents have Council Tax or rent arrears this will be used as a trigger point for contact with hubs as it indicates potential longer term challenges. This will provide the main front door for residents in crisis.
 - f. Investment in benefits and financial advice capacity and the commissioning of Citizens Advice to provide outreach services in the hubs will further strengthen this approach.
 - g. Live Well York is surveying partners and citizens with regard to community provision available to address social isolation.

We will support to ensure that provision can operate in a covid-safe way. Community mapping is also being developed to provide residents with a visual representation of support and community offers available to them across each ward.

8. Once community venues and existing hubs are fully open once more we will be able to return to the original ambition, as set out in November 2019, of establishing a “Good Place” peer support network, which all community venues will be invited to join, together with a York Community Hubs accreditation scheme, which will recognise the work and achievements of the venue and its volunteers and also let local residents know what they can expect from their local community facility.
9. Taking forward the above activities will be core functions for the Communities and Equalities Team going forward and will be carried out within existing staffing resources. In the short-term, however, the team will not be in a position to pick up this transitional work load from 1 April if all the current temporary additional staffing is removed on that date. This is because the current high work load associated with the CEV and other pressures / constraints associated with the pandemic are preventing team members being available to be trained and deployed on this work.
10. It is therefore proposed to keep a level of temporary staffing in place up to the end of July. The cost of this, approximately £50k, can be covered by government funding allocated to support the CEV. Our CEV allocation will be around £160k and we have not, in this financial year, had to draw on any of it.

An Area Based Approach

11. Moving forward we also intend to bring services together more effectively at community level. This will include those teams, such as Local Area Teams and Local Area Coordinators (LATs and LACs) who currently work on an area basis, as well as services, such as public realm, that have not previously worked in an area-based way, in order to co-ordinate their responses to community need. 19. Hub Mangers will facilitate regular meetings between staff working within each area. It is envisaged that the staff who would be involved in this approach, as a minimum, are:
 - Community Involvement Officers/Hub Managers
 - The proposed new Public Realm Area Managers

- Housing Management Officers
- Local Area Coordinators
- Local Area Teams
- Representatives from Enforcement Teams
- Representatives from Adult Social Care Community Teams
- Representatives from Public Health
- School Effectiveness Service and representatives from York Schools and Academies Board
- Any other areas as requested

12. Feedback from these meetings will be passed to councillors and ward teams regularly via their Community Involvement Officers, and councillors would be able to use the same mechanism to pass hubs relevant local intelligence.

Resource

13. Additional resources were allocated by the Executive to implement the roll out of community hubs from government funding provided to respond to Covid-19. The funding was allocated for the purposes of deploying staffing, creating operational budgets to establish hubs and commission activity within them, such as financial inclusion work, and to support key partner activities. The following table shows the resources allocated over this financial year and the next. The resource has been re-profiled to reflect the current reality whereby the virtual hubs have been extended through a third lock-down and the roll out of actual hubs will not be able to commence until July.

	20/21	21/22	
Continue the current community hub / food poverty post	N/A	£54,000	Continuation of an existing role currently funded to the end of March 21
A hubs co-ordinator post	£18,000	£18,000	
Invest in benefits / financial advice capacity		£10,000	

Funding for a Volunteer Centre (York CVS)	£10,000	£30,000	
Commissioning of Citizens Advice York	£20,000		To provide support to the hubs model
A commissioning fund to support hubs and provide cross-city activity in support of vulnerable people		£70,000	
TOTAL			£230,000

Volunteering

14. 1,087 individual volunteers have now been deployed, just under half through the hubs and the rest through allocation to a range of other organisations. 500 remain on the books and enable us to respond to urgent requests, e.g. 125 volunteers supplied recently to support rapid testing.
15. The new volunteer centre at CVS is up and running and is now the focal point for new volunteer recruitment. Working with our various partners including Ready for Anything, York Cares, the Universities, etc. we now have a wide range of solutions to meet new requests for volunteers.
16. The Live Well York website continues to be developed to be the primary source of social and wellbeing information for residents in respect to Covid-19 (see: COVID 19 (livewellyork.co.uk)). There has been a significant increase in usage as a result. Live Well York now has the highest usage per population, comparing equivalent information and advice platforms across Yorkshire and the Humber (quarter 3 2020-21).

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Executive**18 March 2021**

Report of the Chief Operating Officer, Corporate Director of People and Director of Public Health

Portfolio of the Executive Member for Health and Adult Social Care

Plans for the future of the health and care system in York**Summary**

1. The purpose of this report is to highlight to members how health and care services in York have increasingly worked in a collaborative and effective manner during the COVID-19 pandemic, and to update on plans currently being prepared to extend and improve on this positive working for the benefit of local communities across York.
2. These plans are being led by a number of health and social care partners in York (including the council, NHS commissioners and providers, and voluntary sector organisations) and for the city, details of which are laid out below .

Recommendations

Executive Members are asked to:

- Note and comment on the collaboration and joint working between health and social care, both prior to and during the COVID-19 pandemic, and the opportunities this work presents in improving health services for citizens in York in the long term
- Note that national policy direction and reforms, which encompass both health and social care, have implications for local authorities in terms of integration and collaboration with NHS partners.

- Endorse the plans being proposed in York to respond to the national legislative changes, including current plans to establish the 'York Health and Care Alliance'.
- Agree the council's participation in this new Alliance, including the interim governance arrangements in 2021/22 in its 'shadow' year.
- Recommend the adoption of this Alliance as a subgroup of the Health and Wellbeing Board, subject to approval at Full Council.
- Support the proposed priorities and areas the Alliance will focus on in its first year aims for the Alliance, and the aims of the Alliance to:
 - Be people centred
 - Integrate services
 - Deliver timely and appropriate care
- Agree that future reports will be considered by the Health Scrutiny Committee, the Health and Wellbeing Board and the Executive on progress and future arrangements for the York Health and Care Alliance

Background

3. The impact of COVID-19 on healthcare, social care, and our voluntary sector partners across 2020 and 2021 has been huge, with unparalleled challenges faced by staff and organisations to save lives, keep existing services going and support the health and wellbeing of our residents. Despite these challenges, the pandemic has forced services to work more closely together, in order to deliver timely and effective care to the people of York. Positive changes to integrate services, which would previously have taken months to develop, occurred within the space of days. The necessity of the crisis led to swift response from partners: rapid redeployment of staff and resources; joint working on caseloads; system oversight and decision-making on issues such as beds and discharge; and voluntary sector collaboration to support the vulnerable.
4. Examples of this collaboration can be found across sectors, and include:

- Work between primary care and the voluntary sector to support people with COVID-19 and spotting signs of deterioration through the COVID Hub Single Point of Access
 - Work between social care and health to implement the Hospital Discharge Requirements, avoiding acute care being overwhelmed by collaborating on the provision of 'hot' and 'cold' sites across the city
 - Work around testing, tracing and outbreak management (for example with universities and colleges, or with care homes)
 - Co-working between GP practice nurses and the hospital's district nursing team to support people to access primary care, therapy and specialist nursing whilst shielding
 - The COVID vaccination efforts which have seen many partners contribute to a swift and very successful rollout of vaccine so far
 - The work of the Outbreak Management Advisory Board
5. These achievements show what we can do when we services and partners together closely, and in many ways build on an existing effort over the past years to focus on the integration of health and social care – for instance the partnership work around the pooling of commissioning resource for schemes which promote independence and prevention through the Better Care Fund. The potential benefits for residents and the Council of this work are large, with the potential for higher quality services delivered to York residents, and better value for money by what is the largest sector of public investment in the city (health and social care).
6. On the 11th February the Government published a white paper, 'Integration and Innovation: working together to improve health and social care for all'. This sets out a series of reforms to health and care which the Government intend to bring forward and implemented at the start of April 2022. This white paper is summarised at section 8 of this report.
7. Building on our track record of collaboration, partners locally have been working together on plans to prepare the system in York to respond to these changes and put us in the best place to benefit from them, including the establishment of a new 'York Health and Care Alliance'.
8. These plans are set out in this report and the accompanying annex, along with implications for the council. Together with COVID recovery and work on the emerging 10 Year City Plan, there is a clear

opportunity to strengthen health, care and public services, to build healthcare locally around local residents, rather than around our organisations. By doing so, we can tackle health inequalities which existed before COVID, but have been magnified by it, and to improve the general health and wellbeing of the York population.

Integration and Innovation White Paper

9. The Government's white paper 'Integration and Innovation: working together to improve health and social care for all' announces a series of reforms to local arrangements for health and care which will take effect from April 2022. In summary:
 - 42 Integrated care systems (ICSs) are to be established on a statutory footing in England through both an 'NHS ICS board' (this will also include representatives from local authorities) and an ICS health and care partnership. The ICS NHS body will be responsible for the day-to-day running of the ICS, NHS planning and allocation decisions. The partnership will bring together the NHS, local government and wider partners such as those in the voluntary sector to address the health, social care and public health needs of their system. In our area, the current non-statutory ICS (Humber Coast and Vale) will take on a statutory footing.
 - ICSs will take on the statutory and allocative duties of Clinical Commissioning Groups (CCGs) in April 2022, and from this point the Vale of York CCG will cease to exist.
 - A duty to collaborate will be created to promote collaboration across the healthcare, public health and social care system. This will apply to all partners within systems, including local authorities.
 - There will be new powers for the Secretary of State for Health and Social Care over the NHS and other arm's-length bodies (ALBs). Under the proposals, the Secretary of State will be able to intervene in service reconfiguration changes at any point without need for a referral from a local authority. The Department of Health and Social Care will also be able to reconfigure and transfer the functions of arm's-length bodies (including closing them down) without primary legislation.
 - Underneath the ICS, the principle of subsidiarity will be followed whereby decisions on NHS and care will be taken at the geographically lowest sensible level. There is therefore emphasis

in the white paper on the primacy of 'place', considered to most often be coterminous with a local authority area. However the legislation will not specify one particular model of 'place' governance arrangements. It does allow for a number of mechanisms, including joint committees at place level, delegated budgets and powers, provider collaboratives, and strengthened clinical and professional leadership of health services.

- Locally, it has been agreed that York will be designated a 'place' within Humber Coast and Vale area and be invited to send a representative to the ICS board. It may also be able to retain a set of responsibilities for health locally, including some commissioning budgets, if appropriate governance arrangements are in place. Other areas within the region are currently in the process of agreeing their 'place' geography. Additionally, for primary care purposes, patients registered to Pocklington Group Practice will be included in this 'place' area.

10. These policy changes recognise that organisations within health and care systems have become increasingly independent and autonomous, with separate and often competing goals and objectives, therefore becoming more disconnected from one another. Yet the actions of health and care partners are intimately connected, with impacts being felt throughout a local place. Recognising that we are 'all in it together', it is therefore both a fundamental mind-shift and an essential prerequisite of effective system working.

York Health and Care Alliance

11. In York, our response to this has been to propose the establishment of the York Health & Care Alliance, in shadow form during 2021-2 and then formally in 2022 when the legislation takes effect. The Alliance will be made up of the different organisations involved in commissioning or delivering care in York namely:

Vale of York CCG;

York Teaching Hospitals NHS Trust;

Tees Esk and Wear Valleys NHS Trust;

Nimbuscare (Primary Care services provider in York);

City of York Council;

Community & Voluntary Services; and

St Leonard's Hospice

York Schools and Academies Board

Representatives of Primary Care Networks

These organisations have been collaborating on these emerging plans, and have already shown strong commitment to working together more closely. When making recommendations as a shadow Board, they will consider what is best for care in York as a whole and work to understand the impact of their decisions on service users and other organisations in the Alliance.

12. Local residents and patient voice will be a core component of the work carried out by the alliance, working with existing channels and partners, such as Healthwatch and provider patient involvement networks.
13. At its first meeting of the shadow Alliance Board, the following aims will be proposed to be adopted by the body, which have been previously identified by partners through initial workshops:
 - People centred: The development of public services and the right conditions for people and communities to stay well, enabling them to remain independent and lead more healthy lives
 - Integrated services: The development of primary, social, voluntary and community care to support people and communities in the place they live and provide a point of on-going continuity, which for most people will be general practice
 - Timely and appropriate care: The freeing up of mental and physical health specialists to be responsive to episodic events, to provide complex care and support, and to give specialist advice as part of multi-disciplinary teams
14. In terms of its priorities, at the first meeting it will be proposed that the Alliance work to existing outcomes and aspirations for the health and wellbeing in the city, set out in the Joint Health and Wellbeing Strategy. These include:
 - Helping children achieve the best start in life
 - Helping adults live well

- Helping older people age well
- A focus on mental health.

15. Partners have also, in initial workshops, set three 'areas of first focus' and seven other key priorities for the Alliance in 2021/22. These are the areas of service integration and change that the partners want to concentrate focus on together to achieve better outcomes. The areas of focus for the next twelve months are:

- Diabetes prevention and healthy weight
- Learning disabilities and autism
- Integration of joint complex care packages

The other priorities are:

- COVID recovery
- Community Mental Health
- Dementia care and support across the whole pathway
- Loneliness, isolation and wellbeing
- Self-harm and suicide
- Childhood resilience
- Alcohol harm and substance misuse

16. The partners have chosen these areas because:

- They are key population health needs identified by the JSNA and the rapid Health Needs Assessments for York 2020
- They are all areas in which we can have an impact on health inequalities;
- It is anticipated that improvements can be achieved within the next 12 months; and
- They each involve services delivered by many partners (so provide an opportunity to demonstrate new models of closer working).

17. As part of this, from April 2021, a joint 'Population Health Hub' will be set up between partners, which will involve officers from public health, business intelligence and finance/contracting teams across the CCG, council and others in a virtual team to provide population health data and insight into the work of the Alliance. This will ensure it is informed by the needs of our residents and a solid evidence base in commissioning decisions.

Governance

18. Governance arrangements for the Alliance during its 2021/22 shadow year will be proposed to the board at its first meeting, and the key aspects from a Council point of view are summarised below:

- The Alliance Board will lead the Alliance. The Alliance Board will be made up of senior leaders from each of the Alliance Partners. Neither the Alliance nor the Alliance Board will be a legal body itself, and so they are not able to make decisions in their own right. Each Alliance Partner will then continue to take its own decisions and implement them. The Alliance cannot require any Partner to act in a particular way, nor can any Partner or group of Partners "overrule" any other.
- In shadow form, the Alliance will not be making decisions and members will report back to their own organisations, including The Alliance will be reviewed over its shadow 12 months, including its relationship with the Health and Wellbeing Board, with further reports to be presented to the Council.
- It is recommended that Alliance is adopted as a subgroup of the Health and Wellbeing Board for the 2021/22 year, subject to approval at Full Council.
- The Executive of the Council will continue to exercise all its usual governance functions to make decisions on council services, with Alliance recommendations for the council taken back through this route for agreement. NHS partners and the voluntary sector will likewise take decisions back through their own governance arrangements.
- The intention is that through working together more closely – including by senior leadership meeting regularly at the Alliance Board – decisions can be more co-ordinated, with a better understanding of their wider implications for York. In the Alliance

discussions, the aim is to reach consensus across all Partners over what action is best for York and move us towards the maximal level of integration of decisions and services which we are able to achieve.

- During the shadow year, the Alliance Board will report on its progress to the Humber Coast and Vale ICS, through a nominated 'place leader' from the NHS. It will not be accountable to this body and the senior leaders who attend the Alliance Board are each responsible for reporting to their own organisations.
- It has been requested that the Leader of the Council, following the role as Chair of the Outbreak Management Advisory Board for York, be put forward to chair the Alliance board at its first meeting. Each Partner organisation is asked to nominate one senior officer representative to sit on the Board. In addition to the Council's officer representative (plus the Leader's role as chair), the Director of Public Health will also have a place at the board recognising their statutory responsibilities.

19. During the shadow year of the Alliance Board there will need to be work undertaken on the relationship between the Alliance and Health and Wellbeing Board, with a report and recommendations being presented to the Executive and ultimately Full Council for consideration and approval.

20. The proposed 'Concord' and 'Terms of Reference' for the Alliance Board while in its shadow year are attached in an annex to this paper.

Options

21. National legislative changes mean that the commissioning and planning of local health and care services will change in York as of April 2022. However locally, partners have been anticipating these changes and indeed they present an opportunity to achieve what is recognised as the 'triple aim' of high-performing health and care systems, which is 1) integrated care around the individual, 2) improved population health and 3) value for money. The ICS leadership considers York an 'exemplar' area for how the new structures at 'place' level are being developed.

22. Presented in this paper is York's response to national changes, which senior partners across all key sectors in the city have agreed are the best way forward for the city.

23. The alternative to the arrangements outlined in this paper would be for York 'place' to have no governance structure or partnership arrangement in place sufficient to take responsibility for many of the CCGs commissioning functions, to handle and spend large amount of NHS resource coming into the city, and to meet our aspirations for integrated care. In that case, decisions pertaining to all of these functions would most likely rest at a regional level, and thus be taken outside of York.

Analysis

24. To participate in this Alliance involves a commitment of officer and member time and resource, which should not be underestimated; integration and closer working between the NHS and local government will require detailed work to initiate and maintain. However this key point in time where local health arrangements are being altered presents one of the best opportunities to improve care and support for our community in many years, and on that basis should be supported.

25. It is therefore recommended that the current plans to establish the York Alliance represents the most sensible response to national changes in NHS structure and the new 'duty to collaborate' resting on the NHS and Local Authorities, and as an option participation should be pursued by the Council.

Council Plan

26. These recommendation align with the Council Plan 2019-2023, including the aspiration to 'work closely with our partners in the health and care system... to meet challenges when they arise'

Implications

- **Financial**

The establishment of the York Health and Care Alliance does not at this stage represent any financial commitment on behalf of the council. However it does signal a willingness to move towards further integration of health and care, which may include the pooling of resource and budgets with partners where appropriate. This is already regularly done within the York health and care system, for example the joint Better Care Fund between the CCG and the council.

- **Human Resources (HR)**

There are no direct HR implications of this report. Officer time and input to the Alliance, as well as future integrated working between health and care teams, are noted as HR implications of joint working which the council will have to take into account in future workforce decisions. There may be future HR issues which will have to be addressed as the preparations for launch in April 2022 progresses, and these will be reported as and when necessary in a future report.

- **Equalities**

There are no direct equalities implications of this report at this stage, However all partners will be mindful of the need to consider the Public Sector Equality duty as part of their decision making processes. Population health and tackling health inequalities are key values which the Alliance will share with the York Health and Wellbeing Board.

- **Legal**

As the establishment of a Shadow Alliance Board falls outside the remit of the Council's Constitution, it will not have a decision making ability which is binding on City of York Council. Any recommendations arising from the Shadow Board will require approval from the Council via established decision making process. The formal launch of the Alliance in April 2022, and the Council's involvement in that will require approval of Full Council. This includes the appointment of Elected Members to represent City of York Council on the Alliance Board from April 2022.

Legal advice will be provided as and when required and or necessary as part of this process to formally establish and launch the Alliance in April 2022.

- **Crime and Disorder**

There are no Crime and Disorder implication of this report

- **Information Technology (IT)**

There are no IT implication of this report

- **Property**

There are no Property implication of this report

Risk Management

27. Entering in to the Alliance does not at this stage entail any significant risks to the council, whereas declining to participate could mean that decisions which affect York residents on the future provision of health and care services are taken on a regional, rather than local, level.

Recommendations

Executive Members are asked to

- Note and comment on the collaboration and joint working between health and social care both prior to and during the COVID-19 pandemic, and the opportunities this collaboration presents us to improve services for citizens in York in the long term
- Note the national policy direction and reforms, which encompass both health and social care and have implications for local authorities in terms of integration and collaboration with NHS partners.
- Endorse plans being proposed in York to respond to these changes, including current plans to establish the 'York Health and Care Alliance'.
- Agree the council's participation in this new Alliance, including the interim governance arrangements in 2021/22 in its 'shadow' year.
- Recommend the adoption of this Alliance as a subgroup of the Health and Wellbeing Board, subject to approval at Full Council.
- Support the proposed priorities and areas the Alliance will focus on in its first year aims for the Alliance, and the aims of the Alliance to:
 - Be people centred
 - Integrate services
 - Deliver timely and appropriate care

- Agree that future reports will be considered by the Health Scrutiny Committee, the Health and Wellbeing Board and the Executive on progress and future arrangements for the York Health and Care Alliance.

Contact Details

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Chief Officers Responsible for the report:

Ian Floyd
Chief Operating Officer
Amanda Hatton
Corporate Director of People
Sharon Stoltz
Director of Public Health

Report Approved Date

Specialist Implications Officer(s) *List information for all*

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

For further information please contact the author of the report

Background Papers

HMGov White Paper 'Integration and Innovation: working together to improve health and social care for all'.

<https://www.gov.uk/government/publications/working-together-to-improve-health-and-social-care-for-all>

Annexes

York Health and Care Alliance Concord and Terms of Reference

List of Abbreviations and Terms Used in this Report

PCN: Primary Care Network, a group of primary care providers serving a population of between 30-50,000 people. York has five PCNs.

ICS: Integrated Care System, the system of organisations that are responsible for planning, paying for and providing health and care services within the Humber, Coast and Vale area, serving a population of 1.7 million people.

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York Health & Care System Alliance Concord

V1-7 – 4 March 2021

BACKGROUND

- (A) The York Health and Care Alliance (“the **Alliance**”) has been set up by the partner organisations (“**Partners**”) who are signatories to this Concord as a place based partnership to help them deliver better health outcomes for the City of York Place, through more integrated working and improved use of data.
- (B) City of York Place is the area covered by City of York Council plus the area covered by Pocklington Primary Care Network (PCN). (Most of the area covered by Pocklington PCN is in the area covered by City of York Council but there is part of Pocklington PCN that is in the area covered by East Riding of Yorkshire Council. As there is an increasing focus on work done by or in partnership with PCNs, the Alliance has decided that it would be preferable for City of York Place to cover all of this PCN area, rather than having some of the PCN in and some of the PCN out of City of York Place.) The services that are within the remit of City of York Place include public services provided by the Partners:
- to residents of City of York Place;
 - within City of York Place; or
 - to visitors and temporary residents of City of York Place.
- (C) The key aims of the Alliance are:
- **People centred:** The development of public services and the right conditions for people and communities to stay well, enabling them to take increased responsibility for their own health and wellbeing
 - **Integrated services:** The development of primary, social, voluntary and community care to support people and communities in the place they live and provide a point of on-going continuity, which for most people will be general practice
 - **Timely and appropriate care:** The freeing up of mental and physical health specialists to be responsive to episodic events, to provide complex care and support, and to give specialist advice as part of multi-disciplinary teams (“the **Aims**”)
- (D) The shared purpose of the Alliance is to improve health outcomes and reduce health inequalities for the population of the City of York Place through the prevention of ill-health and provision of safe and high quality public services that work well together. Data, technology and innovation will be harnessed to achieve this (“the **Shared Purpose**”).
- (E) This Concord supplements and works alongside individual Partners’ existing governance arrangements and their existing and future services contracts with the Vale of York CCG, NHS England and City of York Council, whilst respecting their individual sovereignty. This Concord sets out how the Partners will work together in a collaborative and integrated way



in line with the Principles for the Shared Purpose and any outcomes defined by the Alliance.

- (F) The Alliance is not a separate legal body so it is not able to make decisions in its own right. Each Partner retains responsibility for making its own decisions. The Alliance cannot require any Partner to act in a particular way, nor can any Partner or group of Partners “overrule” any other. However, it is hoped that through working together more closely Partners will make decision in a more co-ordinated way, with a better understanding of the implications for the overall health outcomes at City of York Place.

1 DEFINITIONS AND INTERPRETATION

1.1 In this Concord, capitalised words and expressions shall have the following meanings:

- 1.1.1 **Alliance Board** is the York Health & Care Alliance Board, as described at Clause 4;
- 1.1.2 **Areas of First Focus** means those projects and/or initiatives initially selected by the Partners and listed in Schedule 3;
- 1.1.3 **City of York** means the area covered by City of York Council plus the area covered by Pocklington Primary Care Network;
- 1.1.4 **Concord** means this document and any changes to it made in accordance with Clause 13;
- 1.1.5 **Commencement Date** means the date that the last signature was added to Schedule 1;
- 1.1.6 **Extended Term** has the meaning in Clause 10.2;
- 1.1.7 **Initial Term** has the meaning in Clause 10.1;
- 1.1.8 **Partners** means all those organisations set out in Schedule 1;
- 1.1.9 **Principles** has the meaning in Clause 2.4;
- 1.1.10 **Services** means the public services provided by the Partners to residents of the City of York; within the City of York; or to visitors and temporary residents of the City of York;
- 1.1.11 **Shared Purpose** means the vision described at paragraph (D) of the background section
- 1.1.12 **Values** has the meaning in Clause 2.3; and

1.2 In this Concord, unless the context requires otherwise, the following rules of construction shall apply:

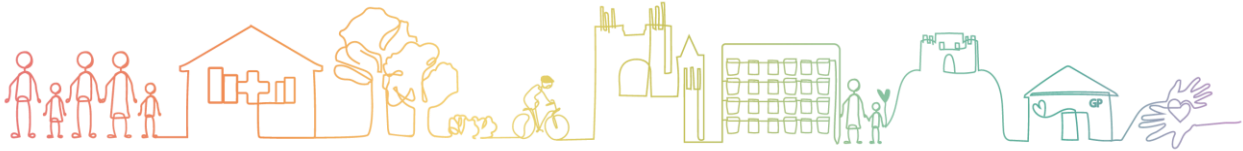


- 1.2.1 a person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality);
- 1.2.2 a reference to the singular includes the plural and vice versa;
- 1.2.3 a reference to a statute or statutory provision is a reference to such statute or provision as amended or re-enacted. A reference to a statute or statutory provision includes any subordinate legislation made under that statute or statutory provision, as amended or re-enacted;
- 1.2.4 any phrase introduced by the terms “including”, “include”, “in particular” or any similar expression shall be construed as illustrative and shall not limit the sense of the words preceding those terms;
- 1.2.5 a reference to writing or written includes e-mails.

2 VALUES AND PRINCIPLES FOR THE ALLIANCE

- 2.1 The Partners recognise that achieving the Shared Purpose will depend on the Partners’ ability to effectively co-ordinate themselves in order to deliver an integrated approach to the provision of the Services and the Areas of First Focus. This may include (if Partners choose) combining expertise, work force and resources.
- 2.2 The Partners also acknowledge the actions required following the “Integrating Care” guidance from NHS England around future collaborative working at place. The Partners wish to support each other in the development of a successful place based system for the City of York, which works as an effective part of the Humber Coast and Vale Integrated Care System.
- 2.3 The Partners embrace the following values:
 - 2.3.1 always keeping service users at the centre of everything the Partners do;
 - 2.3.1 supporting each other and working collaboratively to take decisions that are in the best interests of service users;
 - 2.3.2 using the best available data to inform priorities and decision-making;
 - 2.3.3 making time and other resources available to develop the Alliance and deepen working relationships between Partners at all levels;
 - 2.3.4 being transparent with each other and the people of the City of York;
 - 2.3.5 acting with honesty and integrity and trusting that each other will do the same;

This includes each Partner being open about the interests of their organisation and any disagreement they have with a proposal or analysis. Partners will assume that each of them acts with good intentions;



- 2.3.6 challenging constructively when required;
 - 2.3.7 implementing the priorities and decisions that have been agreed by all Partners through the Alliance Board and holding each other accountable for delivery;
 - 2.3.8 sharing learning and making change through appreciative enquiry; and
 - 2.3.9 working to understand the perspective and impacts of decisions on other parts of the health and social care system
(together these are the “**Values**”).
- 2.4 The ways in which the Partners will put the Values into practice include:
- 2.4.1 having conversations about supporting the wider health and care system, not just furthering Partner organisations’ own interests;
 - 2.4.2 undertaking more aligned decision-making across the Partners and trying to commission and deliver services in an integrated way wherever reasonably possible;
 - 2.4.3 routinely using insights from data to inform decision making;
 - 2.4.4 encouraging and trusting front-line staff in Partner organisations to become more involved in the development of services and work jointly with staff from other Partner organisations;
 - 2.4.5 ensure a co-ordinated approach to the delivery of Services, in particular where different Partners are involved in the provision of services to the same service user;
 - 2.4.6 ensure that problems are resolved rather than being moved around the system;
 - 2.4.7 developing multi professional teams from across the Partners to design solutions for the City of York, supported by Partner organisations’ management and leadership;
 - 2.4.8 taking a different approach to finance in order to make better use of individual organisation’s budgets through improved coordination of health and care activities.
 - 2.4.9 being accountable. Accounting to each other for performance of the respective roles and responsibilities set out in this Concord and the delivery of Services, in particular where Services delivered by different Partners interface with each other;
 - 2.4.10 being open. Communicating openly about major concerns, issues or opportunities relating to this Concord and adopting transparency on all aspects of their Services, including through open book reporting and accounting, subject



always to appropriate treatment of commercially sensitive information and competition law compliance if applicable;

- 2.4.11 acting promptly. Recognising the importance of the Concord and responding to requests for support from other Partners;
- 2.4.12 deploying appropriate resource to support the Alliance and to meet the responsibilities set out in this Concord (each Partner retains ownership of its resources and is solely responsible for decisions about how those resources are used); and
- 2.4.13 always demonstrating that the best interests of population of the City of York are at the heart of the activities which they provide and the services they deliver under this Concord;

(together these are the “**Principles**”).

- 2.5 Unless this Concord says differently, Partners shall each bear their own costs. By separate written arrangement, the Partners may agree to share specific costs and expenses (or equivalent) arising in respect of one or more initiatives or Areas of First Focus.
- 2.6 Each Partner shall remain responsible for fulfilling its statutory and contractual obligations and making decisions about its own budget.
- 2.7 The Partners will comply with applicable laws and standards including procurement rules, competition law, data protection and freedom of information legislation and nothing in this Concord shall require them to do otherwise.

3 **PROBLEM RESOLUTION AND ESCALATION**

- 3.1 The Partners agree to adopt a systematic approach to problem resolution, which recognises the Values and Principles.
- 3.2 The Partners commit to working cooperatively to identify and resolve any issues related to this Concord or the Alliance to their mutual satisfaction at an early stage so as to avoid such issues escalating into more formal disputes or litigation.
- 3.3 If a problem, issue, concern or complaint comes to the attention of a Partner in relation to the Areas of First Focus, the Services, or any matter in this Concord, such Partner shall notify the other Partners. The Partners shall then try to resolve the issue in a proportionate manner. If they are not able to do this or any Partner remains unhappy, the matter may be referred to the Alliance Board.

4 **GOVERNANCE**

- 4.1 Initially in the shadow year 2021/22, the governance structure for the Alliance in the City of York will consist of:
 - 4.1.1 the Alliance Board; and



4.1.2 the City of York Health and Wellbeing Board.

- 4.2 The Alliance Board is not a committee of any Partner or any combination of Partners. It will be for each Partner to take decisions for their organisation.
- 4.3 No Partner or group of Partners can take decisions on behalf of others through the Alliance Board.
- 4.4 City of York Council is not able to make decisions that have a direct effect on areas outside of the boundary of the Council.

Alliance Board

- 4.5 The Alliance Board will operate in accordance with its terms of reference set out in Schedule 2 (Terms of Reference).
- 4.6 The Alliance Board is the group responsible for leading the Partners' collaborative approach to the Services and Areas of First Focus, working in accordance with the Values and Principles to achieve the Aims and Shared Purpose across the City of York.
- 4.7 The Alliance Board is the forum through which the senior leadership of the Partners will meet and collaborate.
- 4.8 The Alliance Board is able to set up groups to support its work. This is done through agreement at an Alliance Board meeting.

Assurance and reporting

- 4.9 The Alliance Board will provide reports on its work to the Humber Coast and Vale ICS and to the City of York Council Health and Wellbeing Board.
- 4.10 It is the responsibility of each Partner to ensure that its representative on the Alliance Board reports back to their organisation about the work of the Alliance.
- 4.11 It is intended by the Partners that as these arrangements develop, the Alliance Board will review how it works with existing partnership engagement forums and the City of York Council Health and Wellbeing Board. The Partners will review the terms of reference of the Alliance Board at least once per year and this will include consultation with these groups about how the Alliance Board interacts with and reports to them.

5 AREAS OF FIRST FOCUS

- 5.1 The Partners recognise that by all focussing on the same areas they are more likely to achieve positive change. The Partners therefore agree to adopt the Areas of First Focus and that the provisions of Schedule 3 (Areas of First Focus) will apply.
- 5.2 Each of the Partners will commit to actively improving Services or the commissioning of Services in a way that:



- 5.2.1 responds to population need and takes a preventative approach;
- 5.2.2 better achieves the desired outcomes for the Areas of First Focus; and
- 5.2.3 complies with the Values and Principles.

6 **ENGAGEMENT BETWEEN THE PARTNERS**

- 6.1 The Partners will communicate with each other clearly, directly and in a timely manner to ensure that the Alliance Board has all necessary information to perform its role.
- 6.2 The Partners shall each notify the Alliance Board of the level of delegation and authority of their representative at the Alliance Board and will agree to be bound by the actions and decisions of their respective representative taken at the Alliance Board provided those actions and decisions are carried out in accordance with their notification of authority and the provisions of this Concord.
- 6.3 The Partners will ensure appropriate attendance from their respective organisations at all meetings of the Alliance Board and that their representatives act in accordance with the Values, Principles and the Alliance Board Terms of Reference.

7 **REPORTING REQUIREMENTS**

Where appropriate and practicable, the Partners agree to develop consolidated reports and feedback responses for their organisations in respect of the work of the Alliance Board and the Areas of First Focus.

8 **RESOURCES**

The Partners will provide resources to support the Alliance as set out in the table below, with each Partner meeting the cost of the support they provide.

All Partners	Appropriate staff/ leadership time
Vale of York CCG	Administration support for the Alliance Board

9 **INFORMATION SHARING AND CONFLICTS OF INTEREST**

- 9.1 Subject to compliance with the law and contractual obligations of confidentiality, the Partners agree to share information relevant to the provision of the Services and the Areas of First Focus in an honest, open and timely manner.
- 9.2 The Partners agree to disclose all potential and actual conflicts of interest and ensure that such conflicts are managed in adherence with their organisation's conflict of interest policies and statutory duties.



10 DURATION

- 10.1 This Concord shall take effect on the Commencement Date and will continue in full force and effect until April 2022 (“the **Initial Term**”), unless and until terminated in accordance with the terms of this Concord.
- 10.2 The Partners agree to begin to review the impact of these arrangements in September 2021 in order to inform any changes to the Concord or extensions to the Initial Term. At the expiry of the Initial Term this Concord shall terminate automatically unless, no later than 2 months before the end of the Initial Term, the Partners agree in writing that the term of the Concord shall be extended for a further term agreed between the Partners (the “**Extended Term**”).

11 TERMINATION IN WHOLE OR IN PART OF THIS CONCORD

- 11.1 This Concord shall terminate:
- 11.1.1 at the end of the Initial Term or Extended Term, whichever is the later; or
 - 11.1.2 automatically and immediately where there exists just one Partner that remains party to this Concord.
- 11.2 Any Partner may exit these arrangements on not less than 3 months’ written notice to the other Partners at any time.

12 LEGAL STATUS - NO LIABILITY

- 12.1 The Partners agree that except as regards this Clause 12 (Legal Status/No Liability), Clause 13 (Variation) and Clause 14 (Confidential Information), the terms set out in this Concord are not intended to create a legally binding relationship between the Partners.
- 12.2 The Partners do not intend that any liability will arise under this Concord and none of the Partners intend that any other Partner shall be liable for any loss it suffers as a result of adherence to the terms of this Concord by any Partner.
- 12.3 Without prejudice to Clause 12.2, each Partner will at all times take all reasonable steps to minimise and mitigate any losses or other matters to any other Partner under this Concord.

13 VARIATION

The Partners may agree to amend or supplement this Concord through unanimous agreement at an Alliance Board meeting or by email as set out in the Terms of Reference. However, any change to clause 12 will not be binding unless set out in writing, expressed to amend, waiver or vary this Concord and signed by or on behalf of each of the Partners.



14 **CONFIDENTIAL INFORMATION**

- 14.1 Each Party (a “Receiving Party”) shall keep in strict confidence all technical or commercial know-how, specifications, inventions, processes and/or initiatives or other information which is marked as confidential which are disclosed to the Receiving Party by another Party (a “Disclosing Party”), its employees, agents or subcontractors, and any other confidential information concerning the Disclosing Party’s business, its products or its services which the Receiving Party may obtain.
- 14.2 The Receiving Party shall only disclose such confidential information to its professional advisors, and those of its employees, agents or subcontractors who need to know the same for the purpose of discharging the Receiving Party’s obligations under this Concord, and shall ensure that such professional advisors, employees, agents or subcontractors shall keep such information confidential.
- 14.3 The provisions of this Clause 14 do not apply to information which:
- 14.3.1 comes into the Receiving Party’s possession directly from a third party other than as a result of a breach of confidence provided that third party was not under the same or similar duty of confidence;
 - 14.3.2 is in or comes into the public domain other than as a result of a breach of Clause 14; or
 - 14.3.3 the Partners in question agree in writing that the information is not confidential.

15 **FREEDOM OF INFORMATION**

Each partner retains their own legal responsibility to adhere to the Freedom of Information Act 2000. If any Partner receives a request for information relating to this Concord under the Freedom of Information Act 2000, it shall consult with the other Partners before responding to such request and, in particular, shall have due regard to any claim by any other Partner to this Concord that the exemptions relating to commercial prejudice and/or confidentiality apply to the information sought.

16 **NO PARTNERSHIP**

Nothing in this Concord is intended to, or shall be deemed to, establish any partnership between any of the Partners, constitute any Partner the agent of another Partner, nor authorise any Partner to make or enter into any commitments for or on behalf of any other Partner except as expressly provided in this Concord.



Schedule 1

Signatories to the Concord

SIGNED by)
 Duly authorised to sign for and on)
 behalf of **CITY OF YORK COUNCIL**)
)

 Authorised Signatory
 Title: [Chief Operating Officer]
 DATE: []

SIGNED by)
 Duly authorised to sign for and on)
 behalf of **NIMBUSCARE**)
)

 Authorised Signatory
 Title: [Chief Executive]
 DATE: []

SIGNED by)
 Duly authorised to sign for and on)
 behalf of **ST LEONARD'S**)
HOSPICE YORK)
)

 Authorised Signatory
 Title: [Chief Executive]
 DATE: []

SIGNED by)
 Duly authorised to sign for and on)
 behalf of **TEES ESK AND WEAR**)
VALLEYS NHS FOUNDATION TRUST)
)

 Authorised Signatory
 Title: [Chief Executive]
 DATE: []

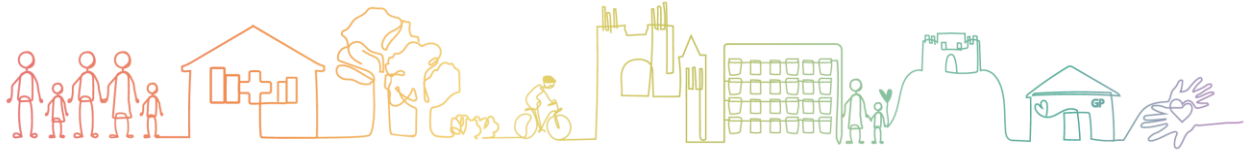
SIGNED by)
 Duly authorised to sign for and on)
 behalf of **VALE OF YORK CCG**)
)

 Authorised Signatory
 Title: [Accountable Officer]
 DATE: []

SIGNED by)
 Duly authorised to sign for and on)
 behalf of **YORK CVS**)
)

 Authorised Signatory
 Title: [Chief Executive]
 DATE: []

SIGNED by)
 Duly authorised to sign for and on)
 Authorised Signatory



behalf of **YORK SCHOOLS & ACADEMIES BOARD**)
) Title: [Chair]
) DATE: []

SIGNED by)
 Duly authorised to sign for and on)
 behalf of **YORK TEACHING HOSPITAL**)
NHS FOUNDATION TRUST)
)
) Authorised Signatory
) Title: [Chief Executive]
) DATE: []

DRAFT



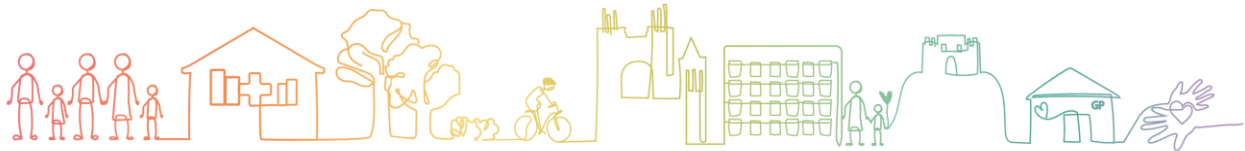
Schedule 2

Terms of reference of the York Health & Care Alliance Board

1.	Purpose	<p>The York Health and Care Alliance (“the Alliance”) has been set up by the partner organisations (“Partners”) as a place based partnership to help them deliver better health and care outcomes for the City of York Place, through more integrated care and improved use of data. The key aims of the Alliance are:</p> <ul style="list-style-type: none"> • People centred: The development of public services and the right conditions for people and communities to stay well, enabling them to take increased responsibility for their own health and wellbeing • Integrated services: The development of primary, social, voluntary and community care to support people and communities in the place they live and provide a point of on-going continuity, which for most people will be general practice • Timely and appropriate care: The freeing up of mental and physical health specialists to be responsive to episodic events, to provide complex care and support, and to give specialist advice as part of multi-disciplinary teams
2.	Area and population (“ City of York Place ”)	<p>The area of City of York Place is the area covered by City of York Council plus the area covered by Pocklington PCN. (Most of the area covered by Pocklington PCN is in the area covered by City of York Council but there is part of Pocklington PCN that is in the area covered by East Riding of Yorkshire Council. As there is an increasing focus on work done by or in partnership with PCNs, the Alliance has decided that it would be preferable for City of York Place to cover all of this PCN area, rather than having some of the PCN in and some of the PCN out of City of York Place.) The services that are within the remit of City of York Place include public services provided by the Partners:</p> <ul style="list-style-type: none"> - to residents of City of York Place; - within City of York Place; or - to visitors and temporary residents of City of York Place



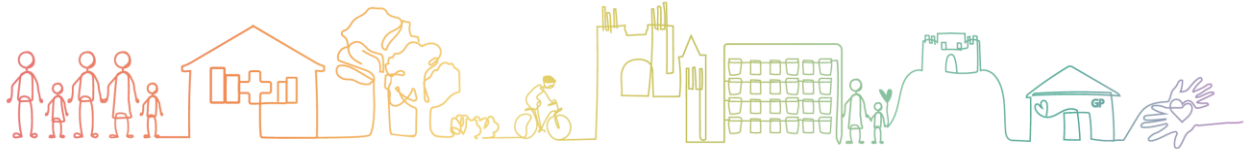
		<p>The Partners acknowledge that there will not always be a neat fit between the relevant data and the City of York Place footprint, and the data that would be used in practice would depend on the question being asked/ problem being addressed.</p>
3.	Workstreams	<p>The Alliance has agreed that it will operate through a board of the Partners in accordance with these terms of reference (“Alliance Board”). The Alliance Board will choose the areas that the Alliance will prioritise. It is expected that these will be concerned with:</p> <ul style="list-style-type: none"> - The commissioning, delivery and/ or design of public services that impact on outcomes for City of York Place - The development of the Alliance, including the deepening of trust and understanding between staff from different organisations - Improving the understanding and participation of citizens of the City of York Place, and engagement with other relevant organisations
4.	Membership and observers	<p>Alliance Board Members</p> <p>The Alliance Board is made up of:</p> <ul style="list-style-type: none"> • The Chair • NHS City of York Place Leader (chosen by the NHS Partners) or a deputy nominated by them • Partner Representatives <p>These are the Board Members</p> <p><u>The Chair</u> is in the first instance the Leader of City of York Council and attends in addition to the partner organisation representative(s) from City of York Council</p> <p><u>The NHS City of York Place Leader</u> attends in addition to the Partner Representative from their organisation</p> <p><u>Partner Representatives</u></p> <p>The Partners of the Alliance are listed below. One representative from each Partner may attend the meetings of the Alliance Board, unless different arrangements are set out below.</p> <ul style="list-style-type: none"> • City of York Council • Nimbuscare • St Leonards Hospice • Tees, Esk & Wear Valleys NHS Foundation Trust • Vale of York CCG • York Community & Voluntary Services



		<ul style="list-style-type: none"> • York Schools and Academies Board • York Teaching Hospital NHS Trust <p>There may be two Partner Representatives from City of York Council in addition to the Chair: the Director of Public Health, and one other Corporate Director.</p> <p>Partners nominate their Representative by emailing their name and contact details (including email address) to jo.baxter1@nhs.net. If a Partner Representative is unable to attend then a deputy may attend in their place, provided the deputy's name and contact details (including email address) are notified in advance to jo.baxter1@nhs.net by the Partner. If the Partner Representative from the City of York Council with responsibility for adult social care, children's social care and schools cannot attend then they may nominate up to two deputies if this is necessary to ensure that those attending on behalf of the Council have sufficient understanding of the areas being discussed by the Board.</p> <p><u>Citizen voice</u></p> <p>Observers</p> <p>The Alliance Board can agree to invite others to attend meetings to present, contribute to discussions or observe proceedings.</p>
5.	Attendance	<p>It is important that Partner Representatives from across the system attend Alliance Board meetings, to enable the Alliance Board to take a holistic approach.</p> <p>The Alliance Board can formally meet if:</p> <ul style="list-style-type: none"> - The Place Leader or their deputy is present; and - The Leader of City of York Council or their substitute, the Executive Member for Health and Adult Social Care. <p>If all these requirements are not met then the meeting can proceed but any outputs will be provisional unless or until they are approved by an Alliance Board meeting that meets the requirements.</p> <p>If a Partner fails to send a representative to the Alliance Board when the Alliance Board is due to discuss an item that directly concerns the Partner, then they shall provide the Alliance Board with an explanation for their absence. If a Partner fails to send a representative more than twice in any 12 month period without good reasons having been given for the absence then the remaining Board Members may choose to remove them from the Alliance.</p>



		<p>Attendance may be in person, by telephone or by video link provided all Board Members attending are able to hear all other Board Members and appropriate security measures are in place</p> <p>If a Partner Representative does not attend a meeting at which changes or additions to the Concord or these Terms of Reference are discussed then they may give their agreement to those changes or additions by emailing jo.baxter1@nhs.net and stating unambiguously that they are agreed by the Partner Representative.</p>
6.	Chairing arrangements	<p>Meetings of the Alliance Board will be chaired by the Leader of City of York Council.</p> <p>If the City of York Council Leader is unable to attend then the Alliance Board meeting shall be chaired by the Deputy Chair. The Deputy Chair will be a Partner Representative from an NHS provider organisation, nominated by the Alliance Board at its first meeting.</p>
7.	Status and authority	<p>The Alliance is a group of organisations that have agreed to work together more closely, and to do this through participating in the arrangements set out in the Alliance Concord). Those arrangements include the senior leaders from each organisation meeting on a regular basis. When they meet together those leaders make up the Alliance Board.</p> <p>Neither the Alliance nor the Alliance Board is a legal body, and so they are not able to make decisions in their own right. Each Partner will continue to take its own decisions and implement them. The Alliance cannot require any Partner to act in a particular way, nor can any Partner or group of Partners “overrule” any other.</p> <p>However, it is hoped that through working together more closely – including by senior leadership meeting regularly at the Alliance Board – decisions can be made in a more co-ordinated way, with a better understanding of their implications for the overall outcomes at City of York Place. The aim is to reach consensus across all Partners over what action is best for City of York Place.</p> <p>Each Partner will decide for itself what level of authority it will delegate to its representative on the Alliance Board and will communicate this clearly to the other Partners. It is expected that the representatives on the Alliance Board will be senior leaders within their organisation, they will already have a significant decision-making responsibility for their organisation.</p> <p>If a representative is unable to agree to a proposal under consideration at an Alliance Board meeting without</p>



		<p>seeking approval from their organisation, they will explain this at the start of the relevant agenda item.</p> <p>Before the first meeting of the Alliance Board, the each partner organisation will say briefly in writing what decisions their representative is able to make on behalf of their organisation and what decisions they would need to take back. These explanations will be collated and made available to all partner organisations. An organisation can update its statement at any time by emailing jo.baxter1@nhs.net</p> <p>It is the responsibility of each Partner to ensure that its representative on the Alliance Board understands the limits of their decision-making authority.</p>
8.	Resources	<p>As it is not an organisation in its own right, the Alliance relies on the Partners to provide the resources it needs to operate.</p> <p>The Alliance Board is supported by administration services provided by Vale of York CCG</p> <p>The Alliance Board is supported by a virtual data and analytics team ('Population Health Hub') made up of individuals spread across different Partners. It can ask this virtual team for:</p> <ul style="list-style-type: none"> - Insights based on data - Input regarding the development of population health management capacity within City of York Place - Participation in Alliance Board meetings <p>HCV ICS may allocate resources to be used by the Alliance. The Place Leader will be responsible for liaising with the HCV ICS and ensuring that such resources are spent in accordance with assurances provided to HCV ICS.</p> <p>The Alliance Board is able to set up groups to support its work. This is done through agreement at an Alliance Board meeting.</p>



9.	Ways of working	<p>Board Members will:</p> <ul style="list-style-type: none"> (a) Support each other to take decisions that are in the best interests of City of York Place; (b) Make time to deepen working relationships with other representatives (c) Work to understand the perspective and impacts of decisions on other parts of the health and social care system, and to use the best available data to inform decision-making (d) Ensure they are properly briefed about topics to be discussed at the Alliance Board (e) Participate in Alliance Board discussions in good faith and conduct discussions in a respectful way (f) Be open about their position and in particular if they disagree with a proposal or analysis, say so and explain why, rather than remaining silent (g) Be open about any interest their organisation has in an area being considered by the Alliance Board (h) Act as an ambassador for the Alliance within their organisation and the wider system <p>Each Partner will ensure that:</p> <ul style="list-style-type: none"> (a) It has a Representative at each meeting of the Alliance Board of appropriate seniority (b) Its Representative is appropriately briefed and authorised (in line with point 7), and that the representative understands the limits of their decision-making authority (c) Its Representative is given appropriate time and resources to enable them to participate meaningfully in Alliance Board meetings and to develop working relationships with people working in other parts of the system (d) Its Representative is familiar with these terms of reference
10.	Reporting	<p>It is the responsibility of each Partner Representative sitting on the Alliance Board to report back to their Partner organisation about the work of the Alliance.</p> <p>The Alliance will need to report on its work to HCV ICS. Such reports will be made by the Place Leader, both in writing and by attending relevant meetings of the ICS. Written reports will be circulated to Partners in advance for comment. Any comments made will be reflected in the report. This may be done by adding the comments rather amending the original wording at the discretion of the Place Leader.]</p>



		<p>The Alliance Board will also report on its work to City of York Council Health & Wellbeing Board. It is anticipated that the Place Leader will also sit on the Health & Wellbeing Board and so will be able to provide oral and written updates as desired by the Health & Wellbeing Board. The way in which the Alliance Board works alongside the Health & Wellbeing Board will be formalised as the Alliance develops.</p> <p>The Alliance Board will agree an annual report summarising its work that representatives can use to report to their organisation.</p>
11.	Decision making	<p>It will be for each Partner (and where decision-making has been delegated to them, each Partner Representative) to take decisions for their organisation. No Partner or group of Partners can take decisions on behalf of others.</p> <p>Therefore matters can be decided at the Alliance Board only if:</p> <ul style="list-style-type: none"> - All Partners are represented at the meeting - Those Partner Representatives have the appropriate delegated authority from their organisation to make the decision - All Partner Representatives agree to make the decision
12.	Conduct of business	<p>Meetings of the Alliance Board will be held regularly. It is anticipated that they will be held once a month but the Alliance Board may agree to a different meeting frequency if they wish, by doing so at a meeting of the Alliance Board.</p> <p>The Chair or the Place Leader may call extraordinary meetings of the Alliance Board at their discretion subject to providing at least five working days' notice to Board Members.</p> <p>If a Board Member wishes to add an item to the agenda they must notify jo.baxter1@nhs.net. Requests for agenda items will be passed to the Place Leader who will decide the content and order of the agenda. The Place Leader will also decide if any part of the meeting should be held in private.</p> <p>Circulation of the meeting agenda and papers via email will take place at least five working days prior to the meeting.</p> <p>Meetings of the Alliance Board will be held in public unless:</p>



		<ul style="list-style-type: none"> - The Place Leader has determined that an agenda item should be heard in private - Any partner organisation representative present requests that an item should be heard in private <p>Agendas, papers and minutes will be published on the Vale of York CCG and City of York Council websites. Other Partners may also publish these documents on their websites if they wish.</p> <p>The minutes of Alliance Board meetings will be sent to Board Members within 10 working days of each meeting.</p> <p>The Alliance Board will have administrative support from Vale of York CCG to:</p> <ul style="list-style-type: none"> - Collate items for the agenda - Circulate the agenda and any papers - take and circulate minutes of the meetings - maintain a record of actions and action owners
13.	Conflicts of interest	<p>Board Members must refrain from actions that are likely to create any actual or perceived conflicts of interests.</p> <p>Board Members must disclose all potential and actual conflicts of interest and ensure that such conflicts are managed in adherence with their organisation’s conflict of interest policies. Such conflicts should be declared at the earliest opportunity to jo.baxter1@nhs.net and at the start of any meeting discussing matters related to a conflict.</p> <p>If a conflict of interest is declared then:</p> <ul style="list-style-type: none"> - The declaration will be noted in the minutes - The Place Leader may decide (either in advance or at the meeting) that the Board Member: <ul style="list-style-type: none"> o can continue to participate as normal o can attend but cannot contribute to discussions o cannot attend o cannot receive papers (including agendas and minutes) relating to the item <p style="padding-left: 40px;">for the relevant item</p> <p>The decision of the Place Leader will be noted in the minutes.</p> <p>Any Elected Member from CYC will be required to abide by the CYC Members Code of Conduct.</p>



14.	Review	These terms of reference will be reviewed annually. They may be amended at a meeting of the Alliance Board by the agreement of the Partner Representatives.
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Schedule 3

Areas of First Focus

Early conversations with senior leaders have identified the need to start by concentrating on a small number of priority areas in order to channel our resources effectively in the initial stages of our joint working. Therefore, our first focus areas include:

- Prevention and early management of diabetes in vulnerable people
- High-cost complex packages, including CHC cases
- Learning Disabilities /Autism – specific topic tbc

These need to be refined by partners but there is a strong sense of support to take these forward.

There are also a number of areas where the work of Partners is so closely connected that it would be helpful for all of our teams to have some clarity, at least in terms of our commitment to work collaboratively. These include:

- COVID recovery
- Community Mental Health
- Dementia care and support across the whole pathway
- Loneliness, isolation and wellbeing
- Self-harm and suicide
- Childhood resilience
- Alcohol harm and substance misuse

Signalling our intention to develop a joint approach to these areas sends a strong message to our staff and partners. We anticipate that all Partners would take part in the process of aligning staff to these emerging programmes. This would be particularly important and helpful for those staff who will be affected by the likely process of NHS reconfiguration in 2021/22. We could also encourage teams to explore how best to come together to make this work happen.

We will work together in the areas set out above to deliver our Shared Purpose of improving health outcomes and reducing health inequalities for the population of the City of York Place, through the prevention of ill-health and provision of safe and high quality public services that work well together.



Executive**18 March 2021**

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

Huntington Neighbourhood Plan – Examiner’s Report**Summary**

1. The Huntington Neighbourhood Plan has concluded its examination with receipt of the Examiner’s report (Annex A) and further consultation held regarding proposed additional modifications pertaining to the Green Belt policies (Annex B). Annex D sets out the Council’s proposed response to the Examiner’s recommended modifications and the proposed additional officer recommended modifications to the plan. This report recommends that Executive agree to both the Examiner’s recommendations and the proposed additional Green Belt officer modifications to enable the Neighbourhood Plan to proceed to Referendum. These issues were considered at Local Plan Working Group on the 16th March 2021.

Recommendations

2. The Executive is asked to:
 - i. Agree the Examiner’s modifications, the Examiner’s consequential minor modifications and the proposed additional Green Belt recommended modifications to the Huntington Neighbourhood Plan set out at Annex D and that subject to those modifications the Neighbourhood Plan meets the Basic Conditions and other legislative requirements.
 - ii. Agree that the Huntington Neighbourhood Plan as amended proceeds to a local referendum based on the geographic boundary of the parish of Huntington as recommended by the Examiner.
 - iii. Approve the Decision Statement attached at Annex D to be published on the City of York Council’s website.

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

Background

3. The Localism Act 2011 introduced new powers for community groups to prepare neighbourhood plans for their local areas. The Council has a statutory duty to assist communities in the preparation of Neighbourhood Plans and to take plans through a process of Examination and Referendum. The local authority is required to take decisions at key stages in the process within time limits that apply, as set out in the Neighbourhood Planning (General) Regulations 2012 as amended in 2015 and 2016 (“the Regulations”) and within new government guidance in relation to the Covid-19 pandemic.
4. The Huntington Neighbourhood Plan has been prepared by Huntington Parish Council with on-going engagement with the local community and City of York Council. Prior to Examination it has been through the following stages of preparation:
 - Designation as a Neighbourhood Area (28th September 2015)
 - Consultation on Pre-Submission Version (29th January to 23rd March 2018)
 - Submission to City of York Council (31st July 2019)
 - Submission Consultation (7th October to 18th November 2019)
5. Following the close of Submission consultation and with the consent of the Parish Council, Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI was appointed to undertake an Independent Examination of the Neighbourhood Plan. The purpose of the Examination is to consider whether the Plan complies with various legislative requirements and meets a set of “Basic Conditions” set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. The Basic Conditions are:
 - i) To have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - ii) To contribute to the achievement of sustainable development;
 - iii) To be in general conformity with the strategic policies contained in the development plan for the area;
 - iv) To not breach, and be otherwise compatible with, EU and European convention on Human Rights obligations; and

- v) To be in conformity with the Conservation of Habitats and Species Regulations 2017(3).
6. The Examiner can make one of three overall recommendations on the Neighbourhood Plan namely that it can proceed to referendum (i) with modifications; (ii) without modification; or (iii) that the Plan cannot be modified in a way that allows it to meet the Basic Conditions or legal requirements and should not proceed to referendum.
 7. Modifications can only be those that the Examiner considers are needed to:
 - a) make the plan conform to the Basic Conditions;
 - b) make the plan compatible with the Convention rights;
 - c) make the plan comply with definition of a neighbourhood plan and the provisions that can be made by a neighbourhood plan; or
 - d) to correct errors.
 8. If a recommendation to go to a referendum is made, the Examiner must also recommend whether the area for the referendum should go beyond the Neighbourhood Area, and if so what the extended area should be.
 9. The Regulations presume that Neighbourhood Plans will be examined by way of written evidence only, with a requirement for a hearing only in cases where the Examiner feels the only way to properly assess a particular issue is via a discussion with all parties. The Examiner decided that examination by written representations was appropriate in this case and provided his final report on 21st February 2020.
 10. Overall, the Report concluded that “*Subject to a series of recommended modifications set out in this report I have concluded that the Huntington Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum*”.
 11. The Council has the capacity to modify the report, if required. The Regulations¹ state that if the local planning authority “*propose to make a decision which differs from that recommended by the examiner*” and the “*reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact*”, the authority must notify prescribed persons of their proposed decision (and the reason for it) and invite representations.

1 Paragraph 13 (1) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA 1990)

Where the authority consider it appropriate, they may refer the issue to independent examination².

12. The guidance suggests that where an authority “proposes” to make a decision, the requirement to notify and invite representations must be carried out before the decision is made on the plan to proceed to Referendum.
13. Since the Submission of the Neighbourhood Plan, the Council has received the outcome of the High Court Judgement ‘Wedgewood v. City of York Council [March 2020]’ pertaining to and clarifying the approach to decision-making in relation to York’s Green Belt. At the 22nd October 2020 Executive, Members agreed that the outcomes of this judgement should be reflected in the Neighbourhood Plan in order to secure that the Plan meets the Basic Conditions. Executive approved a Neighbourhood Plan (Regulation 17A (2)) consultation on the proposed additional Modifications to the Huntington Neighbourhood Plan set out in Annex B to this report. Members also agreed to defer consideration of the Examiner’s report (Annex A) and proposed modifications schedule until the consultation on additional modifications had taken place. The Council has now undertaken the Regulation 17A (2) consultation, this took place for 8 weeks between the 3rd December 2020 and 28th January 2021.

Examiner’s Recommendations

14. The Examiner’s Report (Annex A) and summary of modifications (Annex D) set out the Examiner’s conclusions, including detailed and minor consequential modifications to the Neighbourhood Plan.
15. Positively, the Examiner identifies that:

“The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character in general terms, and the general extent of the York Green Belt in particular. It provides a context within which new dwellings can be accommodated. It also proposes a series of local green spaces. In the round the Plan has successfully identified a range of issues where it can add value to the strategic context provided by the general extent of the Green Belt and the emerging City of York Local Plan.”

² Paragraph 13(2) of Schedule 4B to the Town and Country Planning Act 1990 (TCPA 1990)

16. The examiner also identified that “*the Plan has been underpinned by community support and engagement*” and that “*it is clear that all sections of the community have been actively engaged in its preparation.*”
17. The majority of modifications identified are minor. However the examiner did include key points and proposed detailed modifications in relation to the following policies.

Policy H1: Meeting Housing Need

18. This policy sets out design and planning criteria to influence and shape development. It is recognised to cross over with the emerging Local Plan, including proposed allocation ST8, as well as provide criteria for any other new development in the designated area.
19. The examiner has identified that the policy and justification is dominated by strategic housing delivery issues, to be considered through the emerging Local Plan and has therefore suggested that the policy and elements of the supporting text take a more neutral and general approach towards future housing development. In addition, whilst the planning and design criteria are deemed appropriate, the examiner also recommends that this is applied with regard to context of the location on an a case-by-case basis.
20. Consequently, the examiner recommends the following modifications at para 7.19 of their report:
 - the replacement of the second criterion with one which requires that development proposals are ‘well-related’ to Huntington Village. As submitted the criterion requires that proposals are ‘functionally and physically’ connected to Huntington village. The examiner indicated that this approach is very prescriptive in general terms and may prevent otherwise acceptable development from coming forward. The alteration will also avoid any conflict with site ST8 in the emerging Local Plan, which indicates the site is identified as being part of an important transitional area between the existing urban area at Huntington and more modern and commercial developments at Monks Cross. As such it is proposed to be separated from the existing urban area by a green wedge to protect the setting of Huntington, maintaining the separate identities of the existing and new neighbourhoods. This will reinforce the special circumstances found in the wider City where the general extent of the green belt provides a landscape and visual context for component settlements

such as Huntington in order to protect the special character of the historic city.

- To remedy the potential conflict between the application of general planning design principles and the specific requirements of the proposed strategic site at Monks Cross (ST8) the examiner also recommends that the supporting text is clarified so this would not apply to ST8.

Policy H2: Housing Mix (paras 7.22-7.26)

21. This policy comments about the need for new developments to provide a mix of housing types, sizes and tenures. It requires developers to demonstrate that their proposals have regard to up-to-date evidence on housing needs in the context of site and market conditions. It also indicates that 'priority should be given' to the provision of smaller homes suitable for young families as well as older persons (including those wishing to downsize).
22. The examiner recommends a modification that provides appropriate flexibility for the application of the policy. It takes account of the greater opportunities for a larger development to provide the type of houses as specified in the policy. It is considered that this would also reinforce the market considerations element of the submitted policy. A modification to the supporting text is also recommended that would acknowledge that any strategic sites which may come forward in the neighbourhood area will, by definition, be catering for City-wide housing needs rather than simply those which exist within the designated neighbourhood area.
23. A further modification is recommended to take into consideration representations that the policy is too prescriptive on the priority for the smaller homes. To remedy this issue, a modification is recommended that the final part of the policy more simply offers support for smaller homes rather than 'giving priority' to their development.

Policy H6: Business and Employment

24. This policy refers to business and employment activity. As the supporting text (paragraphs 100-102) comments, the neighbourhood area has several centres of business activity in addition to its extensive retail employment base. They are concentrated in and around Jockey Lane.

25. The policy is general in nature. It supports the retention of existing land and buildings in employment use where there is a reasonable prospect of the site or building concerned being used for employment purposes.
26. New policy wording is proposed to ensure national policy is appropriately reflected and the matters raised in the supporting text with regard to local context are addressed. Consequently, the modified policy as proposed seeks to support “*diversification of businesses uses and the extension and/or adaptation of business premises... subject to*” consideration for design and context, parking standards, impact on local road network and no unacceptable impact on residential amenity.

Policy H10: Vangarde/Monks Cross shopping parks

27. As submitted, the examiner suggests that this policy is general in the way that it supports the continued roles of Vanguard/Monks Cross as a sub-regional centre and in particular the policy does not directly relate to the development management process. The examiner suggests that the policy should take a more proactive role in resisting uses that would detract from their sub-regional shopping function and recommends that the policy is modified accordingly. The resulting policy has been designed to ensure that it does not affect the restrictive conditions which apply to the sale of good in certain premises on the Monks Cross Shopping Park. The examiners also suggests modifications to the supporting text to highlight the relationship which would exist between this policy and the broader strategic approach to retail provision in the City included in the emerging Local Plan to protect the role of York city centre and to direct any new retail floorspace initially to the city centre through the application of a sequential test process.

Additional Officer Recommendations

28. Annex B sets out the proposed additional recommended officer modifications which were consulted on through the Regulation 17A (2) public consultation. These recommended officer modifications related to Green Belt policies following the receipt of the recent High Court Judgement ‘Wedgewood v. City of York Council [2020] EWHC 780 (Admin)’, a challenge to the green belt policy in the Neighbourhood Plan through the examination process and the consideration of legal advice.
29. The High Court judgement of Christopher Wedgewood v City of York Council Group [2020] EWHC 780 (Admin) clarified the approach to decision-making in advance of the adoption of a Local Plan. This clarified that, in advance of the adoption of the Local Plan, decisions on

whether to treat land as falling within the Green Belt for development management purposes should take into account the RSS general extent of the Green Belt, the draft Local Plan (April 2005), the emerging Local Plan, insofar as can be considered against paragraph 48 of the NPPF (2019) and site specific features in deciding whether land should be regarded as Green Belt.

30. It is important to note that the receipt of this judgement was post examination of the Neighbourhood Plan being concluded and the Examiner's report issued in February 2020. Consequently, neither the Parish nor the appointed Examiner could take this to consideration in the preparation and examination of the neighbourhood plan.
31. A threatened challenge to the Green Belt policy in the Neighbourhood Plan was made by Redrow Homes through the Neighbourhood Plan examination process. Redrow Homes threatened a challenge on the basis they did not consider the proposed modifications set out in the Examiner's report addressed or made clear the decision-making process relevant to York's Green Belt ahead of the adoption of the Local Plan. Redrow Homes claimed that Map 3 in the submitted Huntington Neighbourhood Plan, which shows the draft Green Belt Boundary as defined in the Local Plan Fourth Set of Changes (2005), in conjunction with the wording of Policy H14, would unlawfully define an inner Green Belt boundary, which is the function of the Local Plan.
32. Legal advice was sought in relation to the Examiner's report, which considered that the Council should propose to modify the submitted Neighbourhood Plan as follows (and as per Annex B in detail), so that it fully reflects the approach to decision making supported in the recent Wedgewood case and to secure that the Neighbourhood Plan meets the Basic Conditions:
 - a) amend Policy H14: Green Belt to indicate that the general extent of the Green Belt has been established by the Regional Spatial Strategy (RSS);
 - b) Policy H14 should remove reference to Map 3 and cross reference the saved RSS key diagram showing the general extent of York's Green Belt;
 - c) amend Policy H14 to indicate that the inner boundary of the Green Belt will be defined through the Local Plan process, and that this

policy shall apply to land included with the Green Belt boundary that is defined in an adopted Local Plan;

- d) amend Policy H14 and its supporting text to state that until the Green Belt boundaries are defined in an adopted Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes will be taken in accordance with the approach supported in the recent case of Christopher Wedgewood v City of York Council [2020] EWHC 780 (Admin);
- e) Amend supporting text to policy H14 to indicate that the 2005 draft Local Plan map shows what was approved in 2005 for development control purposes and that in advance of the adoption of the Local Plan this will be taken into account along with the emerging Local Plan, RSS general extent of the Green Belt and site specific features in deciding whether land should be regarded as Green Belt for development control purposes, but that the 2005 draft Local Plan should not be treated as establishing a Green Belt boundary;
- f) Remove the 2005 Green Belt boundary from Map 3 'Proposals Map'.

Responses received to the Regulation 17A (2) consultation

- 33. The Council received 14 responses to the Regulation 17A (2) consultation; summarised at Annex C. The response to the proposed modifications was predominantly positive with 12 of the received responses supporting the proposed modification to the Green Belt and agreeing this would provide more clarity. This included a positive response from Johnson Mowat on behalf of Redrow Homes indicating that this satisfies their concerns raised in relation to the Green Belt policy.
- 34. The Council received 2 responses which suggested further amendments to the Green Belt section of the Neighbourhood Plan should be undertaken. It is officer's view that no further significant changes are required as a result of the consultation responses with the exception of one minor modification to clarify paragraph 138 as follows (underlined):

Para 138: "Over half of Huntington is designated as draft Green Belt in the emerging Local Plan (2018)".

Next Steps

35. The next stage of the relevant legislation requires the Council to:
 - Consider each of the recommendations made by the Examiner's Report and the additional proposed officer recommendations (and the reasons for them), and
 - Decide what action to take in response to each recommendation.
36. If the LPA is satisfied that the Neighbourhood Plan meets the Basic Conditions, is compatible with the Convention rights, and complies with the definition of an NP and the provisions that can be made by a NP or can do so if modified (whether or not recommended by the Examiner), then a referendum must be held.
37. The Council must publish its decision and its reasons for it in a 'Decision Statement'. The Decision Statement must be published within 5 weeks beginning with the day following receipt of the Examiner's Report unless an alternative timescale is agreed with the Parish Council. This report was on the Council's Forward Plan for the 23 April 2020 Executive. Whilst the 23 April 2020 was more than 5 weeks from the receipt of the Examiners Report (21st February 2020), Huntingdon Parish Council agreed in writing of this alternative later timescale. However, due to the Covid-19 pandemic the Executive was postponed. Huntingdon Parish Council agreed in writing to the Council for the second time that a Report could be taken to Local Plan Working Group and Executive in due course once committees were set up again in light of Covid-19 social distancing restrictions. In addition, the proposed Decision Statement could only be considered by Members following the completion of the Regulation 17A (2) consultation, which has now been undertaken.
38. The Examiner's recommendations on the Neighbourhood Plan are not binding on the Council, who may choose to make a decision which differs from the Examiner's. However, any significant changes from the Examiner's recommendations would require a further period of public consultation, along with a statement from the Council setting out why it has taken this decision.
39. A decision to refuse the Neighbourhood Plan proposal could only be made on the following grounds:
 - the LPA is not satisfied that the Neighbourhood Plan meets the Basic Conditions;

- the LPA does not believe that with modification Neighbourhood Plan can meet the Basic Conditions;
 - the LPA considers that the Neighbourhood Plan constitutes a repeat proposal; or
 - the LPA does not believe the qualifying body is authorised or
 - that the proposal does not comply with that authorisation.
40. The Examiner's Report concludes that the Neighbourhood Plan meets the Basic Conditions required by legislation, and that subject to the modifications proposed in his report, the Neighbourhood Plan should proceed to a referendum to be held within the Neighbourhood Area. In addition comments made through the Regulation 17A (2) consultation also agree to the recommended additional officer comments. Officers have considered all of the recommendations and the reasons for them and have set out the Councils response as part of the Decision Statement in Annex D.
41. It is recommended that all of the Examiner's recommended modifications and the additional officer recommendations be made as set out in Table 1 and 2 of the Decision Statement at Annex D. The Officer recommendation is that, subject to those modifications, the Plan meets the Basic Conditions, is compatible with the Convention Rights and complies with the provisions that can be made by a neighbourhood plan. Subject to the Executive's agreement of the Decision Statement, the Neighbourhood Plan will be amended accordingly and the Neighbourhood Plan will proceed to local referendum.

Referendum

42. The Council must organise a referendum on any Neighbourhood Plan that meets the legislative requirements. This ensures that the community has the final say on whether a Neighbourhood Plan comes into force.
43. The Examiner's Report confirms that the referendum area should be the same as the Neighbourhood Area designated by the Council, which is the parish of Huntington. The Neighbourhood Planning (Referendum) Regulations 2012 as amended require the Local Planning Authority to hold the referendum within 56 days of the date that a decision to hold one has been made. In this case, the decision whether to hold a referendum will be made at Executive on 18th March 2021. Based on the Neighbourhood Planning (Referendum) Regulations 2012 as

amended and assuming the Executive endorse the recommendations in this report, the referendum should have been held within the 56 day period of the 10th June 2021. However since the Covid-19 pandemic the government have published new guidance in relation to Neighbourhood Plan Referendums. The new government guidance states that all neighbourhood planning referendums that have been recently cancelled, or are scheduled to take place, between 16 March 2020 and 5 May 2021 are postponed in line with the [Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020](#) until 6 May 2021. The date for the referendum and further details will be publicised once a date is set by the Council. This is will be discussed with colleagues in Electoral Services.

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

Decision making

45. As the Plan is now at an advanced stage, its policies where relevant have legal weight in decision making with regard to any planning applications to be determined within the Huntingdon parish. This is reflected in The Neighbourhood Planning Act 2017 which recognises that, when determining an application, a LPA must have regard to “*a post examination draft neighbourhood development plan as far as material to the application*”. If a LPA make a decision to allow a draft neighbourhood plan with modifications to proceed to referendum, then the modifications recommended must also be taken into account.
46. In light of the Covid-19 pandemic the government have published updated guidance on the weight of the Neighbourhood Plan policies. The new government guidance states that ‘where the local planning authority has issued a decision statement (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send a neighbourhood plan to referendum, that plan can be given ‘significant weight’ in decision-making, so far as the plan is material to the application’.

Consultation

47. As mentioned earlier in the report, the Huntington Neighbourhood Plan has been through several stages of consultation. These are:
- consultation on designation as a Neighbourhood Area (28th September 2015),
 - consultation on the Pre-Submission version of the Plan (29th January to 23rd March 2018),
 - consultation on a Submission version (7th October to 18th November 2019),
 - Regulation 17 A (2) (3rd December 2020 to 28th January 2021).
48. A Consultation Statement accompanied the submission version of the Neighbourhood Plan and sets out the consultation undertaken up to and including 2019. All the consultation undertaken to date by City of York Council has been carried out in accordance with the Council's Statement of Community Involvement.

Options

49. Officers request that Members:
- i) endorse the recommendations in paragraph 2 of this report and agree with the Examiner's Recommendations and the additional officer recommendations and approve the Decision Statement attached at Annex D to enable the Huntington Neighbourhood Plan to proceed to Referendum.

Analysis

50. The Examiner has concluded that the modifications will satisfy the Basic Conditions and responses to the Regulation 17A consultation also agree with the additional officer recommendations to satisfy the Basic Conditions. The Council has an obligation, under Schedule 4B of the 1990 Town and Country Planning Act, to arrange a local referendum, unless the Examiner's / additional officer recommended modifications and/or conclusions are to be challenged. The Officer recommendation to Members is that the modifications made by the Examiner and the additional officer recommendations are well justified and that, with these modifications, the Neighbourhood Plan proposals will meet the legislative requirements. The Council must organise a referendum on any Neighbourhood Plan that meets the legislative requirements. This will give the local community the opportunity to vote on whether they

deem the Neighbourhood Plan to meet the needs and aspirations for the future of their neighbourhood.

Alternative Options and Reasons for Rejection

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

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

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

- iii) That the Executive reject the Examiner's recommendations and the additional officer recommendations and refuse the Neighbourhood Plan proposal. This decision can only be justified on the grounds listed under paragraph 39.*

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

Financial Implications

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

Table 1

Stage	Cost
Designation consultation	£500
Submission consultation	£500
NP grant to Parish Councils	£3,000
Examination	£5,800
Regulation 17 (A) (2) Consultation	Minimal costs - virtual consultation, by email (and staff time)
Referendum	Circa £7,000 (tbc)
Total	£ 16,800

53. There is also a significant level of officer costs required throughout the process to provide the required support to each of the Neighbourhood Planning Bodies. A significant level of officer input at an appropriate level is needed throughout the process to ensure legal conformity, appropriate plan content, technical advice, including provision of mapping and assistance with Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA).
54. Financial support from Central Government is available for Local Planning Authorities (LPAs) involved with Neighbourhood Plans. Some LPAs can claim £5,000 for the designation of neighbourhood areas. Whilst this was claimed for the designation of the Huntington Neighbourhood Plan in 2015, it is no longer available for neighbourhood areas in York as more than 5 neighbourhood areas are designated. LPAs can also claim £20,000 Local Planning Authorities can usually apply for this once they have set a date for a referendum following a successful examination. However Ministry of Housing, Communities and Local Government (MHCLG) has set out new government guidance due to the Covid-19 pandemic. The guidance states that in order to minimise the financial impact of delays to neighbourhood planning referendums, the government will allow local planning authorities in 2020/21 to submit claims for new burdens grants at an earlier point in the neighbourhood planning process. A claim will be able to be made at the point when the local planning authority issues a decision statement (as set out under Regulation 25 of the Neighbourhood

Planning (General) Regulations 2012) detailing its intention to send the plan to referendum (rather than when a referendum date has been set).

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

Implications

57. The following implications have been assessed:

- **Financial** – The examination and referendum will be funded by City of York Council. A claim by the City of York Council will be able to be made to government for a grant of £20,000 at the point when the City of York Council issues a decision statement (as set out under Regulation 25 of the Neighbourhood Planning (General) Regulations 2012) detailing its intention to send the plan to referendum. The government grant of £20,000 can be put towards the costs of the City of York Council's involvement in preparing the Plan (including the costs of the Examination and referendum). Any shortfall will need to be accommodated within existing resource.
- **Human Resources (HR)** - none
- **One Planet Council / Equalities** - Better Decision Making Tool attached at Annex F.
- **Legal** - The Legal implications are set out within the body of this report. The decision to proceed to referendum is, like all decisions of a public authority, open to challenge by Judicial Review. The risk of any legal challenge to the Neighbourhood Plan being successful has been minimised by the thorough and robust way in which it has been prepared and tested.
- **Crime and Disorder** - None
- **Information Technology (IT)** None
- **Property** - None
- **Other** – None

Risk Management

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

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

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Background Papers:

<https://www.york.gov.uk/planning-policy/huntington-neighbourhood-plan?documentId=764&categoryId=20051>

Annexes

- Annex A Huntington Neighbourhood Plan Examiner's Report
- Annex B Consultation on Proposed Modifications to the Green Belt Policy in the Huntington Neighbourhood Plan.
- Annex C Summary of the Regulation 17A (2) consultation representations and the proposed Council Response.

- Annex D Decision Statement
Annex E Huntington Neighbourhood Plan (Submission version)
Annex F Better Decision Making Tool

List of Abbreviations Used in this Report

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

EU – *European Union*

LPA – *Local Planning Authority*

NP – *Neighbourhood Plan*

SEA – *Strategic Environmental Assessment*

HRA – *Habitats Regulation Assessment*

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Huntington Parish Neighbourhood Development Plan 2017-2032/33

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

**Andrew Ashcroft
Independent Examiner
BA (Hons) M.A. DMS M.R.T.P.I.**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by the City of York Council in October 2019 to carry out the independent examination of the Huntington Parish Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 28 November 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character in general terms, and the general extent of the York Green Belt in particular. It provides a context within which new dwellings can be accommodated. It also proposes a series of local green spaces. In the round the Plan has successfully identified a range of issues where it can add value to the strategic context provided by the general extent of the Green Belt and the emerging City of York Local Plan.
- 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 Huntington Parish Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
21 February 2020

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Huntington Neighbourhood Development Plan 2017-2032/33 (the 'Plan').
- 1.2 The Plan has been submitted to the City of York Council (CYC) by Huntington Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018 and 2019. 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. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted plan has been designed to be distinctive in general terms. In addition, it has a clear focus on maintaining the integrity of the neighbourhood area in general, and its relationship with the general extent of the York Green Belt in particular.
- 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 Plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by CYC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both CYC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral 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 supporting evidence documents;
- the Basic Conditions Statement;
- the Consultation Statement;
- the CYC SEA and HRA screening report;
- the Parish Council's responses to my Clarification Note;
- the City of York Council's responses to my Clarification Note;
- the representations made to the Plan;
- the saved elements of the Regional Strategy for Yorkshire and Humber;
- the City of York Draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005);
- the submitted City of York Local Plan 2017-2033;
- the National Planning Policy Framework (February 2019);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 28 November 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My 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 submitted 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.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. This Statement 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 version of the Plan (January to March 2018). Its key 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 discussion at the Parish Council meeting (October 2015);
 - the community questionnaire (June/July 2016);
 - the drop-in exhibition (July 2016);
 - the use of the Parish Council website;
 - the use of posters; and
 - the inclusion of updates about the Plan in the Parish newsletter.
- 4.4 Appendix E of the Statement also provides details of the way in which the Parish Council engaged with statutory bodies. It is clear that the process has been proportionate and robust.
- 4.5 Appendix H of the Statement provide specific details on the comments received as part of the consultation process on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. They help 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 can see 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 for a six-week period that ended on 18 November 2019. This exercise generated comments from a range of organisations as follows:

- Highways Agency
- CPRE North Yorkshire
- York Consortium of Drainage
- Foss Internal Drainage
- Coal Authority
- Historic England
- Gladman Developments
- Barratt and David Wilson Homes
- North Lane Developments
- Taylor Wimpey
- Pilcher Homes
- City of York Council
- Galtres Garden City
- Redrow Homes
- Other Land owners (adjacent to the site promoted by Redrow Homes)

4.9 Four representations were also received from 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 The neighbourhood area consists of the parish of Huntington. Its population in 2011 was 9371 persons living in 4247 houses. It was designated as a neighbourhood area on 28 September 2015. It is an irregular area located in the north-eastern part of the City of York. The River Foss runs through the neighbourhood area in a southerly direction. It joins the River Ouse in the City Centre.
- 5.2 Huntington is an area of great interest and contrasts. Its western part is primarily residential in nature and is based on and around the Huntington Road, New Road and North Moor/Strensall Roads as they run to the north out of the City Centre. This part of the neighbourhood area includes the Huntington Conservation Area based around The Old Village and St Mary's Church. The south-eastern part of the neighbourhood area is primarily retail in nature and is based around the Vangarde Shopping Park and the Monks Cross Shopping Park. Both of these shopping parks operate within a sub-regional capacity.
- 5.3 The remainder of the neighbourhood area consists of an attractive agricultural hinterland. It is located both within and outside the York Outer Ring Road (A1237).

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 environment character of York
- These saved policies will apply in the neighbourhood area until they replaced by the emerging City of York Local Plan.
- 5.5 The CYC does not have a formally adopted Local Plan. The City of York Draft Local Plan incorporating the Fourth Set of Changes Local Plan (April 2005) was approved for development management purposes. Its policies are capable of being material planning considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. This has proved to be particularly useful in the application of Green Belt policy.
- 5.6 The Basic Conditions Statement highlights the policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It also explains the complicated context within which the neighbourhood plan has been prepared.

- 5.7 The emerging City of York Local Plan (2017-2033) was making good progress at the time of this examination. It was submitted for its own examination in May 2018. Consultation took place on proposed Main Modifications to that Plan in June/July 2019.
- 5.8 The submitted Plan has been designed to run concurrently with the emerging York Local Plan. This follows important national advice in Planning Practice Guidance.

Unaccompanied Visit

- 5.9 I visited the neighbourhood area on 28 November 2019. I approached from the A64 to the immediate east of York. This gave me an initial impression of the setting and character of the neighbourhood area. It also highlighted its connection to the strategic road system and to the wider City of York
- 5.10 I looked initially at Huntington Old Village. I saw the way in which it is distinctive in character and appearance from the main road to its immediate east. I saw its range of fine brick buildings, mainly with clay pantile roofs. I walked along Church Lane to All Saint's Church. I saw its well-maintained churchyard and the war memorial. I saw the River Foss and the popularity of its adjacent footpaths for local people in general, and dog walkers in particular. I then walked along the paths to the north. I took time to look at the proposed Local Green Spaces to the east of the River Foss.
- 5.12 Thereafter I looked at the range of commercial and community facilities along Strensall Road and North Moor Road. I saw the impressive former Board School (1877), now the Huntington Community Centre, the Primary School Academy, the post office and the Library. I saw their collective and individual importance to the wider local community.
- 5.13 I then drove towards the City Centre along Huntington Road. I saw the various housing types and the Tesco Express shop. I also took the opportunity to look at the Brockfield Park local shopping centre, the nearby Orchard Park Community Centre and Orchard Park itself. I also saw the Huntington School and the Community Sports facility on the opposite side of the main road.
- 5.14 I then took time to look at the proposed Local Green Spaces to the west of the main road leading up to the River Foss. I saw their different sizes and uses. In general terms I saw their strong and functional relationships with the River Foss.
- 5.15 Thereafter I drove along Garth Road so that I could see the proposed strategic housing site included in the submitted City of York Local Plan in the neighbourhood area. Thereafter I drove to Jockey Lane. I saw its variety of retail and car sales related activities. I saw the way in which it provided access to the Monks Cross and Vangarde Retail Parks to the north-east and south-east respectively.
- 5.16 I then looked at the Monks Cross and Vangarde Retail Parks. I saw their popularity and vibrancy in the pre-Christmas period. As the Plan describes, I saw the way in which they were providing for a sub-regional market. I finished my visit by driving to the part

of the neighbourhood area between the York Outer Ring Road and the A64. I saw its flat agricultural nature.

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) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).
- 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 February 2019. This approach is reflected in the submitted Basic Conditions Statement.
- 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 Huntington Parish 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;
 - delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - 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.
- 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 policy to safeguard the general extent of the existing York Green Belt within its administrative area. It also includes a series of policies which address the scale and nature of new development. It identifies key principles for new residential development and proposes a number of local green spaces. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections 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 was reinforced with the publication of Planning Practice Guidance in March 2014. 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 for both housing employment and retail development (Policies H1-3, H6 and H10-13 respectively). In the social role, it includes policies on community facilities (Policies H8/9) and on local green spaces (Policy H15). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has specific policies on design (Policy H4), on heritage assets (Policy H5), on the River Foss (Policy H16) and on biodiversity (Policy H17). The Parish Council 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. In particular it has sought to take account of the emerging Local Plan and the way in which that Plan proposes a strategic development site within the neighbourhood area.
- 6.13 I also consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 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 CYC undertook a screening exercise on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process it concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA. It reaches this conclusion for the following reasons:
- the submitted Plan is a lower-tier plan;
 - it does not directly allocate any sites for development; and
 - its policies do not directly affect any special features or designated areas within the neighbourhood area.
- 6.16 The screening report includes a separate Habitats Regulations Assessment (HRA) of the Plan. It takes account of the likely effects of development in the neighbourhood area on the Strensall Common SAC 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.
- 6.17 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. The work undertaken on HRA screening is exemplary.
- 6.18 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

- 6.19 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 distinctive and proportionate to the neighbourhood area. The wider community and the Parish Council 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 (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.
- 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 1-3)

- 7.8 These initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in a very professional way. It makes a very effective use of well-selected photographs. 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.
- 7.9 The Introduction (Section 1) comments generally about the neighbourhood area and how it lends itself to the development of a neighbourhood plan. It also comments about how the Plan fits into the wider planning system. It does so to good effect. It identifies the Plan period.
- 7.10 Section 2 comments about the neighbourhood area and a range of matters which have influenced the preparation of the Plan. It has a particular focus on its history, the village amenities, the character of the village and its demography.
- 7.11 Section 3 incorporates the Vision Statement and the resulting eleven principles which underpin the Vision. In their different ways these matters flow into the submitted planning policies.

7.12 Sections 4 and 5 detail the resulting planning policies and arrangements for the monitoring and review of the Plan.

7.13 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.

Policy H1 Meeting housing need

7.14 This is an important policy in the Plan. It sets out a series of design and planning criteria to influence and to shape the development of new homes in the Plan period. It has two potentially overlapping roles. In the first instance it seeks to make an overlap with the emerging Local Plan in general, and its proposed inclusion of a strategic housing allocation to the north of Monks Cross in particular. In the second instance it provides a comprehensive series of more general criteria that would apply to all future housing sites.

7.15 In general terms the policy has regard to national planning policy by promoting housing schemes and boosting the supply of housing land (NPPF paragraphs 59 and 60). In addition, the provision of a range of homes to meet the needs of present and future generations is one of the key attributes of the social objective of sustainable development.

7.16 I do however have reservations about the practicability and clarity of the detailed policy wording, which is not fully compliant with national policy. I have particular concerns about the way in which the accompanying justification and evidence base for the policy is dominated by the strategic housing delivery issues which are being addressed in the emerging Local Plan in general, and the proposed strategic site to the north of Monks Cross in particular. In addition, the supporting text has its own internal inconsistencies. On the one hand paragraph 54 is clear that the Plan does not seek to allocate land for housing and comments that this is best done through the Local Plan process. However, on the other hand paragraph 56 comments that the policy has been developed in the context that the Monks Cross site will be included in an adopted Local Plan. This is reinforced in the comments in paragraph 58 that the policy 'will be used to shape and influence any future housing allocation made through the Local Plan should it be the site north of the site Land North of Monks Cross or an alternative'

7.17 I sought advice from the Parish Council through the clarification note process about the potential for the policy and elements of the supporting text to take a more neutral and general approach towards future housing development. Clearly this approach would avoid the need make specific reference to the debate about potential housing allocations in the emerging Local Plan. The Parish Council responded positively to this approach. I recommend accordingly and based on the details in the following paragraphs of this report.

7.18 In the context of the modified policy the majority of the proposed planning and design criteria continue to be appropriate. Nevertheless, I recommend that they are applied in a way that takes account of the scale, nature and the location of development

proposals on a case-by-case basis. Clearly in some cases most of the criteria will apply. In other cases, mainly involving smaller development proposals, only some of the criteria would be triggered. This will ultimately be a matter of judgement for CYC. In the event that the adopted Local Plan includes strategic housing sites in the neighbourhood area the various criteria would be applied to detailed development proposals insofar as they are consistent and/or not overtaken by the criteria in the detailed site-by-site policies in the Local Plan.

- 7.19 I recommend the replacement of the second criterion with one which requires that development proposals are 'well-related' to Huntington Village. As submitted the criterion requires that proposals are 'functionally and physically' connected to Huntington village. This approach is very prescriptive in general terms and may prevent otherwise acceptable development from coming forward. In addition, this matter of fact approach would be in conflict with CYC's proposals for the Monks Cross site in the emerging Local Plan. In that context, the site is identified as being part of an important transitional area between the existing urban area at Huntington and more modern and commercial developments at Monks Cross. As such it is proposed to be separated from the existing urban area by a green wedge to protect the setting of Huntington, maintaining the separate identities of the existing and new neighbourhoods. This will reinforce the special circumstances found in the wider City where the general extent of the green belt provides a landscape and visual context for component settlements such as Huntington in order to protect the special character of the historic city. To remedy this potential conflict between the application of general planning design principles and the specific requirements of a strategic site at Monks Cross I recommend that the supporting text clarifies that the second criterion in the policy would not apply to the Monks Cross site.
- 7.20 I recommend other consequential changes to other elements of the supporting text.
- 7.21 I also recommend modifications to the other criteria. In the main they are grammatical and take account of the wording used in the modified initial part of the policy. In other cases, they bring the clarity required for a development plan policy.

Replace the opening part of the policy with:

'As appropriate to their scale, nature and location within the neighbourhood area development proposals for new residential development should:'

In criterion 1 replace 'Provides' with 'Provide' and delete 'in Huntington'

Replace criterion 2 with 'Be well-related to the existing urban area of Huntington in terms of their location, design and internal layout'

In criterion 3 replace 'Provides' with 'Provide'

In criterion 4 replace 'Considers' with 'Consider'

Replace criterion 5 with 'Delivers any necessary new school provision, new or enhanced medical facilities and sports and recreational facilities;'

In criterion 6 replace 'Promotes' with 'Promote' and 'accommodates' with 'accommodate'

In criterion 7 replace 'Provides' with 'Provide'

In criterion 8 replace ‘Includes’ with ‘Include’ and delete the second part of the criterion after the semi-colon

In criterion 9 replace ‘Retains.....improves’ with ‘Retain and where practicable improve’

In criterion 10 replace ‘Seeks to create’ with ‘Result in’

In criterion 11 replace ‘Has an’ with ‘Incorporate an’

In criterion 12 replace ‘Includes satisfactory’ with ‘Include appropriate and site-specific’

In criterion 13 replace ‘Provides for adequate parking’ with ‘Incorporate car parking arrangement to the most up to date City of York Council standards’

At the end of paragraph 54 add:

‘In this context Policy H1 has been specifically designed to have a general effect. It incorporates a series of design and planning criteria which will apply to new residential developments in the Plan period. The policy comments they that they should be applied in a way that takes account of the scale, nature and the location of development proposals on a case-by-case basis. This will ultimately be a matter of judgement for the City of York Council throughout the Plan period. In the event that the adopted Local Plan includes strategic housing sites in the neighbourhood area the various criteria would be applied to detailed development proposals that emerge on those sites insofar as they are consistent and/or not overtaken by detailed criteria in the detailed site-by-site policies in the Local Plan. In this context the proposed strategic site at Monk’s Cross as currently included in the emerging Local Plan is proposed to be separated from the existing urban area at Huntington by a green wedge to protect the setting of Huntington. This will reinforce the special circumstances found in the wider City where the general extent of the green belt provides a landscape and visual context for component settlements such as Huntington in order to protect the special character of the historic city. In these circumstances the second criterion in the policy would not apply to the Monks Cross site. Its development would be determined primarily by its detailed policy in the emerging Local Plan’

In paragraph 56 replace the second sentence with:

‘In the context already set out in paragraph 54 of this Plan Policy H1 has general effect. Nevertheless, it has been designed to accommodate the development of a strategic housing allocation to the north of Monks Cross (subject to the contents of paragraph 54 of this Plan) in the event that such a development is included in the adopted version of the currently emerging City of York Local Plan.

In paragraph 56 delete the third sentence.

Delete paragraph 57.

Policy H2 Housing mix

- 7.22 This policy comments about the need for new developments to provide a mix of housing types, sizes and tenures. It requires developers to demonstrate that their proposals have regard to up-to-date evidence on housing needs in the context of site

and market conditions. It also indicates that 'priority should be given' to the provision of smaller homes suitable for young families as well as older persons (including those wishing to downsize).

- 7.23 In general terms the policy has regard to national planning policy by ensuring that housing schemes cater for the identified needs of different groups within the community, including those in affordable housing need (NPPF paragraphs 61 and 62). In the round the provision of a range of homes to meet the needs of present and future generations is one of the key attributes of the social objective of sustainable development.
- 7.24 I do however have reservations about the practicality and clarity of the policy wording. In my judgement it is not fully compliant with national policy. I also have concerns about the way in which the accompanying justification and evidence base for the policy has been incorporated into the policy itself.
- 7.25 Firstly the policy takes no account of the scale and the nature of new housing developments. As submitted, it would apply to all such developments irrespective of their size. This matter is also reinforced given that the neighbourhood area may deliver new housing proposals from the very local and modest at one level to potential strategic proposals at the other level. In this context a strategic housing site at Monks Cross is included in the emerging Local Plan. In order to remedy this matter, I recommend a modification that provides appropriate flexibility for the application of the policy. It takes account of the greater opportunities for a larger development to provide the type of houses as specified in the policy. This would also reinforce the market considerations element of the submitted policy. I also recommend a modification to the supporting text that would acknowledge that any strategic sites which may come forward in the neighbourhood area will, by definition, be catering for City-wide housing needs rather than simply those which exist within the designated neighbourhood area.
- 7.26 Secondly the policy is unclear on its expectation that 'priority should be given' to the provision of smaller homes suitable for young families as well as older persons (including those wishing to downsize). Whilst the accuracy of the supporting information is not disputed by the development industry, several representations comment that the approach taken is prescriptive. The representations also comment that the policy approach does not properly take account of the discussion which may take place on developments with CYC on a case-by-case basis either at pre-application stage or as part of the determination of planning applications. This is an important consideration given that national policy gives priority to the delivery of new homes. To remedy this issue, I recommend that the final part of the policy more simply offers support for smaller homes rather than 'giving priority' to their development.
- 7.27 I also recommend that for consistency purposes that the date of the Housing Needs report in paragraph is changed to October 2017. This would relate to the date of the report itself.

At the beginning of the first sentence add: ‘As appropriate to their scale, nature and location’

In the second sentence replace ‘will be required to’ with ‘should’ and delete ‘in the Parish’

In the third sentence:

- **replace ‘Priority will be given to the provision of’ with ‘Development proposals that deliver’**
- **add at the end ‘will be particularly supported’**

At the end of paragraph 67 add: ‘Policy H2 seeks to ensure that new residential development in the Plan period responds to these important matters. It recognises that larger developments will have greater potential to provide a focus for the delivery of smaller homes. In this context any strategic sites which may come forward in the neighbourhood area will, by definition, be catering for City-wide needs rather than simply those which exist in the neighbourhood area’

In paragraph 69 replace ‘December’ with ‘October’

Policy H3 Affordable housing

- 7.28 This policy continues the approach towards new housing development in the Plan. In this case, it makes specific reference to the provision and the mix of affordable housing within development proposals. It has two principal parts. The first requires the provision of affordable housing to CYC requirements. The second includes a detailed breakdown on the size of affordable houses to be delivered, subject to viability issues and site-specific requirements.
- 7.29 The wider policy is underpinned by substantial supporting text (paragraphs 70 to 79). This includes detailed commentary in relation to the Strategic Housing Market Assessment (SHMA) 2016. In this context the policy addresses and has regard to an important issue in national policy (NPPF paragraphs 61-64).
- 7.30 The policy has attracted representations from two developers. Whilst the evidence base in the SHMA is not disputed concern is expressed about the very specific nature of the policy’s proposed distribution of affordable houses between different sizes. The representations consider this approach to be prescriptive. It is also suggested that the approach would be in conflict with CYC’s approach to this matter in its emerging Local Plan (Policy H10).
- 7.31 I have considered this matter very carefully. On the one hand, the submitted policy in the neighbourhood plan recognises that its proposed breakdown of affordable housing will be subject to viability and site-specific factors. In addition, there is no reason why a neighbourhood plan policy cannot produce further levels of detail beyond that in a corresponding local plan policy. On the other hand, the figures included within the policy are prescriptive. In addition, they rely predominantly on the more general SHMA

information rather than specific evidence relating to the neighbourhood area. On balance, I have concluded that there is insufficient local evidence relating to the neighbourhood area to justify the approach taken in the submitted policy.

7.32 In these circumstances I recommend a modification to the policy which deletes the specific references to the distribution of the affordable housing by property size. However, I recommend that this matter is repositioned into the supporting text. Plainly the eventual yield of affordable housing on any site will be subject to detailed discussions with CYC and will be determined both by evidence and site-specific considerations.

7.33 I also recommend the deletion of elements of supporting text from the policy.

Delete ‘To support.....the Parish’

Delete the second sentence.

In the third sentence insert ‘for the delivery of affordable housing’ between ‘The focus’ and ‘should’

At the end of paragraph 79 add:

‘The Plan recognises that detailed discussions will need to take place with the City of York Council on a site-by site-basis. Nevertheless, the Parish Council’s aspiration, in line with the findings of the Strategic Housing Market Assessment, is that [at this point insert the deleted second sentence of the policy]’

Policy H4 Design Principles

7.34 This policy is an important component of the Plan. It requires that development proposals should respect local character. The policy comments that this process should have regard to scale, density, massing and other related matters. It also addresses issues such as the amenity of neighbouring properties and the creation of safe and attractive public and private spaces.

7.35 The policy appropriately builds on the work undertaken as part of the preparation Huntington Parish Character Area Study and the Conservation Area Appraisal. This is best practice.

7.36 The policy is an excellent response to local circumstances. In particular it acknowledges that the bulk of development proposals in the Plan period will be of a modest nature and that they should be sensitively and well-designed.

7.37 I recommend detailed modifications to the wording used in the policy. They will ensure that it has the clarity required for a development plan policy. Otherwise it meets the basic conditions.

In the first paragraph of the policy replace:

- **‘the local character’ with ‘the character of their local environment’; and**
- **‘as appropriate’ with ‘as appropriate to their to their nature and location’**

In the second part of the policy replace ‘They’ with ‘Development proposals’

Policy H5 Character buildings and sites of local heritage interest

- 7.38 This policy identifies a series of buildings and sites as being of local interest. They are shown in Table 3 and on Map 1. Thereafter the policy has three related parts which seek to retain the importance of such buildings and heritage assets.
- 7.39 The process for identifying these local assets has been thorough and professional. The three identified assets are both important in their own rights and distinctive to the neighbourhood area.
- 7.40 I recommend modifications to the three component parts of the policy as follows:
- the incorporation of a modified first part of the policy at the end of the second part of the policy. This will ensure that it has regard to national policy which requires a balance to be struck between safeguarding heritage assets and the benefits which may arise from proposed development which may affect such assets;
 - in the second part of the policy the deletion of the reference to important views towards and from the assets. The extent of such views is not otherwise defined in the policy and this approach might otherwise result in inconsistent planning decisions. Nevertheless, I recommend that reference to views is incorporated within the supporting text; and
 - the deletion of the third component of the policy. It is a process matter rather than a policy. In any event it is already addressed in paragraph 99 of the Plan.
- 7.41 I also recommend that the reference in paragraph 99 to the CYC local heritage list. It is at draft stage rather than finalised.

Delete the first component of the policy (second paragraph)

In the second component of the policy (third paragraph) delete ‘including important views towards and from them’

At the end of second component of the policy (third paragraph) add:

‘The effect of a proposed development on the significance of the non-designated heritage assets shown in Table 3 and on Map 1 should be taken into account in determining planning applications. In determining planning applications that directly or indirectly affect the identified non-designated heritage assets, a balanced judgement will be made having regard to the scale of any harm or loss and the significance of the heritage asset concerned’

Delete the third component of the policy (fourth paragraph).

At the end of paragraph 97 add:

'Where it is practicable to do so development proposals should take account of the wider visibility and accessibility of the non-designated heritage assets. This may include views both to and from the local heritage assets'

In paragraph 99 add 'draft' before 'local heritage list'

Policy H6 Business and Employment

- 7.42 This policy refers to business and employment activity. As the supporting text (paragraphs 100-102) comments, the neighbourhood area has several centres of business activity in addition to its extensive retail employment base. They are concentrated in and around Jockey Lane.
- 7.43 The policy is general in nature. It supports the retention of existing land and buildings in employment use where there is a reasonable prospect of the site or building concerned being used for employment purposes.
- 7.44 As submitted there is a slight disjoint between the supporting text and the policy itself. On the one hand, paragraph 105 of the Plan comments about the importance of economic growth and supporting local employment business development. On the other hand, the policy has a more general approach towards supporting the retention of existing land and buildings in employment use.
- 7.45 In order to remedy this issue I recommend that the policy is modified so that it directly addresses the matters raised in paragraph 105 of the supporting text. In doing so I have acknowledged that some changes in business processes and/or extensions may not need planning permission. The recommended policy includes a series of environmental and traffic criteria.
- 7.46 I also recommend that paragraph 106 of the Plan is modified. As submitted, it does not fully reflect the approach in national policy on economic development in general, and in circumstances where there is no reasonable prospect of land or buildings being used for employment purposes in particular.

Replace the policy with:

'Insofar as planning permission is required, proposals for the diversification of businesses uses and the extension and/or adaptation of business premises will be supported subject to the following criteria:

- **they are appropriate in terms of their design, height, scale and massing;**
- **they provide parking to the most up-to-date City of York Council parking standards and the parking provision itself is well-designed and integrated into the wider development;**
- **they can be satisfactorily incorporated into the local road network; and**

- **they do not have an unacceptable impact on the amenity of any residential properties in their immediate locality'**

In paragraph 105 replace 'The Plan' with 'Policy H6'

Replace paragraph 106 with 'National Planning policy attaches considerable importance to supporting a competitive economy. In particular paragraph 80 of the NPPF comments that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Policy H6 seeks to provide an important local dimension to this approach in general, and to the premises outlined in Section 4.3 of this Plan in particular. The Plan recognises that amongst other things paragraph 118 of the NPPF comments that plans and planning decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. In the event that any such development proposals arise they will be determined on their merits and in the context of national and local planning policies.'

Policy H7 Existing community facilities and buildings

- 7.47 This policy seeks to retain existing community facilities and buildings unless one of two identified circumstances arise. These circumstances relate either to viability or to the provision of replacement facilities. The policy helpfully identifies the existing community facilities in the neighbourhood area.
- 7.48 I am satisfied that the policy takes an appropriate and balanced approach to this matter. I saw the importance of the various facilities during my visit. In particular the policy acknowledges that some of the facilities are commercial in their nature and includes a reference to viability issues. I recommend detailed modifications to the policy so that its connection with Table 4 is more obvious. I also recommend that the structure of the policy is re-ordered. Otherwise it meets the basic conditions.
- 7.49 Finally I recommend a correction to one of the titles of the community facilities in Table 4 as suggested by CYC.

Reverse the order of the two parts of the policy.

In the second part of the policy (as submitted) replace 'above' with 'in Table 4'

In Table 4 replace 'Flag and Hogs Head' with 'The Hogs Head'

Policy H8 New and enhanced community facilities and buildings

- 7.50 This policy continues the approach of the previous policy. In this case it offers support for new or enhanced community facilities in general terms, and for medical-related

facilities in particular. A second part of the policy requires that development proposals that place additional demands on existing services should provide proportionate facilities to meet the anticipated need.

- 7.51 In general terms I am satisfied that the first part of the policy meets the basic conditions subject to the incorporation of some detailed modifications.
- 7.52 I can understand the intentions of the second part of the policy. Nevertheless, it takes a matter of fact approach towards what is increasingly a complex matter. In particular health services are now frequently run on a commercial basis. This makes a traditional developer contribution approach more problematic. In any event CYC already has the ability to seek appropriate developer contributions towards community facilities where it is appropriate to do so. Over time this approach may become incorporated into Community Infrastructure Levy arrangements if the Council decided to adopt such an approach to this matter.
- 7.53 In addition as submitted the approach lacks the clarity required for a development plan policy. In particular it offers no guidance on the scale of 'additional demands on existing services, the nature of 'proportionate facilities' and any 'anticipated demand'. In these circumstances I recommend the deletion of this part of the policy.

In the first part of the policy delete 'to City of York Council' and replace 'it meets' with 'they meet'

Delete the second part of the policy

Policy H9 Assets of community value

- 7.54 This policy comments about Assets of Community Value (ACV). It reinforces the approach taken in Policies H7 and H8. It has two related parts. The first supports the listing of ACV. The second indicates a commitment to support their longevity.
- 7.55 Paragraph 115 acknowledges that registering ACVs is a separate, non-planning legal process undertaken by CYC. I sought advice from the Parish Council about the extent to which the policy should be a community aspiration rather than a land use policy. On balance I am satisfied with its suggestion that, with modifications, the policy can become land use in its nature. I recommend accordingly. The modified policy takes account of the approach in paragraph 117 of the Plan about supporting the retention and the enhancements of ACVs.

Replace the policy with:

'Proposals that would safeguard, enhance or otherwise assist in securing the long-term accessibility and effectiveness of registered Asset of Community Value will be supported'

At the end of paragraph 117 add:

'Policy H9 seeks to provide a supporting context towards securing the longevity of assets of community value. It has been designed to have general effect given that additional assets may be designated throughout the Plan period'

Policy H10 Vangarde/Monks Cross shopping parks

- 7.56 This is the first of a series of policies on the retail facilities in the neighbourhood area. In this case it is focused on the Vangarde and the Monks Cross Shopping Parks. As paragraphs 122 to 124 of the Plan comment they provide retail services on a sub-regional scale.
- 7.57 The policy is rather general in the way that it supports their continued roles as sub-regional centres. In particular it does not directly relate to the development management process. I sought advice from the Parish Council on its reasoning for the policy and the extent to which it should take a more proactive role in resisting uses that would detract from their sub-regional shopping function. The Parish Council confirmed that its intention was to safeguard the role and function of the two shopping parks in general, and to resist changes of use which would dilute their vitality and viability.
- 7.58 I recommend that the policy is modified accordingly. The resulting policy has been designed to ensure that it does not affect the restrictive conditions which apply to the sale of good in certain premises on the Monks Cross Shopping Park. I also recommend consequential additions and modifications to the supporting text. In particular the modifications to the supporting text highlight the relationship which would exist between this policy and the broader strategic approach to retail provision in the City included in the emerging Local Plan.

Replace the policy with:

'Proposals for non-retail uses or other uses which would detract from the retail vitality of the Vangarde and Monks Cross Shopping Parks will not be supported unless it can be demonstrated that the continued retail use of the premises concerned is not viable and that they have been professionally marketed for alternative or replacement retail use.'

Merge paragraph 123 and 124 into a single paragraph.

Replace paragraph 124 with:

'Policy H10 seeks to consolidate the existing roles of the Vangarde and the Monks Cross Shopping Parks and to retain their retail functions. Nevertheless, it recognises that there may be circumstances where the continued retail use of all the various premises may not be viable as the national and local retail environments evolve through the Plan period. The policy requires that any such premises have been professionally marketed for alternative or replacement retail use and that no such uses have been found as a result. The marketing period should be for a minimum of six months and relevant details should be included with the relevant planning applications. The policy has been designed to be complementary to the approach in the emerging

Local Plan on future retail provision. Whilst the emerging Local Plan recognises that developments such as these two retail parks are part of the established retail offer in the City, Policy R4 of that Plan sets out to protect the role of York city centre and to direct any new retail floorspace initially to the city centre through the application of a sequential test process'

Policy H11 Brockfield Park and North Moor Neighbourhood shopping parades

- 7.59 This policy relates to two identified neighbourhood shopping parades. I saw their local importance when I visited the neighbourhood area. The supporting text at paragraph 130 and 131 sets out their role and importance as shopping parades.
- 7.60 In a similar fashion to Policy H10 this policy has a rather general format in the way in which it seeks to protect and enhance the retail and community uses in these shopping parades. In several respects paragraph 131 is more a policy than supporting text and the policy itself is more supporting text. I recommend modifications to remedy this matter. In doing so this approach overcomes the text and shading issues in the submitted policy.

Replace the policy with:

'Proposals for retail, retail - related uses and community uses will be supported within the defined Brockfield Park and North Moor Neighbourhood shopping parades (as shown on Map 3) where, as appropriate to their scale and nature they would:

At this point include the four bullet points from paragraph 131 with the following modifications:

- **replace 'consolidates.... upon' with 'consolidate, maintain or improve' (first bullet point);**
- **replace 'is of' with 'are of' (second bullet point – first part);**
- **replace 'maintain or enhances' with 'maintain or enhance' (second bullet point – second part);**
- **break the second bullet point into two separate bullet points;**
- **replace 'contributes' with 'contribute' (third bullet point); and**
- **replace 'does not.... detrimental impact' with 'do not have an unacceptable detrimental impact'**

Replace paragraph 131 with: 'Policy H11 sets out a policy context that will help to support the role and vibrancy of the two neighbourhood shopping parades. It has been designed to be consistent with the City of York Council's Retail Study'

Policy H12 Other shops

- 7.61 This policy seeks to safeguard other shops outside the two shopping parks and the neighbourhood shopping parades. It takes appropriate account of viability issues and the requirement for owners to be able to demonstrate that positive attempts have been made to market the premises concerned for alternative retail use.

- 7.62 I recommend the deletion of the process-related elements of the policy. They are unnecessary within the policy itself. Otherwise it meets the basic conditions.

Delete ‘to the...Parish Council’

Policy H13 Hot food takeaways

- 7.63 This policy comments about hot food takeaways. Its approach is that any further takeaways should be located within the Vangarde/Monks Cross shopping parks or within the defined neighbourhood parades. This approach is appropriate given that in both shopping parks the availability of food and drink outlets complements the wider retail offer of such locations in general, and of the Vangarde/Monks Cross Shopping Parks in particular. Nevertheless, I recommend that this policy makes reference to the wider policy for the two shopping parks (Policy H10).
- 7.64 I sought advice from the Parish Council on the wider implications of the policy. It confirmed that it intended to resist the opening of such facilities elsewhere in the neighbourhood area. I recommend the inclusion of an additional element in the policy to take account of this clarification.
- 7.65 The second part of the policy comments about litter and litter bins associated with takeaways. Plainly this is an important environmental consideration. However, it is not directly related to the planning process. I recommend its deletion from the policy. However, I recommend that it is incorporated into the supporting text. The provision or otherwise of a litter bin associated with any new such facilities will be a matter for consideration on a case-by-case basis.

In the first part of the policy add ‘subject to the provisions of Policies H10 and H11 respectively’ after ‘Parades’

Delete the second part of the policy.

**Insert a new element of the policy to read:
‘Proposals for new hot food takeaways elsewhere in the neighbourhood area will not be supported’**

At the end of paragraph 134 add:

‘As appropriate to their scale and location [at this point insert the deleted element of the submitted policy]’

Policy H14 Green Belt

- 7.66 This policy recognises the importance of parts of the neighbourhood area to the general extent of the York Green Belt as shown on Map 3. Paragraphs 142 and 143 of the supporting text comment about the long-standing arrangements for the definition of the Green Belt in the City. In addition, paragraph 144 explains that the identification and the modification of Green Belt boundaries is a strategic matter for the local

planning authority (here CYC) to determine. This process is currently being undertaken through the preparation of the emerging City of York Local Plan.

- 7.67 Several landowners/potential developers have argued that a more flexible approach should be taken. This is understandable given the progress that has been made on the emerging Plan and its package of proposed strategic housing allocations. Nevertheless, that Plan has yet to be examined. In addition, national policy is clear that Green Belt boundaries are to be determined in local plans rather than in neighbourhood plans. In any event paragraph 147 of the submitted Plan comments that any 'made' neighbourhood plan will be reviewed once the emerging Local Plan has been adopted. In this context I have also recommended modifications to Section 5 of the submitted Plan which addresses its review and monitoring more broadly.
- 7.68 In summary I am satisfied that the approach in the policy meets the basic conditions in general terms. However, I recommend that the initial sentence of the policy is deleted. There is no need for the Plan to comment that it supports the continued designation of the majority of the neighbourhood area as green belt. In any event that support is captured in the policy itself. I also recommend a consequential modification to the wider construction of the policy itself.
- 7.69 Finally for accuracy I recommend that the adoption date of the RSS in paragraph 142 is corrected from 2007 to 2008.

Delete the first sentence of the first paragraph of the policy.

Incorporate the retained second sentence of the first paragraph of the policy into the beginning of the second paragraph of the policy.

In paragraph 142 replace '2007' with '2008'

Policy H15 Local Green Spaces

- 7.70 This policy acknowledges the importance of green and open spaces to the character and the appearance of the neighbourhood area. On this basis it proposes the designation of a series of 24 local green spaces (LGSs). Whilst they are located throughout the neighbourhood area several are concentrated around the River Foss.
- 7.71 The Parish Council has produced a separate document which assesses each of the proposed LGSs against the criteria in paragraph 99 of the NPPF. It is a very comprehensive approach to this important matter.
- 7.72 The proposed LGSs are shown on Map 3. However due to the scale of that map and the adjoining nature of several of the individual LGSs their separate definition is not readily apparent. The Parish Council and CYC prepared a replacement map which provides clarity on this matter. I recommend that the revised maps replace Map 3 in the submitted version of the Plan.

- 7.73 On the basis of all the evidence available to me I am satisfied that the proposed LGSs meet the three criteria in the NPPF. The replacement maps provided during the examination process provided me with the assurance that two of the proposed LGSs which had attracted representations on their size are local in scale and not extensive tracts of land.
- 7.74 In addition, I am satisfied that their designation accords with the more general elements of paragraph 99 of the NPPF. Firstly, the package of sites is consistent with the local planning of sustainable development. The Plan has sought to take account of the emerging City of York Local Plan in general and the way in which addresses strategic housing issues in particular. The package of proposed LGSs are unaffected by alternative development proposals. Secondly, I am satisfied that the LGSs are capable of enduring beyond the end of the Plan period. Indeed, in many cases they are established elements of the local environment and are sensitively managed as green spaces in ways appropriate to their particular uses.
- 7.75 In general terms the policy takes the matter of fact approach in the NPPF on LGS designation. Nevertheless, I recommend that its format is modified so that it explicitly designates the various spaces as LGS. This will result in the clarity required by the NPPF. Otherwise the effect and coverage of the policy is unaffected.

Replace the opening part of the policy with:

‘The Plan designates the following green spaces as shown on Maps [insert numbers] as Local Green Spaces.’

After the schedule of sites add:

‘Development proposals that would affect the designated Local Green Spaces will only be supported in very special circumstances’

Replace Map 3 with the maps provided by CYC and the Parish Council as a response to the clarification note

Policy H16 River Foss

- 7.76 This policy recognises the importance of the River Foss within the neighbourhood area. It takes an approach intended to safeguard the environmental and ecological value of the River Foss. The details of the policy require that any development proposals that adjoin or are within the vicinity of the River Foss should conserve and enhance its biodiversity value, provide a green buffer between the river itself and any new development and protect existing pedestrian access and/or links.
- 7.77 In the first of the three detailed elements of the policy I recommend a modification which would acknowledge that in certain circumstances development will be able to conserve the biodiversity, landscape and recreational value of the river but that its ‘enhancement’ will not be practicable. I also recommend consequential modifications to the supporting text. Otherwise the policy takes an exemplary approach to this

important element of the natural environment of the neighbourhood area and meets the basic conditions.

- 7.78 CYC has suggested that the 8-metre natural green buffer included in the second criterion of the policy should be 9 metres. This is based on advice from its own technical specialists and from the Foss Internal Drainage Board. In addition, it comments that the safeguarded buffer is for maintenance purposes. I recommend that the 8-metre buffer criterion is modified to 9 metres. In doing so I am satisfied that the practical implications of doing so are minimal. I also recommend consequential modifications to paragraphs 161 and 162. In the former I retain the submitted reference to the ecological and conservation purposes of buffer zones. There is no inherent conflict between buffer zones providing overlapping opportunities for ecological safeguarding, conservation and maintenance purposes.

In a) replace ‘and enhance’ with ‘and where practicable enhance’

In b) replace ‘8-metres’ with ‘9-metres’

In the final sentence of paragraph 160 replace ‘enhances’ with ‘conserves and where practicable enhances’

In paragraph 161:

- *replace ‘8-metres’ with ‘9-metres’*
- *replace the final sentence with: ‘The 9-metres should be measured from the top of the riverbank to any proposed development. This approach will safeguard land both for ecological and conservation purposes (as recommended by the Environment Agency) and for maintenance purposes (as recommended by the Foss Internal Drainage Board)’*

In paragraph 162 replace ‘8-metres’ with ‘9-metres’

Policy H17 Biodiversity

- 7.79 This policy addresses biodiversity issues. It does so to good effect. Paragraphs 163 to 172 provide a comprehensive level of detail on the existing habitats in the neighbourhood area. The policy identifies measures that development proposals should incorporate into their design and layout.
- 7.80 I recommend two detailed modifications to the policy so that it has the clarity required by the NPPF. The first would apply its provisions only in relevant circumstances. As submitted the policy would apply to all development including proposals which had no impact on biodiversity. The second clarifies the ‘maintain and enhance’ approach in the first criterion. In some cases, proposals will be able both to maintain and enhance biodiversity. In other cases, enhancement may not be practicable.
- 7.81 I also recommend that the opening part of the policy is modified so that it uses more appropriate policy wording. Otherwise the policy meets the basic conditions.

- 7.82 Finally I recommend a series of technical modifications to the supporting text on the details of the various habitats. They have been suggested by CYC. In some cases, they update the terminology used. In other cases, they correct the information in the submitted Plan.

In the opening part of the policy replace ‘will be expected to’ with ‘should, as appropriate to their scale, nature and location’

In a) inset ‘where practicable’ between ‘and’ and ‘enhance’

At the beginning of b) add ‘Where practicable’

In paragraph 164 replace ‘UK Biodiversity Action Plan (BAP) priority....UK BAP’ with ‘Priority Species and Habitats included in section 41 (England) of the Natural Environment and Rural Communities Act (2006).

In paragraph 167 delete ‘white-clawed crayfish’

*In paragraph 168 replace the final sentence and the following bullet point with:
‘A review of the SINC’s in 2017 ratified the Huntington Field and the New Lane Meadows sites. The North Lane Meadows site is considered to be a candidate SINC’*

Policy H18 Flooding and water management

- 7.83 This policy comments about flooding and water management. Paragraphs 173 to 180 of the Plan provide evidence about existing flood risk issues in the neighbourhood area. They also relate local evidence to the City of York Strategic Flood Risk Assessment.
- 7.84 The policy effectively takes a precautionary approach. Its design has regard to national policy (NPPF 155 to 165). It has a focus on the management of surface water, new development incorporating sustainable drainage techniques where practicable and the protection of watercourses and wetlands.
- 7.85 I recommend the deletion of the process-related elements of the policy which are unnecessary. Otherwise it meets the basic conditions.

Replace ‘where required by the City of York Council’ with ‘where appropriate’

Policy H19 Transport and traffic management

- 7.86 This policy addresses transport and traffic management issues. It has a specific focus on works which might arise from the expansion of the shopping parks and the widening/dualling of the York Outer Ring Road.

- 7.87 Paragraphs 186 to 188 of the Plan comment about the concerns of local residents about traffic levels in the neighbourhood area generally, and those associated with the two shopping parks and their accessibility to the A1237 in particular.
- 7.88 I sought clarification from the Parish Council on the nature of the proposals included in the policy. I was advised that the proposals for the dualling of the York Outer Ring Road (A1237) from the A19 to Hopgrove Roundabout (the junction of the A1237 and the A64) have 'Programme Entry Status with the Department for Transport'. I was also advised that the emerging Local Plan also highlights junction improvements on all roundabouts on the A1237. In these circumstances I am satisfied that the projects are likely to proceed within the Plan period.
- 7.89 At this stage it is not possible to determine whether some or all of the highway improvements will need planning permission or will be permitted development as they fall within the highway. I recommend that the policy is modified to take account of the possibility that some or all of the works may not need planning permission.
- 7.90 I also recommend that the policy is more neutral on the types of development which may generate additional traffic. This is associated with consequential modifications to the supporting text.

**At the beginning of the policy add: 'Insofar as planning permission is required'
Replace 'the expansion of.... Monks Cross' with 'strategic developments'**

In paragraph 188 insert the following text between 'that' and 'the' in the first sentence: 'strategic developments within the Plan period could have an impact on the capacity of the local highway network. This could include'

Thereafter:

- *add 'which' after 'Monks Cross'*
- *replace 'will severely' with 'will have the ability to'*

Policy H20 Car Parking

- 7.91 This policy has two related parts. The first requires that new developments incorporate safe and convenient car parking to CYC standards. The second comments about the limited circumstances in which proposals that would result in the loss of existing car parking provision will be supported.
- 7.92 The first part of the policy comments that parking provision should be at the highest level of standards wherever possible and practicable. This matter is also reinforced in paragraph 192 where this approach is highlighted in 'those parts of the neighbourhood area where the lack of car parking spaces is having the greatest negative impact on the character and quality of life of an area'.
- 7.93 I appreciate the spirit in which this approach has been promoted in the Plan. However, neither the policy nor the supporting text highlights the areas of greatest concern. As such this part of the policy does not have the clarity required by the NPPF. As such I

recommend that this element of the policy is deleted. Nevertheless, I am satisfied that the supporting text element can remain. It will be a detailed matter for CYC and the Parish Council to determine on a case-by-case basis.

- 7.94 I also recommend that the first part of the policy relates to the most up-to-date car parking standards rather than agreed standards.

In the first part of the policy replaced ‘agreed’ with ‘the most up to date’

Delete the second sentence of the first part of the policy.

Policy H21 Walking and cycling

- 7.95 This policy comments about the opportunities that exist for new development proposals to incorporate improvements to the network of footpaths and cycleways into their designs. In particular it gives priority to proposals that would create or improve links between the main residential areas and key local services, the existing footpath network, and the proposed strategic development north of Monks Cross (as included in the emerging Local Plan).
- 7.96 The policy also acknowledges that equivalent improvements could be made off-site through developer contributions.
- 7.97 I am satisfied in principle that the policy is distinctive and appropriate to the neighbourhood area. It reflects the respective location of its residential areas in the west and its retail base in the east of the neighbourhood area. However, I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF as follows:
- changing the emphasis of the first sentence so that it requires that new developments are designed to provide safe and convenient connections to the network of footpaths and cycleways in the immediate locality;
 - separating the developer contribution/planning obligation element from the main component of the policy; and
 - deleting any direct reference in the policy to the proposed Monks Cross strategic site in the emerging Local Plan.
- 7.98 I also recommend consequential modifications to the supporting text. In doing so I provide a degree of explanation about the issues addressed in the recommended modified policy.

Replace the first sentence with:

‘As appropriate to their scale and location development proposals should be designed to provide safe and convenient connections to the network of footpaths and cycleways in the immediate locality’

In the second sentence delete (iii).

Add a separate component of the policy to read:

‘As appropriate to their scale and location development proposals may be required to contribute to improvements to the network of footpaths and cycleways outside the development site and in the immediate locality’

At the end of paragraph 194 add:

‘Policy H21 sets out an approach to ensure that, where it is practicable to do so, new development is designed in a fashion to provide safe and convenient connections to the network of footpaths and cycleways in the immediate locality. This will require that consideration is given to how new developments are arranged both internally, and in their relationship with the surrounding environment. In some cases, this could be achieved through developer contributions towards off-site improvements. In other cases, the connectivity sought could be achieved through a combination of both on-site and off-site improvements and connections. In the event that the proposed Monks Cross strategic site comes forward as currently incorporated in the emerging Local Plan it will provide particular opportunities for such connectivity improvements.’

Policy H22 Developer contributions

- 7.99 This policy refers to developer contributions. Its approach is to highlight three priorities which the Parish Council will seek to secure contributions from developers. The policy acknowledges that this approach should only be applied where it is both possible and appropriate to do so. The three identified priorities are:
- open space, sport, community and recreation facilities;
 - community infrastructure including medical facilities; and
 - traffic management and pedestrian enhancement in the village of Huntington.
- 7.100 In general terms I am satisfied that the three priorities are distinctive to the neighbourhood area. In addition, they overlap with other elements of the wider Plan. However, the general elements of the policy which require developer contributions to be made ‘where possible and appropriate’ falls short of the clarity required by the NPPF. In particular it offers no indication of the scale and nature of the contributions to be sought and/or their relationship with the wider approach to be taken by CYC on this matter.
- 7.101 In order to remedy this matter I recommend that the policy is reconfigured so that it would support development proposals which contributed towards the three priorities as identified.
- 7.102 The final part of the policy encourages developers to engage with the Parish Council in advance of submitting any relevant applications. Such an approach is good practice and reflects national policy in the NPPF. However, it is more of a process issue than a direct policy issue. As such I recommend that it is repositioned in a revised format into the supporting text.

Replace the first part of the policy with:

‘Subject to other development plan policies proposals will be supported which would, as practicable and appropriate to their scale, nature and location, provide improvements to any or all of the following facilities in the neighbourhood area:

- **open space, sport, community and recreation facilities; and/or**
- **community infrastructure including medical facilities; and/or**
- **traffic management and pedestrian enhancements in Huntington Village’**

Delete the second part of the policy.

*At the end of paragraph 196 add the deleted section of the policy. Thereafter add:
‘This will also provide the opportunity for the approach to be consistent with the wider means by which the City of York Council will administer this process through the development management system.’*

Monitoring and Review

7.103 The Plan properly comments about how it will be monitored and reviewed. Section 5 takes account of the government’s agenda that any development plan is kept up-to-date.

7.104 The Plan anticipates that it will be reviewed on a five-yearly cycle or to coincide with the development and review of the Local Plan. Given the significance of the preparation of the Local Plan in general, and the particular way in which addresses Green Belt and strategic housing issues I recommend that paragraph 199 recognises that the eventual adoption of a new Local Plan for the City would represent an initial opportunity to assess whether any elements of a ‘made’ neighbourhood plan needed to be reviewed at that time.

At the end of paragraph 199 add: ‘The eventual adoption of the emerging City of York Local Plan would represent an initial opportunity to assess whether any elements of a made neighbourhood plan need to be reviewed at that time’.

Other matters - General

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

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

Other Matters - Factual Updates

- 7.106 CYC has suggested a series of detailed and/or technical updates and amendments to the Plan. I have accommodated them on a policy-by-policy basis where they are necessary to ensure that the Plan meets the basic conditions.
- 7.107 CYC has also suggested a series of contextual changes to the supporting text in the Plan. Some of these comments relate to the general text in the introductory sections of the Plan. I have found the various suggestions to be very helpful both in my understanding of the Plan and in testing it against the basic conditions. In several cases they would update the Plan to ensure that it consistent with the most recent developments with regard to the emerging Local Plan. In addition, I have further updated the language used to take account of the passage of time since CYC prepared its comments on the neighbourhood plan.
- 7.108 As I have highlighted in paragraph 1.4 of this report my remit is limited to examining the Plan against the basic conditions. I cannot recommend modifications which would simply improve the Plan or which would result in it being presented in a different fashion. As such my recommended modifications below are related purely to the areas where modifications are necessary to ensure that the Plan meets the basic conditions. This follows the approach that I have taken to the more specific comments on a policy-by-policy basis.

Paragraph 19 – at the end of the text in the second bullet point (on the emerging Local Plan) add: ‘The emerging City of York Local Plan initial examination hearings took place in December 2019. The adoption date is currently unknown and will depend on outcome of the examination hearing sessions’

Paragraph 47 – replace ‘841’ with ‘790’

Paragraph 47 – replace the penultimate sentence with: ‘There is a proposal for development over 15 years (2017-2032/3) with the exception of Green Belt Boundaries which will endure up to 2037/38’

Paragraph 49 – replace ‘52’ with ‘approximately 40’ and replace ‘and cultural facilities’ with ‘retail and health facilities’

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 2032/33. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Huntington Parish Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 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 Huntington Parish 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 Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as originally approved by the City of York Council on 28 September 2015.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

Andrew Ashcroft
Independent Examiner
21 February 2020



**Consultation on
Proposed Modifications to the Green Belt
Policy in the
Huntington Neighbourhood Plan**

December 2020

How to get involved with this consultation

We would like your views on the proposed modifications to Green Belt Policies in the Huntington Neighbourhood Plan.

We are inviting representations for a period of 8 weeks **between Thursday 3 December 2020 until 23:45 hours on Thursday 28 January 2021**.

Submitting your comments:

Please submit your comments by:

- Email to: neighbourhoodplanning@york.gov.uk; or
- Freepost to: Forward Planning Team,
Huntington Neighbourhood Plan Consultation,
FREEPOST RTEG-TYYU-KLTZ,
City of York Council,
West Offices,
Station Rise,
York,
YO1 6GA.

Please allow plenty of time for any representation by post to be received and processed. Due to current pandemic, this may take longer than usual to reach us.

The deadline for comments is 23:45 hours on Thursday 28 January 2021.

Background to this consultation

The Huntington Neighbourhood Plan has been independently examined following submission by Huntington Parish Council in 2019. The Submission document are available via the Council's webpage: <https://www.york.gov.uk/planning-policy/huntington-neighbourhood-plan>

The appointed Examiner issued his final Examiner's report in February 2020¹. Overall, the Examiner's Report concluded that "*Subject to a series of recommended modifications set out in this report ...[it is]... concluded that the Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum*".

Following the Submission of the Huntington Neighbourhood Plan and receipt of the Examiner's report, the Council has received the outcome of a High Court Judgment 'Wedgewood v. City of York Council [March 2020]²' pertaining to and clarifying the

¹ See <https://www.york.gov.uk/downloads/file/5813/huntington-neighbourhood-plan-examiners-report>

² See <https://www.york.gov.uk/downloads/file/5737/ex-cyc-39a-appendix-1-wedgewood-vs-city-of-york-council>

approach to decision-making in relation to York's Green Belt in advance of the adoption of the emerging York Local Plan.

It is proposed that the outcomes of this judgement should be reflected in the Neighbourhood Plan in order to secure that it meets the Basic Conditions as required by the Neighbourhood Planning Regulations.

Additionally, the Council received a challenge to the Green Belt policy in the Huntington Neighbourhood Plan through the examination process. It is proposed that reflecting the outcomes of the judgement above would also satisfy this challenge to the policy.

The Council has the capacity to modify the Examiner's report in line with the applicable Neighbourhood Planning Regulations, if required, where the "*reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact*". The Regulation requires that the authority must notify prescribed persons of their proposed decision (and the reason for it) and invite representations. Where the authority consider it appropriate, they may refer the issue to independent examination.

The receipt of the High Court Judgement after the Examination of the plan constitutes new evidence in considering the approach to decision-making in relation to York's Green Belt. It is our view that these modification should be reflected in the Neighbourhood Plan and therefore requires additional modifications to those proposed by the Examiner.

In order to accord with the 'Wedgewood vs City of York Council' Judgment and to consider the challenge to the policy, the Council sought legal advice on the changes necessary to the Huntington Neighbourhood Plan to ensure that it meets the Basic Conditions. The proposed modifications in this document reflect this advice.

The Council's Executive on 22 October 2020³ agreed to consult on the proposed further modification in accordance with Regulation 17A (2) of The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016. This additional consultation will allow all interested parties to comment on the proposed modifications to the approach to Green Belt policies in the Neighbourhood Plan.

Following this consultation, the Officer's will report back to the Council's Executive to enable consideration of the comments made and to take a decision on whether to progress the plan to Referendum.

³ See Item 49: <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=12298&Ver=4>

The Proposed Modifications

We would like your view on the proposed modifications to the Huntington neighbourhood Plan. Please see:

- Part 1 – This sets out the overall changes we think are necessary to make to the neighbourhood Plan meet Basic Conditions;
- Part 2 – This sets out the detailed proposed wording amendments to the Green Belt section of the Huntington Neighbourhood Plan Submission version, including Policy H14.

Consultation Question:

Do you agree with the proposed modifications to the Huntington Neighbourhood Plan as set out in Part 1 and Part 2?

Part 1: Overall changes required

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Proposed Modifications to Green Belt Policies and Associated Supporting Text
H14: Green Belt	7.66 – 7.69	<p>a) amend Policy H14: Green Belt to indicate that the general extent of the Green Belt has been established by the Regional Spatial Strategy (RSS);</p> <p>b) Policy H14 should remove reference to Map 3 and cross reference the saved RSS key diagram showing the general extent of York's Green Belt;</p> <p>c) amend Policy H14 to indicate that the inner boundary of the Green Belt will be defined through the Local Plan process, and that this policy shall apply to land included with the Green Belt boundary that is defined in an adopted Local Plan;</p> <p>d) amend Policy H14 and its supporting text to state that until the Green Belt boundaries are defined in an adopted Local Plan, decisions on whether to treat land as falling within the Green Belt for development management purposes will be taken in accordance with the approach supported in the recent case of Christopher Wedgewood v City of York Council [2020] EWHC 780 (Admin);</p> <p>e) Amend supporting text to policy H14 to indicate that the 2005 draft Local Plan map shows what was approved in 2005 for development control</p>

		purposes and that in advance of the adoption of the Local Plan this will be taken into account along with the emerging Local Plan, RSS general extent of the Green Belt and site specific features in deciding whether land should be regarded as Green Belt for development control purposes, but that the 2005 draft Local Plan should not be treated as establishing a Green Belt boundary;
Map 3: Policies Map	n/a	f) Remove the 2005 Green Belt boundary from Map 3 'Proposals Map'.

Part 2: Proposed Modifications to Huntington Neighbourhood Plan Submission Version

The following text shows the modifications proposed by the Examiner and the further proposed modifications by City of York Council to the Green belt section of the Neighbourhood Plan.

Key to Policy H14 and Supporting Text Modifications

Huntington Neighbourhood Plan Submission Version

Examiners Recommended Modifications: ~~Deletions~~ / Additions

Additional Officer Recommended Modifications: ~~Deletions~~ / Additions

GREEN BELT

138. Over half of Huntington is designated as draft Green Belt. It covers much of the open countryside in the Parish, including large swathes of land especially to its east. ~~The general extent of the Green Belt in the Parish is shown at Map 3.~~
139. The fundamental aim of the Green Belt is to prevent urban sprawl by protecting the open character of land designated as such. Within the Green Belt, there are strict planning controls over the type of development, which can take place within it.
140. There is strong community sentiment regarding the draft Green Belt that generally surrounds the built-up parts of Huntington. It not only helps retain the distinct character of the area, but also provides opportunities for recreation and leisure and contains many key 'Green Infrastructure' assets including sites of nature conservation value.
141. National Planning policy is clear in its support for the Green Belt, emphasising its essential characteristics of openness and permanence. It also states that inappropriate development (such as the construction of new buildings), which is harmful to the role and function of the Green Belt should not be approved except in very special circumstances.

142. Despite the fact that the York Green Belt is still, technically, draft Green Belt it has, de facto, been in existence for several decades and has been reaffirmed on numerous occasions in planning refusals and dismissals of planning appeals. It was specifically recognised in the Yorkshire and Humber Regional Spatial Strategy (RSS) adopted in ~~2007~~ 2008 and although the RSS was substantially revoked by an Order (SI. No. 117 2013) made in early 2013 under the Localism Act 2011, policies which related to the York Green Belt were specifically excluded from the revocation.

143. The Neighbourhood Plan needs to be in general conformity with strategic policies of the Development Plan. In this case, these are the saved policies YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (RSS) (2008) and the RSS Key diagram (see Map 5). Together the policies and key diagram set the general extent of York's Green belt to approximately 6 miles from York's city centre.

~~1434.~~ Further, whilst not forming part of the Development Plan, the City of York draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005) was approved for development control purposes. ~~The effect of this process is that decisions on planning applications falling within the general extent of the Green Belt (as defined in the RSS) are taken on the basis that land is treated as Green Belt. This is a material consideration in decision-making but does not define York's Green belt boundaries.~~

~~1445.~~ The National Planning Policy Framework (NPPF) is clear that the identification and modification of Green Belt boundaries are essentially matters for the Local Planning Authority to determine. In this case, that authority is York City Council. Furthermore, these paragraphs identify that these processes should be undertaken as part of the preparation or review of a Local Plan. In this case, this would be through the vehicle of the preparation of the emerging City of York Local Plan, which was submitted for independent Examination in May 2018. The proposed Green Belt boundary relevant to the Huntington Neighbourhood Plan is set out on the Local Plan Policies Map North (2018) (Map 7). The adopted Local Plan will set the detailed Green belt Boundaries.

~~145. At the same time, the Neighbourhood Plan needs to be in general conformity with the strategic policies of the development plan. In this case, these are policies YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy. These identify the general extent of the York Green Belt and set out its national significance.~~

~~146. In these circumstances, this Plan continues to apply, and strongly supports, the approach to the identification of the Green Belt as set out currently in the RSS, and the Fourth Set of Changes Development Control Local Plan (2005 on an interim basis until such times as the emerging Local Plan is adopted. In advance of the adoption of the Local Plan decisions on whether to treat land as falling within the Green Belt for development management purposes will be taken in accordance with the approach supported in the case of Christopher Wedgewood v City of York Council Group [2020] EWHC 780 (Admin). This means that such decisions will take into account the RSS~~

general extent of the Green Belt, the draft Local Plan (April 2005) (Map 6), the emerging Local Plan and site specific features in deciding whether land should be regarded as Green Belt in advance of the adoption of the Local Plan.

147. This will ensure that the preparation of the emerging Local Plan is used as the mechanism for the detailed identification of the York Green Belt boundaries in accordance with national planning policy. It will also provide the proper opportunity for residents, developers and other interested bodies to contribute to this debate both in general terms on the Green Belt boundary and to provide the agreed levels of development for the City. Once the emerging Local Plan has been adopted, the Neighbourhood Plan will be reviewed in order to ensure that it and the Local Plan are consistent on this important matter.

POLICY H14 GREEN BELT

The Plan supports the continued designation of the majority of Huntington Parish as Green Belt. The general extent of the York Green Belt within Huntington Parish is shown on ~~Map 3~~ the RSS Key Diagram (Map 5). The Green Belt will be defined through the Local Plan process. This policy shall apply to land included within the Green Belt boundary that is defined under an adopted Local Plan.

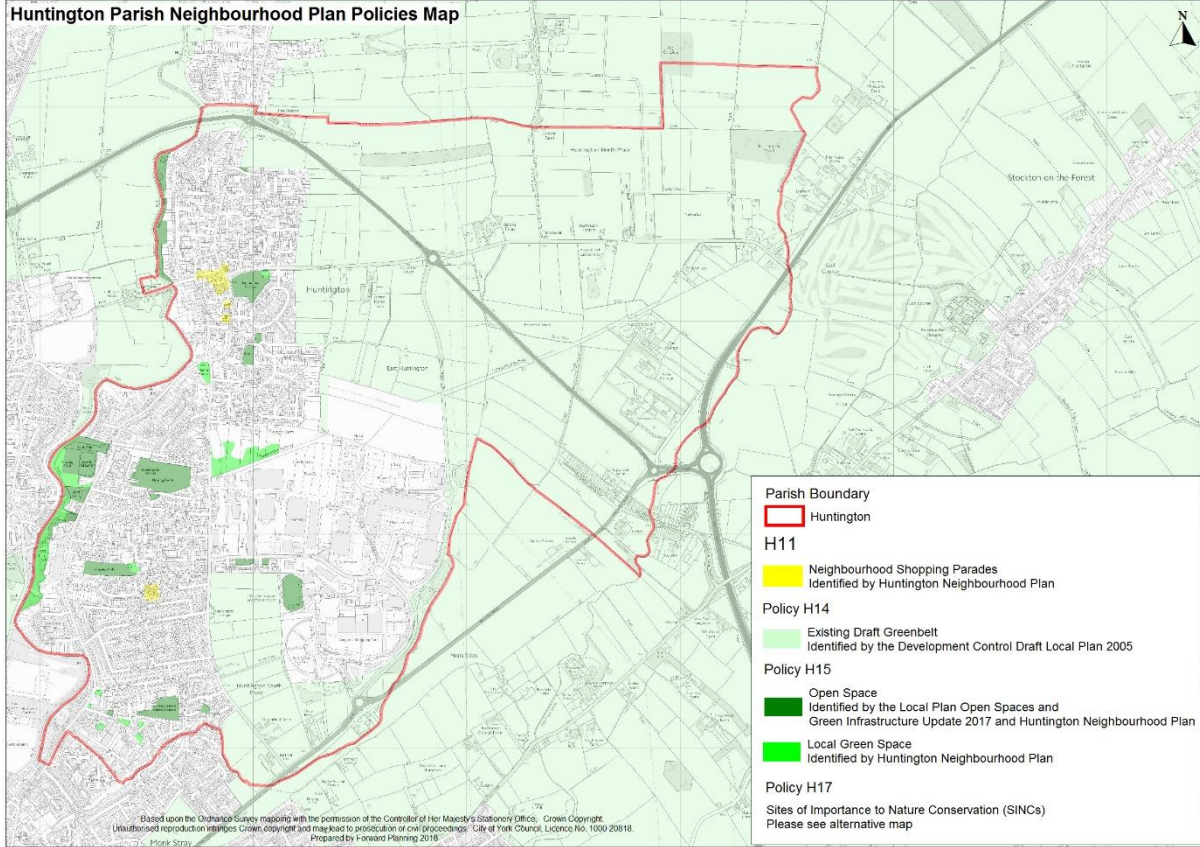
Decisions on whether to treat land as falling within the Green Belt for development management purposes in advance of the adoption of the Local Plan will be taken in accordance with the approach supported in the case of Christopher Wedgewood v City of York Council [2020] EWHC 780 (Admin), taking into account the RSS general extent of the Green Belt, the draft Local Plan (April 2005) (Map 6), the emerging Local Plan and site specific features in deciding whether land should be regarded as Green Belt.

Within the general extent of the Green Belt inappropriate development will not be supported except in very special circumstances. New buildings are regarded as inappropriate development and will not be supported other than in the circumstances identified in the National Planning Policy Framework.

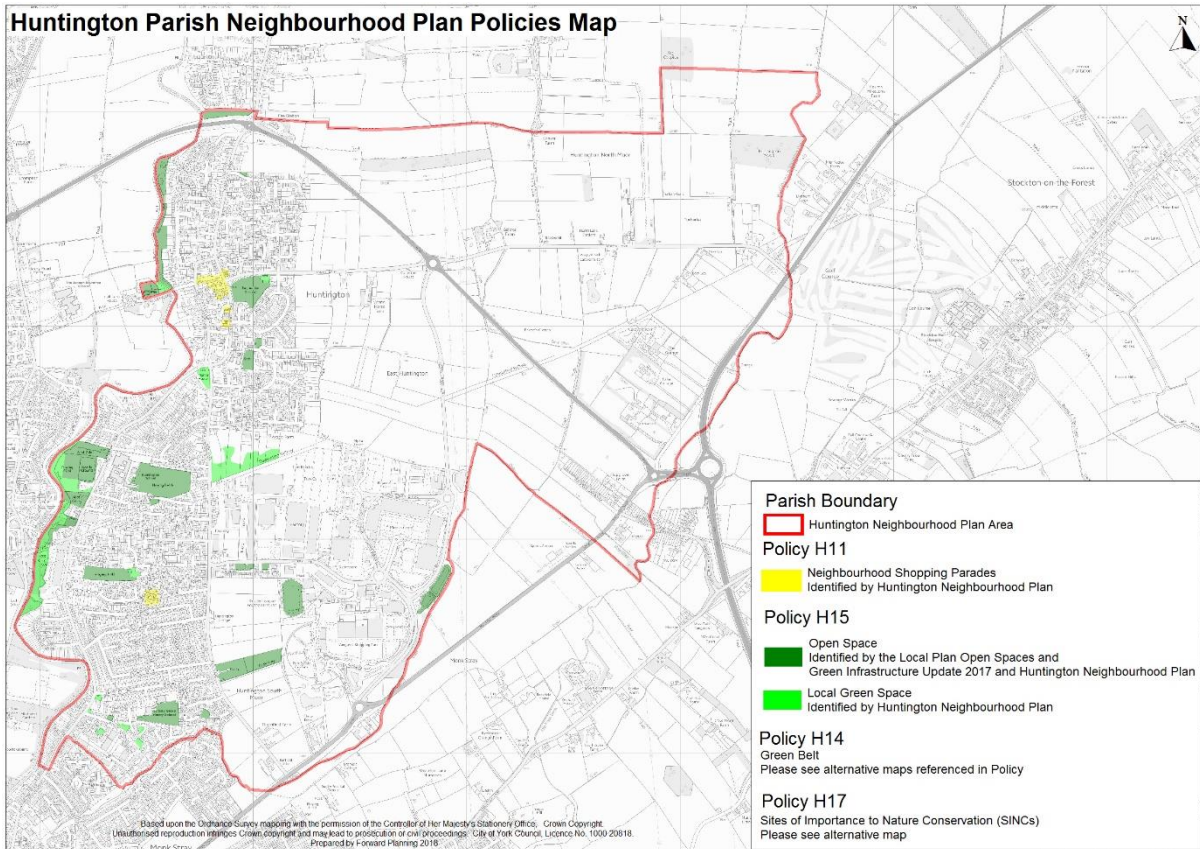
Development proposals for the following uses will be supported provided that they preserve the openness of the general extent of the Green Belt and do not conflict with the purposes of including land in the Green Belt:

- Minerals extraction;
- Engineering Operations;
- Local Transport Infrastructure that can demonstrate a requirement for a Green Belt location;
- The re-use of buildings provided that the buildings are of permanent and substantial construction; and
- Development brought forward under a Community Right to Build Order.

Submitted Policies Map (Map 3) to be removed:

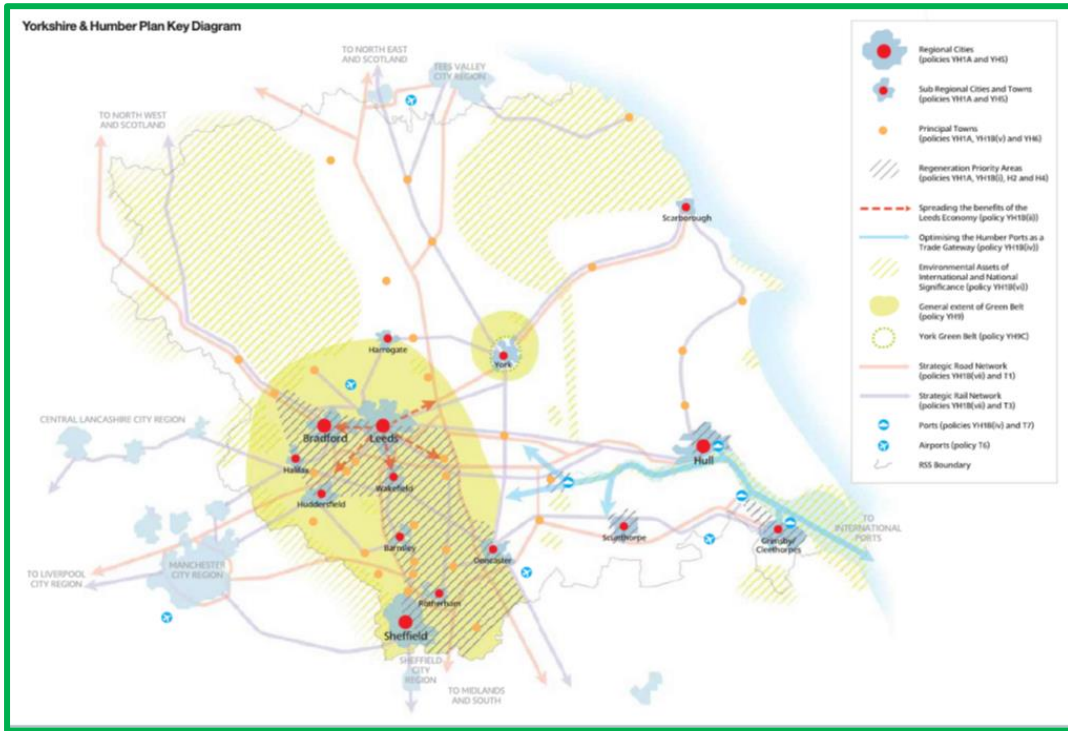


Revised Policies Map to be inserted (with Green Belt removed):



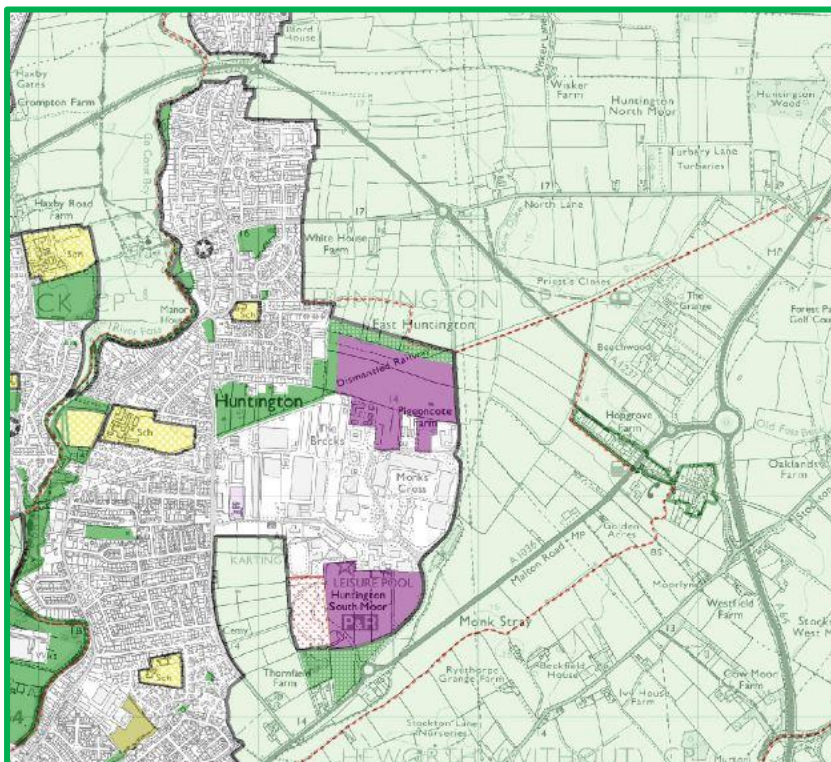
Maps to be Added:

Map 5: RSS Key Diagram



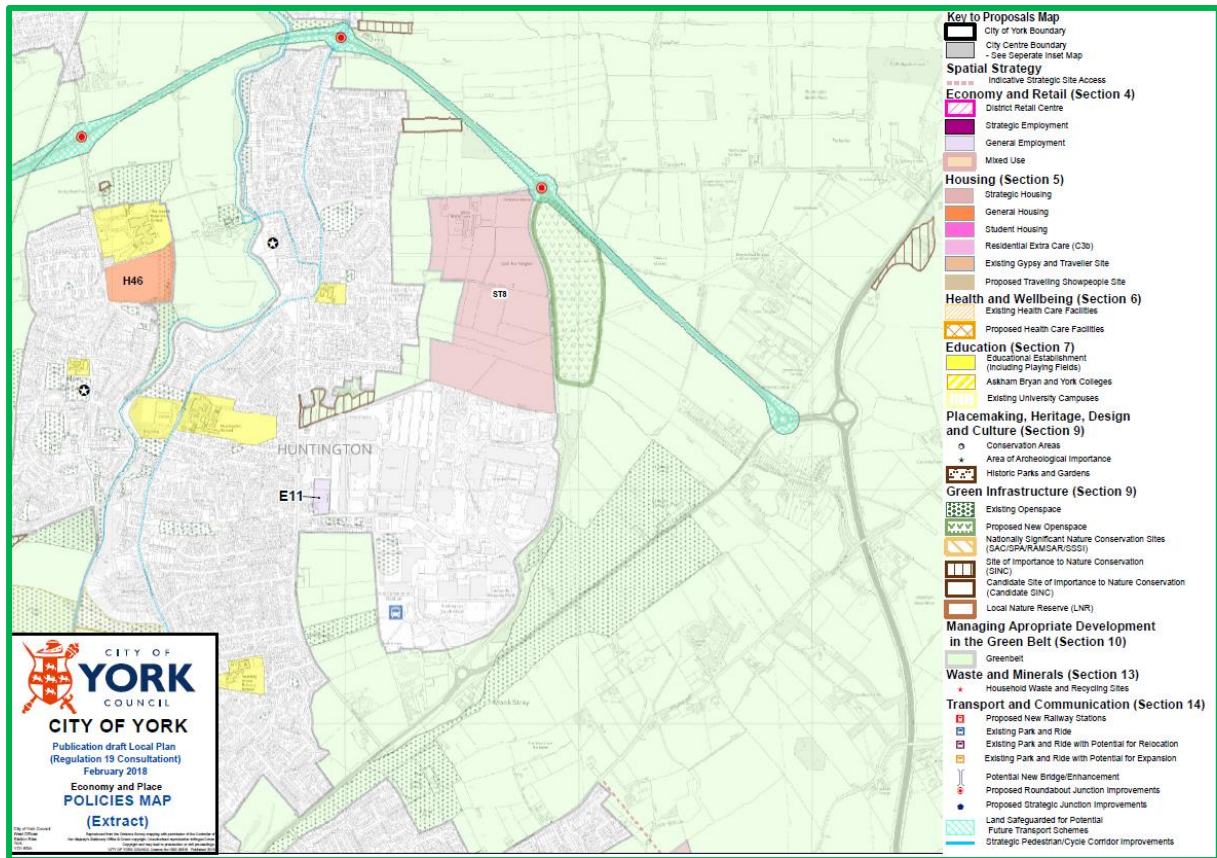
Map 6: City of York Draft Local Plan Incorporating the 4th Set of Changes approved for Development Control purposes (April 2005)

Proposals Map Huntingdon Parish Extract.



Map 7: City of York Local Plan Publication (Draft) (2018) Submitted for Examination

Policies Map (North) Huntington Parish Extract



Annex C: Summary of the Regulation 17A (2) consultation representations and the proposed Council Response.

Respondent	Summarised Comment	Councils Response
1. The Coal Authority	No Specific Comment on the consultation document.	Comments noted. Thank you for considering the consultation document.
2. CPRE North Yorkshire	CPRE North Yorkshire gave support for Green Belts across the UK. They also gave support for the retention of the Green Belt around York. CPRE indicated in their response that the modifications proposed was the most appropriate course of action and did raise any objections.	Comments noted. Thank you for considering the consultation modifications and the positive response to the proposed Green Belt Policy and Supporting Text.
3. Resident	In general agree with the proposed Green Belt amendments. The Green Belt as shown on Map 6 and 7 should remain. There should be no movement from the RSS and Draft Local Plan stance.	Comments noted. Thank you for considering the consultation modifications and general agreement to the proposed Green Belt modifications.
4. Environment Agency	The Environment Agency gave no objections to the Green Belt modifications.	Comments noted. Thank you for considering the consultation and providing the positive response to the proposed Green Belt modifications.
5. Highways England	No Specific Comment on the consultation document.	Comments noted. Thank you for considering the consultation document.
6. Historic England	No formal comments	Comments noted. Thank you for considering the consultation document.
7. ID Planning on behalf of North Lane Developments Ltd	Supported Policy H1,H2 and H14. In relation to H14 ID Planning states that they supported the proposed modifications to the policy	Comments noted. Thank you for considering the consultation and providing the positive response to the

	and the clarification of the approach.	proposed Green Belt modifications and approach.
8. Resident	The resident indicated that the Green Belt must be protected and support is given for Map 6 and 7. It is indicated that Huntington already have ST8 and ST17.	Comments noted. Thank you for considering the consultation and providing the positive response to the proposed Green Belt modifications.
9. Johnson Mowat on behalf of Redrow Homes	Support for the proposed modifications a)-f) as outlined in part 1 and repeated in Part 2 to the wording of Policy H14 and Supporting Text.	Comments noted. Thank you for considering the consultation and providing the positive response to the proposed Green Belt modifications.
10. Resident	<p>The resident's general view is that the default assumption should fall in favour of treating land within the general extent of the Green Belt as Green Belt.</p> <p>In relation to proposed paragraph 144 the resident stated: I do not agree with the change, implying as it does a negative approach to Green Belt definition. On the contrary, the default assumption should fall in favour of treating land within the general extent of the Green Belt as Green Belt. Hence reinstate the following wording: 'The effect of this process is that decisions on planning applications falling within the general extent of the Green Belt (as defined in the RSS) are taken on the basis that land is treated as Green Belt.'</p>	<p>Thank you for considering the consultation document and providing a detailed response to the proposed Green Belt modifications.</p> <p>The policy modifications proposed through this consultation are deemed a lawful approach to the consideration of Green Belt in line with the applicable Judgment.</p> <p>The suggested modifications are considered to conflict with the outcomes of the High Court Judgement. The saved policies from the RSS and the 2005 Local Plan is a material consideration but should not solely define the inner Green Belt boundary as this is the role of the adopted Local Plan.</p> <p>No change proposed.</p>

	<p>The following modifications are proposed:</p> <ul style="list-style-type: none"> • Paragraph 146 in deciding whether land should be regarded as Green Belt in advance of the adoption of the Local Plan: “This means that such decisions will take into account the RSS general extent of the Green Belt, the draft Local Plan (April 2005) (Map 6), the emerging Local Plan, <u>and site specific features and the positive-leaning default assumption as expressed in paragraph 144</u>” • Policy H14 Green Belt should keep the wording: ‘The Plan supports the continued designation of the majority of Huntington Parish as Green Belt.’ • After ‘site specific features’, include the wording: ‘<i>and the positive-leaning default assumption</i>’ as expressed in paragraph 144 and as suggested in the changes to paragraph 146 above. 	
<p>11. Avison Young on behalf of The National Grid</p>	<p>No specific comments on the Green Belt modifications. National Grid have identified that it has no record of proposed development sites crossed or in close proximity to any National Grid assets</p>	<p>Comments noted. Thank you for considering the consultation document.</p>

	within the Huntington Neighbourhood Plan area.	
12. North Yorkshire Police	North Yorkshire Police agree to the modifications to the Green Belt Policy as set out in part 1 and Part 2.	Comments noted. Thank you for considering the consultation and providing the positive response to the proposed Green Belt modifications.
13. Pilcher Homes	<p>Pilcher Homes stated that they generally support the changes proposed by the Examiner's report and:</p> <ul style="list-style-type: none"> • agreed with Johnson Mowat and Redrow for their comments in relation to need for Green Belt modifications. • agreed that the new map 3, excluding the any colouring to show the potential location of an inner boundary is in their opinion legally compliant. • accept that the inner boundary has not been defined and that there is no such thing as a 'de facto' legal designation as per Paragraph 142 . <p>However, Pilcher Homes raised concerns in relation to the following:</p> <ul style="list-style-type: none"> • The National Planning Policy Framework should be considered as paramount and that it is this that aims to protect Green Belt land whether it 	<p>Thank you for considering the consultation document and providing a detailed response to the proposed Green Belt modifications.</p> <p>We welcome your positive response to the proposed changes to Map 3.</p> <p>In relation to other matters, we propose</p> <ul style="list-style-type: none"> • to add clarity to Para 138 by amending the first sentence to: "Over half of Huntington is designated as draft Green Belt <i>in the emerging Local Plan (2018)</i>". • No further changes proposed as set out below. <p>Legal advice considers the approach of the High Court Wedgewood Judgment sets the approach to determining whether a parcel of land should be treated as Green belt ahead of the adoption of the Local Plan. Whilst the Local Plan will set the detailed Green belt Boundaries for the first time, the proposed modifications</p>

	<p>has been correctly identified and approved through a local plan</p> <ul style="list-style-type: none"> • Too much reliance on recent cases. • CYC has identified in Figure 7 that a large amount of land covered by this draft neighbourhood plan does not serve the purposes of Green Belt. Therefore an adoptable plan will have to 'not include land which it is unnecessary to keep permanently open' and 'define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.' • Paragraph 138 - should be removed because a draft GB does not count as a designation; • Paragraph 139 - the neighbourhood plan over reaches itself to precis the NPPF 2018 currently used for appeal decisions. • Paragraph 140 - it is incorrect to suggest that the obsession with Green Belt policy is so widely held in the parish. Only 131 responded to the neighbourhood plan out of 4400 • Almost all of the land they would like to designate for Green Belt in the previous Map 3 is privately held 	<p>to the neighbourhood plan's GB policy will ensure that land that comes forward is appropriately considered against the saved policies of the RSS, the Local Plan (2005) and emerging Local Plan (2018) currently under examination. This approach is in line with the Judgment and considered to be appropriate. No change is therefore proposed in relation to policy wording.</p> <p>We note the reference to figure 7 in the Topic Paper 1 Green Belt Addendum (2019). We would like to clarify that this did not specify all areas that serve GB purposes across the authority area. The Council have sought to clarify this issue. This is now clarified and superseded by the updated TP1 GB Addendum (2020).</p> <p>It is not considered that the neighbourhood plan is overreaching in relation to the NPPF; No modifications were suggested by the Examiner in relation to this paragraph.</p> <p>The wording in paragraph 140 reflects Huntington Parish Council research. No modifications were suggested by the Examiner in relation to this paragraph,</p>
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	<p>and does not provide for recreation</p> <ul style="list-style-type: none"> • Paragraph 144 - is an oversimplification of the Cullingford Statement. <p>Pilcher Homes also highlight that it should be noted that the neighbourhood plan has not sought to promote any development sites in the parish. None that are small or medium are considered and the strategic site ST8 is only reluctantly acknowledged.</p> <p>Pilcher Homes highlight that it should be noted that the 2003 work identified that the land between the current draft ST8 is not necessary to be kept open for the setting and character of the City of York and in its current position it is less integrated and sustainable than if it were contiguous with the rest of the 20th century development on the eastern edge of Huntington.</p>	<p>no further clarity or change is proposed.</p> <p>We note comments in relation to the promotion of development. However, the content of the Neighbourhood Plan is decided by the Parish Council in consultation with the community. The Parish decided that it is the role of the Local Plan to define the development sites and is not the role of the Neighbourhood Plan as stated in Paragraph 54 of the submitted Neighbourhood Plan. Therefore no change is proposed.</p> <p>We note comments in relation to the '2003 work' in relation to keeping land permanently open. It is the role of the emerging Local Plan to define the boundaries of the Green Belt. The definition and approach to defining the Green belt boundaries will be subject of the ongoing Local Plan examination and is not relevant to the Huntington Neighbourhood Plan, as clarified in the consultation document. The Examiner's report also addresses this issue and proposes amendments to policy accordingly. No change is proposed in</p>
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		relation to the land identified to the east of Huntington.
14. York Consortium of Drainage Boards	No specific comments.	Comments noted. Thank you for considering the consultation document.

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City of York Council

**HUNTINGTON NEIGHBOURHOOD PLAN:
POST- EXAMINATION DECISION STATEMENT**

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

This document is the decision statement required to be prepared under Regulation 18(2) of the Neighbourhood Planning Regulations 2012 (as amended). It sets out the Council's response to each of the recommendations contained within the Report to City of York Council of the independent examination of the Huntington Neighbourhood Plan ("the Plan") by independent Examiner Mr Andrew Ashcroft, which was submitted to the Council on 21st February 2020. It also sets out the Council's response to the further consultation held regarding proposed additional modifications pertaining to the Green Belt policies.

This decision statement, the independent Examiner's Report, the submission version of Huntington Neighbourhood Plan and supporting documents and the Regulation 17A (2) consultation document can be viewed on the Council's website: www.york.gov.uk/neighbourhoodplanning in line with the current arrangements in the Councils update Statement of Community Involvement.¹

1.0 BACKGROUND

- 1.1 Under the Town and Country Planning Act 1990 (as amended), City of York Council ("the Council") has a statutory duty to assist communities in the preparation of neighbourhood (development) plans and to take plans through a process of examination and referendum. The Localism Act 2011 (Part 6, Chapter 3) sets out the Local Planning Authority's responsibilities under neighbourhood planning.
- 1.2 This statement confirms that the modifications proposed by the Examiner's Report and the additional officer modifications relating to Green Belt have been considered and accepted and that subject to making the recommended modifications (and other minor modifications) the Plan may now be submitted to referendum.
- 1.3 The Huntington Neighbourhood Plan relates to the area that was designated by the Council as a Neighbourhood Area on 28th September 2015. This area is coterminous with the boundary of the parish of Huntington and is entirely within the Local Planning Authority's area.

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

- 1.4 Huntington Parish Council undertook a pre-submission consultations on the draft Plan in accordance with Regulation 14. Consultation on the Pre-Submission Version took place between 29th January and 23rd March 2018.
- 1.5 Following the submission of the Huntington Neighbourhood Plan to the Council on 31st July 2019, the Council publicised the draft Plan for a six-week period and representations were invited in accordance with Regulation 16. The publicity period ended at on 18th November 2019.
- 1.6 Following the Regulation 16 public consultation the Council received the outcome of the High Court Judgement 'Wedgewood v. City of York Council [March 2020]' pertaining to and clarifying the approach to decision-making in relation to York's Green Belt. At the 22nd October 2020 Executive, Members agreed that the outcomes of this judgement should be reflected in the Neighbourhood Plan in order to secure that the Plan meets the Basic Conditions. Executive approved a Neighbourhood Plan (Regulation 17A (2)) consultation on the proposed additional Modifications to the Huntington Neighbourhood Plan. The Council undertook the Regulation 17A (2) consultation for 8 weeks between the 3rd December 2020 and 28th January 2021. Following consideration of all of the consultation responses, the proposed additional modifications are set out at Table 2.

2.0 INDEPENDENT EXAMINATION

- 2.1 The Council appointed Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI, with the consent of Huntington Parish Council, to undertake the independent examination of the Huntington Neighbourhood Plan and to prepare a report of the independent examination.
- 2.2 The Examiner examined the Plan by way of written representations supported by an unaccompanied site visit of the Neighbourhood Plan Area on 28th November 2019.
- 2.3 The Examiner's Report was formally submitted on 21st February 2020. The Report concludes that subject to making the modifications recommended by the Examiner, the Plan meets the basic conditions set out in the legislation and should proceed to referendum. The Examiner also recommends that the referendum area should be the same as the designated Neighbourhood Area, which is the same as the administrative boundary for Huntington parish.
- 2.4 Following receipt of the Examiner's Report and the responses received to the Regulation 17A (2) consultation relating to recommended modifications to the Green Belt section, legislation requires that the Council consider each of the modifications recommended, the reasons for them, and decide what action to take. The Council is also required to consider whether to extend the area to which the referendum is to take place.

3.0 DECISION AND REASONS

- 3.1 Having considered each of the recommendations made in the Examiner's Report and the additional officer recommendations and the reasons for them, the Council, has decided to accept the recommended modifications to the draft Plan. These are set out in Table 1 and 2 below.
- 3.2 The Council considers that, subject to the modifications being made to the Plan as set out in Table 1 and 2 below, the Huntington Neighbourhood Plan meets the basic conditions mentioned in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) is compatible with the Convention rights and meets the requirements of paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended).
- 3.3 As a consequence of the required modifications, the Council will modify the Huntington Neighbourhood Plan accordingly, for it then to proceed to referendum.
- 3.4 The Examiner recommended that the Neighbourhood Plan should proceed to a referendum based on the designated Neighbourhood Area. The Council has considered this recommendation and the reasons for it, and has decided to accept it. The referendum area for the final Huntington Neighbourhood Plan will therefore be based on the designated Huntington Parish Neighbourhood Area.
- 3.5 This decision will be made at a meeting of the Council's Executive on 18 March 2021.
- 3.6 This decision statement will be dated 18 March 2021.

Other information:

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

Table 1: Examiner’s Recommended Modifications

Huntington Neighbourhood Plan Policy	Examiner’s Report Reference	Recommended Modification	CYC Consideration/ Justification
H1: Meeting Housing Need	Para. 7.14-7.21	<p>Replace the opening part of the policy with: ‘As appropriate to their scale, nature and location within the neighbourhood area development proposals for new residential development should:’</p> <p>In criterion 1 replace ‘Provides’ with ‘Provide’ and delete ‘in Huntington’</p> <p>Replace criterion 2 with ‘Be well-related to the existing urban area of Huntington in terms of their location, design and internal layout’</p> <p>In criterion 3 replace ‘Provides’ with ‘Provide’</p> <p>In criterion 4 replace ‘Considers’ with ‘Consider’</p> <p>Replace criterion 5 with ‘Delivers any necessary new school provision, new or enhanced medical facilities and sports and recreational facilities;’</p> <p>In criterion 6 replace ‘Promotes’ with ‘Promote’ and ‘accommodates’ with ‘accommodate’</p> <p>In criterion 7 replace ‘Provides’ with ‘Provide’</p> <p>In criterion 8 replace ‘Includes’ with ‘Include’ and delete the second part of the criterion after the semi-colon</p> <p>In criterion 9 replace ‘Retains……improves’ with ‘Retain and where practicable improve’</p>	Agree with the modifications for the reasons set out in the Examiners Report.

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
		<p>In criterion 10 replace 'Seeks to create' with 'Result in'</p> <p>In criterion 11 replace 'Has an' with 'Incorporate an'</p> <p>In criterion 12 replace 'Includes satisfactory' with 'Include appropriate and site specific'</p> <p>In criterion 13 replace 'Provides for adequate parking' with 'Incorporate car parking arrangement to the most up to date City of York Council standards'</p> <p><i>At the end of paragraph 54 add: 'In this context Policy H1 has been specifically designed to have a general effect. It incorporates a series of design and planning criteria which will apply to new residential developments in the Plan period. The policy comments they that they should be applied in a way that takes account of the scale, nature and the location of development proposals on a case-by-case basis. This will ultimately be a matter of judgement for the City of York Council throughout the Plan period. In the event that the adopted Local Plan includes strategic housing sites in the neighbourhood area the various criteria would be applied to detailed development proposals that emerge on those sites insofar as they are consistent and/or not overtaken by detailed criteria in the detailed site-by-site policies in the Local Plan. In this context the proposed strategic site at Monk's Cross as currently included in the emerging Local Plan is proposed to be separated from the existing urban area at Huntington by a green wedge to protect the setting of Huntington. This will reinforce the special circumstances found in the wider City where the general extent of the green belt provides a landscape and visual context for component settlements such as Huntington in order to protect the special character of the historic city. In these circumstances the second criterion in the policy would not apply to the Monks Cross site. Its development would be determined primarily by its detailed policy in the</i></p>	

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
		<p><i>emerging Local Plan'</i></p> <p><i>In paragraph 56 replace the second sentence with: 'In the context already set out in paragraph 54 of this Plan Policy H1 has general effect. Nevertheless, it has been designed to accommodate the development of a strategic housing allocation to the north of Monks Cross (subject to the contents of paragraph 54 of this Plan) in the event that such a development is included in the adopted version of the currently emerging City of York Local Plan.</i></p> <p><i>In paragraph 56 delete the third sentence.</i></p> <p><i>Delete paragraph 57.</i></p>	
H2: Housing Mix	Para 7.22-7.27	<p>At the beginning of the first sentence add: 'As appropriate to their scale, nature and location'</p> <p>In the second sentence replace 'will be required to' with 'should' and delete 'in the Parish'</p> <p>In the third sentence:</p> <ul style="list-style-type: none"> • replace 'Priority will be given to the provision of' with 'Development proposals that deliver' • add at the end 'will be particularly supported' <p><i>At the end of paragraph 67 add: 'Policy H2 seeks to ensure that new residential development in the Plan period responds to these important matters. It recognises that larger developments will have greater potential to provide a focus for the delivery of smaller homes. In this context any strategic sites which may come forward in the neighbourhood area will, by definition, be catering for City-wide needs rather than simply those which exist in the neighbourhood area'</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
		<i>In paragraph 69 replace 'December' with 'October'</i>	
H3: Affordable Housing	Para. 7.28-7.33	<p>Delete 'To support.....the Parish'</p> <p>Delete the second sentence.</p> <p>In the third sentence insert 'for the delivery of affordable housing' between 'The focus' and 'should'</p> <p><i>At the end of paragraph 79 add: 'The Plan recognises that detailed discussions will need to take place with the City of York Council on a site-by site-basis. Nevertheless, the Parish Council's aspiration, in line with the findings of the Strategic Housing Market Assessment, is that [at this point insert the deleted second sentence of the policy]'</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
H4: Design Principles	Para. 7.34-7.37	<p>In the first paragraph of the policy replace:</p> <ul style="list-style-type: none"> • 'the local character' with 'the character of their local environment'; and • 'as appropriate' with 'as appropriate to their to their nature and location' <p>In the second part of the policy replace 'They' with 'Development proposals'</p>	Agree with the modifications for the reasons set out in the Examiners Report.
H5: Character Buildings and Sites of Local Heritage Interest	Para 7.38-7.41	<p>Delete the first component of the policy (second paragraph)</p> <p>In the second component of the policy (third paragraph) delete 'including important views towards and from them'</p> <p>At the end of second component of the policy (third paragraph) add: 'The effect of a proposed development on the significance of the non-</p>	Agree with the modifications for the reasons set out in the Examiners Report.

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
		<p>designated heritage assets shown in Table 3 and on Map 1 should be taken into account in determining planning applications. In determining planning applications that directly or indirectly affect the identified non-designated heritage assets, a balanced judgement will be made having regard to the scale of any harm or loss and the significance of the heritage asset concerned'</p> <p>Delete the third component of the policy (fourth paragraph).</p> <p><i>At the end of paragraph 97 add: 'Where it is practicable to do so development proposals should take account of the wider visibility and accessibility of the non-designated heritage assets. This may include views both to and from the local heritage assets'</i></p> <p><i>In paragraph 99 add 'draft' before 'local heritage list'</i></p>	
H6: Business and Employment	Para 7.42-7.46	<p>Replace the policy with: 'Insofar as planning permission is required, proposals for the diversification of businesses uses and the extension and/or adaptation of business premises will be supported subject to the following criteria:</p> <ul style="list-style-type: none"> • they are appropriate in terms of their design, height, scale and massing; • they provide parking to the most up-to-date City of York Council parking standards and the parking provision itself is well-designed and integrated into the wider development; • they can be satisfactorily incorporated into the local road network; and • they do not have an unacceptable impact on the amenity of any residential properties in their immediate locality' <p><i>In paragraph 105 replace 'The Plan' with 'Policy H6'</i></p> 	Agree with the modifications for the reasons set out in the Examiners Report.

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
		<p><i>Replace paragraph 106 with 'National Planning policy attaches considerable importance to supporting a competitive economy. In particular paragraph 80 of the NPPF comments that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Policy H6 seeks to provide an important local dimension to this approach in general, and to the premises outlined in Section 4.3 of this Plan in particular. The Plan recognises that amongst other things paragraph 118 of the NPPF comments that plans and planning decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land'. In the event that any such development proposals arise they will be determined on their merits and in the context of national and local planning policies.'</i></p>	
H7: Existing Community Facilities and Buildings	Para. 7.47-7.49	<p>Reverse the order of the two parts of the policy.</p> <p>In the second part of the policy (as submitted) replace 'above' with 'in Table 4'</p> <p><i>In Table 4 replace 'Flag and Hogs Head' with 'The Hogs Head'</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
H8: New and Enhanced Community Facilities and	Para. 7.50-7.53	<p>In the first part of the policy delete 'to City of York Council' and replace 'it meets' with 'they meet'</p> <p>Delete the second part of the policy</p>	Agree with the modifications for the reasons set out in the Examiners

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
Buildings			Report.
H9: Assets of Community Value	Para. 7.54-7.55	<p>Replace the policy with: 'Proposals that would safeguard, enhance or otherwise assist in securing the long-term accessibility and effectiveness of registered Asset of Community Value will be supported'</p> <p><i>At the end of paragraph 117 add: 'Policy H9 seeks to provide a supporting context towards securing the longevity of assets of community value. It has been designed to have general effect given that additional assets may be designated throughout the Plan period'</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
H10: Vangarde/Monks Cross Shopping Parks	Para. 7.56 - 7.58	<p>Replace the policy with: 'Proposals for non-retail uses or other uses which would detract from the retail vitality of the Vangarde and Monks Cross Shopping Parks will not be supported unless it can be demonstrated that the continued retail use of the premises concerned is not viable and that they have been professionally marketed for alternative or replacement retail use.'</p> <p><i>Merge paragraph 123 and 124 into a single paragraph.</i></p> <p><i>Replace paragraph 124 with: 'Policy H10 seeks to consolidate the existing roles of the Vangarde and the Monks Cross Shopping Parks and to retain their retail functions. Nevertheless, it recognises that there may be circumstances where the continued retail use of all the various premises may not be viable as the national and local retail environments evolve through the Plan period. The policy requires that any such premises have been professionally marketed for alternative or replacement retail use and that no such</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
		<p><i>uses have been found as a result. The marketing period should be for a minimum of six months and relevant details should be included with the relevant planning applications. The policy has been designed to be complementary to the approach in the emerging Local Plan on future retail provision. Whilst the emerging Local Plan recognises that developments such as these two retail parks are part of the established retail offer in the City, Policy R4 of that Plan sets out to protect the role of York city centre and to direct any new retail floorspace initially to the city centre through the application of a sequential test process'</i></p>	
<p>H11:Brockfield Park and North Moor Neighbourhood Shopping Parades</p>	<p>Para. 7.59 – 7.60</p>	<p>Replace the policy with: 'Proposals for retail, retail - related uses and community uses will be supported within the defined Brockfield Park and North Moor Neighbourhood shopping parades (as shown on Map 3) where, as appropriate to their scale and nature they would:</p> <p>At this point include the four bullet points from paragraph 131 with the following modifications:</p> <ul style="list-style-type: none"> • replace 'consolidates.... upon' with 'consolidate, maintain or improve' (first bullet point); • replace 'is of' with 'are of' (second bullet point – first part); • replace 'maintain or enhances' with 'maintain or enhance' (second bullet point – second part); • break the second bullet point into two separate bullet points; • replace 'contributes' with 'contribute' (third bullet point); and • replace 'does not.... detrimental impact' with 'do not have an unacceptable detrimental impact' <p><i>Replace paragraph 131 with: 'Policy H11 sets out a policy context that will help to support the role and vibrancy of the two neighbourhood shopping parades. It has been designed to be consistent with</i></p>	<p>Agree with the modifications for the reasons set out in the Examiners Report.</p>

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
H12: Other shops	Para. 7.61-7.62	<p><i>the City of York Council's Retail Study'</i></p> <p>Delete 'to the...Parish Council'</p>	Agree with the modifications for the reasons set out in the Examiners Report.
H13: Hot food takeaways	Para. 7.63 - 7.65	<p>In the first part of the policy add 'subject to the provisions of Policies H10 and H11 respectively' after 'Parades'</p> <p>Delete the second part of the policy.</p> <p>Insert a new element of the policy to read: 'Proposals for new hot food takeaways elsewhere in the neighbourhood area will not be supported'</p> <p><i>At the end of paragraph 134 add:</i> <i>'As appropriate to their scale and location [at this point insert the deleted element of the submitted policy]'</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
H14: Green Belt	Para. 7.66-7.69	<p>Delete the first sentence of the first paragraph of the policy.</p> <p>Incorporate the retained second sentence of the first paragraph of the policy into the beginning of the second paragraph of the policy.</p> <p><i>In paragraph 142 replace '2007' with '2008'</i></p>	Disagree with the modifications in relation to the policy. Please refer to Table 2 below for proposed new wording in line with

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
			<p>the High Court Judgment and the associated Regulation 17A (2) consultation.</p> <p>Agree with the Modification in relation to paragraph 142 for the reasons set out in the Examiners Report.</p>
H15: Local Green Spaces	Para. 7.70-7.75	<p>Replace the opening part of the policy with: 'The Plan designates the following green spaces as shown on Maps [insert numbers] as Local Green Spaces:'</p> <p>After the schedule of sites add: 'Development proposals that would affect the designated Local Green Spaces will only be supported in very special circumstances'</p> <p><i>Replace Map 3 with the maps provided by CYC and the Parish Council as a response to the clarification note</i></p>	Agree with the modifications for the reasons set out in the Examiners Report.
H16: River Foss	Para. 7.76-7.78	In a) replace 'and enhance' with 'and where practicable enhance'	Agree with the modifications for the

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
		<p>In b) replace '8-metres' with '9-metres'</p> <p><i>In the final sentence of paragraph 160 replace 'enhances' with 'conserves and where practicable enhances'</i></p> <p><i>In paragraph 161:</i></p> <ul style="list-style-type: none"> • <i>replace '8-metres' with '9-metres'</i> • <i>replace the final sentence with: 'The 9-metres should be measured from the top of the riverbank to any proposed development. This approach will safeguard land both for ecological and conservation purposes (as recommended by the Environment Agency) and for maintenance purposes (as recommended by the Foss Internal Drainage Board)'</i> <p><i>In paragraph 162 replace '8-metres' with '9-metres'</i></p>	<p>reasons set out in the Examiners Report.</p>
H17: Biodiversity	Para. 7.79-7.82	<p>In the opening part of the policy replace 'will be expected to' with 'should, as appropriate to their scale, nature and location'</p> <p>In a) inset 'where practicable' between 'and' and 'enhance'</p> <p>At the beginning of b) add 'Where practicable'</p> <p><i>In paragraph 164 replace 'UK Biodiversity Action Plan (BAP) priority....UK BAP' with 'Priority Species and Habitats included in section 41 (England) of the Natural Environment and Rural Communities Act (2006).'</i></p> <p><i>In paragraph 167 delete 'white-clawed crayfish'</i></p> <p><i>In paragraph 168 replace the final sentence and the following bullet point with:</i></p>	<p>Agree with the modifications for the reasons set out in the Examiners Report.</p>

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
		<i>'A review of the SINC's in 2017 ratified the Huntington Field and the New Lane Meadows sites. The North Lane Meadows site is considered to be a candidate SINC'</i>	
H18: Flooding and water management	Para. 7.83-7.85	Replace 'where required by the City of York Council' with 'where appropriate'	Agree with the modifications for the reasons set out in the Examiners Report.
H19: Transport and traffic management	Para. 7.86-7.90	<p>At the beginning of the policy add: 'Insofar as planning permission is required' Replace 'the expansion of.... Monks Cross' with 'strategic developments'</p> <p><i>In paragraph 188 insert the following text between 'that' and 'the' in the first sentence: 'strategic developments within the Plan period could have an impact on the capacity of the local highway network. This could include'</i></p> <p><i>Thereafter:</i></p> <ul style="list-style-type: none"> • <i>add 'which' after 'Monks Cross')</i> • <i>replace 'will severely' with 'will have the ability to'</i> 	Agree with the modifications for the reasons set out in the Examiners Report.
H20: Car Parking	Para. 7.91-7.94	<p>In the first part of the policy replaced 'agreed' with 'the most up to date'</p> <p>Delete the second sentence of the first part of the policy.</p>	Agree with the modifications for the reasons set out in the Examiners Report.
Policy H21	Para. 7.95-	Replace the first sentence with:	Agree with the

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
Walking and cycling	7.98	<p>'As appropriate to their scale and location development proposals should be designed to provide safe and convenient connections to the network of footpaths and cycleways in the immediate locality'</p> <p>In the second sentence delete (iii).</p> <p>Add a separate component of the policy to read: 'As appropriate to their scale and location development proposals may be required to contribute to improvements to the network of footpaths and cycleways outside the development site and in the immediate locality'</p> <p><i>At the end of paragraph 194 add:</i> <i>'Policy H21 sets out an approach to ensure that, where it is practicable to do so, new development is designed in a fashion to provide safe and convenient connections to the network of footpaths and cycleways in the immediate locality. This will require that consideration is given to how new developments are arranged both internally, and in their relationship with the surrounding environment. In some cases, this could be achieved through developer contributions towards off-site improvements. In other cases, the connectivity sought could be achieved through a combination of both onsite and off-site improvements and connections. In the event that the proposed Monks Cross strategic site comes forward as currently incorporated in the emerging Local Plan it will provide particular opportunities for such connectivity improvements.'</i></p>	modifications for the reasons set out in the Examiners Report.
H22: Developer contributions	Para 7.99-7.102	<p>Replace the first part of the policy with: 'Subject to other development plan policies proposals will be supported which would, as practicable and appropriate to their scale, nature and location, provide improvements to any or all of the following facilities in the neighbourhood area:</p> <ul style="list-style-type: none"> • open space, sport, community and recreation facilities; and/or 	Agree with the modifications for the reasons set out in the Examiners Report.

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
		<ul style="list-style-type: none"> • community infrastructure including medical facilities; and/or • traffic management and pedestrian enhancements in Huntington Village' <p>Delete the second part of the policy.</p> <p><i>At the end of paragraph 196 add the deleted section of the policy. Thereafter add: 'This will also provide the opportunity for the approach to be consistent with the wider means by which the City of York Council will administer this process through the development management system.'</i></p>	
Monitoring and Review	Para. 7.103-7.104	<i>At the end of paragraph 199 add: 'The eventual adoption of the emerging City of York Local Plan would represent an initial opportunity to assess whether any elements of a made neighbourhood plan need to be reviewed at that time'.</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Other matters - General	Para. 7.105	<i>Modification of general text (where necessary) to achieve consistency with the modified policies.</i>	Agree with the modifications for the reasons set out in the Examiners Report.
Other Matters – Factual Updates	Para. 7.106-7.108	<i>Paragraph 19 – at the end of the text in the second bullet point (on the emerging Local Plan) add: 'The emerging City of York Local Plan initial examination hearings took place in December 2019. The adoption date is currently unknown and will</i>	Agree with the modifications for the reasons set out in

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Recommended Modification	CYC Consideration/ Justification
		<p><i>depend on outcome of the examination hearing sessions'</i></p> <p><i>Paragraph 47 – replace '841' with '790'</i></p> <p><i>Paragraph 47 – replace the penultimate sentence with: 'There is a proposal for development over 15 years (2017-2032/3) with the exception of Green Belt Boundaries which will endure up to 2037/38'</i></p> <p><i>Paragraph 49 – replace '52' with 'approximately 40' and replace 'and cultural facilities' with 'retail and health facilities'</i></p>	the Examiners Report.

Table 2: Additional Recommended Officer Modifications

Huntington Neighbourhood Plan Policy	Examiner's Report Reference	Officer Recommended Modifications Based on Legal Advice	CYC Consideration / Justification
H14: Green Belt	7.66 – 7.69	<p>Replace the first part of the policy with:</p> <p>The general extent of the York Green Belt within Huntington Parish is shown on the RSS Key Diagram (Map 5). The Green Belt will be defined through the Local Plan process. This policy shall apply to land included within the Green Belt boundary that is defined under an adopted Local Plan.</p> <p>Decisions on whether to treat land as falling within the Green Belt for development management purposes in advance of the adoption of the Local Plan will be taken in accordance with the approach supported in the case of Christopher Wedgewood v City of York Council [2020] EWHC 780 (Admin), taking into account the RSS general extent of the Green Belt, the draft Local</p>	Agree with the modifications based on legal advice and the responses received to Regulation 17 (A) (2) consultation.

		<p>Plan (April 2005) (Map 6), the emerging Local Plan and site specific features in deciding whether land should be regarded as Green Belt.</p> <p>Delete Map 3.</p> <p><i>At the end of the first sentence of Paragraph 138 add the following: “in the emerging Local Plan (2018)”.</i></p> <p><i>Delete the final sentence of Paragraph 138.</i></p> <p><i>Add a new paragraph 143 as follows:</i></p> <p><i>The Neighbourhood Plan needs to be in general conformity with strategic policies of the Development Plan. In this case, these are the saved policies YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy (RSS) (2008) and the RSS Key diagram (see Map 5). Together the policies and key diagram set the general extent of York’s Green belt to approximately 6 miles from York’s city centre.</i></p> <p><i>Paragraph 143 to be altered to Paragraph 144. Delete the second sentence and add the following to the end of the paragraph: ‘This is a material consideration in decision-making but does not define York’s Green belt boundaries’.</i></p> <p><i>Paragraph 144 to be altered to Paragraph 145 and add the following wording to the end of the paragraph: ‘, which was submitted for independent Examination in May 2018. The proposed Green Belt boundary relevant to the Huntington Neighbourhood Plan is set out on the Local Plan Policies Map North (2018) (Map 7). The adopted Local Plan will set the detailed Green belt Boundaries’.</i></p> <p><i>Submission Version Paragraph 145 to be deleted.</i></p> <p><i>Paragraph 146, delete the wording and replace it with: ‘In advance of the adoption of the Local Plan decisions on whether to treat land as falling within the Green Belt for</i></p>	
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		<i>development management purposes will be taken in accordance with the approach supported in the case of Christopher Wedgewood v City of York Council Group [2020] EWHC 780 (Admin). This means that such decisions will take into account the RSS general extent of the Green Belt, the draft Local Plan (April 2005) (Map 6), the emerging Local Plan and site specific features in deciding whether land should be regarded as Green Belt in advance of the adoption of the Local Plan’.</i>	
Map 3: Policies Map	n/a	<i>Remove the 2005 Green Belt boundary from Map 3 ‘Proposals Map’.</i>	Agree with the modifications based on legal advice and the responses received to Regulation 17 (A) (2) consultation.
Map 5	n/a	<i>Add a new map (Map 5) to depict the ‘RSS Key Diagram’.</i>	Agree with the modifications based on legal advice and the responses received to Regulation 17 (A) (2) consultation.
Map 6	n/a	<i>Add a new map (Map 6) to depict the ‘City of York Draft Local Plan Incorporating the 4th Set of Changes approved for Development Control purposes (April 2005), Proposals Map Huntington Parish Extract’.</i>	Agree with the modifications based on legal advice and the responses received to Regulation 17 (A) (2) consultation.
Map 7	n/a	<i>Add a new map (Map 7) to depict the ‘City of York Local Plan Publication (Draft) (2018) Submitted for Examination, Policies Map (North) Huntington Parish Extract’.</i>	Agree with the modifications based on legal advice and the responses

			received to Regulation 17 (A) (2) consultation.
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Huntington Parish Neighbourhood Plan

2017 – 2032/33

Submission Draft



Contents

1.	Introduction	5
2.	About Huntington Parish	8
3.	The Plan, its Vision and Principles	10
4.	Neighbourhood Plan Policies for Huntington Parish	11
4.1	Housing development and meeting housing need	11
4.2	Design and the Built Environment	18
4.3	Business and Employment	25
4.4	Community Facilities and Buildings	26
4.5	Shops and Shopping	30
4.6	Natural Environment and Flood Defence	34
4.7	Transport and Getting Around	43
4.8	Developer Contributions	47
5.	Monitoring and Review	48
Maps		
	Map 1 Policy Map (Huntington Buildings and Sites of Local Heritage Interest, H5)	49
	Map 2 Character areas in the context of the Parish (Policy H4)	50
	Map 3 Policy Map (Policy H11, H14, H15 and H17)	51
	Map 4 Sites of Importance to Nature Conservation (Policy H17)	52
Figures		
	Figure 1: Neighbourhood Plan Area	6
	Figure 2: Huntington Character Areas	19
Tables		
	Table 1: Overview of defining characteristics of character areas	19
	Table 2: Listed Buildings	22
	Table 3: Proposed Huntington character buildings and sites of heritage interest	23
	Table 4: Important community facilities	27
	Table 5: Sites of Local Interest	41

Policies

H1 Meeting housing need	14
H2 Housing mix in new housing development proposals	16
H3 Affordable housing provision and mix	18
H4 Design principles	21
H5 Character buildings and sites of local heritage interest	24
H6 Business and Employment	25
H7 Existing community facilities and buildings	28
H8 New and enhanced community facilities and buildings	28
H9 Assets of community value	29
H10 Vanguard/ Monks Cross shopping park	30
H11 Brockfield Park and North Moor Road neighbourhood shopping parades	32
H12 Other shops	32
H13 Hot food takeaways	33
H14 Green Belt	36
H15 Local Green Spaces	37
H16 River Foss	39
H17 Biodiversity	41
H18 Flooding and water management	43
H19 Transport and traffic management	45
H20 Car parking	46
H21 Walking and cycling	46
H22 Developer contributions	47

FORWARD

On behalf of the Parish Council, I would like to welcome you to the Submission version of the Huntington Parish Neighbourhood Plan.

A Neighbourhood Plan is a new planning tool, which gives local communities a greater say in local decision-making and in the shaping of their community, determining how development takes place and influencing the type, quality and location of that development, ensuring that changes result in local benefit.

We know that Huntington is a great place to visit, live and work in. The aim of the Plan is to make it even better.

It has at its heart a simple vision:

“Sustain and where possible enhance what is best about Huntington Parish today; its green spaces, landscape, history, sense of place and community, while ensuring that it plans for the future to ensure the continuing health, happiness and well-being of all its residents”.

The Plan then sets out a small number of planning-related policies and actions that will deliver this vision.

The submission draft plan reflects the outcome of several stages of consultation with residents and other stakeholders. We received a number of comments during the pre-submission consultation phase. These have been carefully considered and where appropriate have been taken into account in this submission document.

I am very grateful to all those who have contributed to the preparation of the Plan.

I would especially like to thank my fellow parish councillors, the other members of neighbourhood plan Steering Group, officers and members from the City of York Council, and neighbourhood planning consultants *AndrewTowlertonAssociates*, as well as the funding body Locality.

Cllr David Jobling

Vice-Chairman of Huntington Parish Council and Chair of Huntington Neighbourhood Plan Steering Group

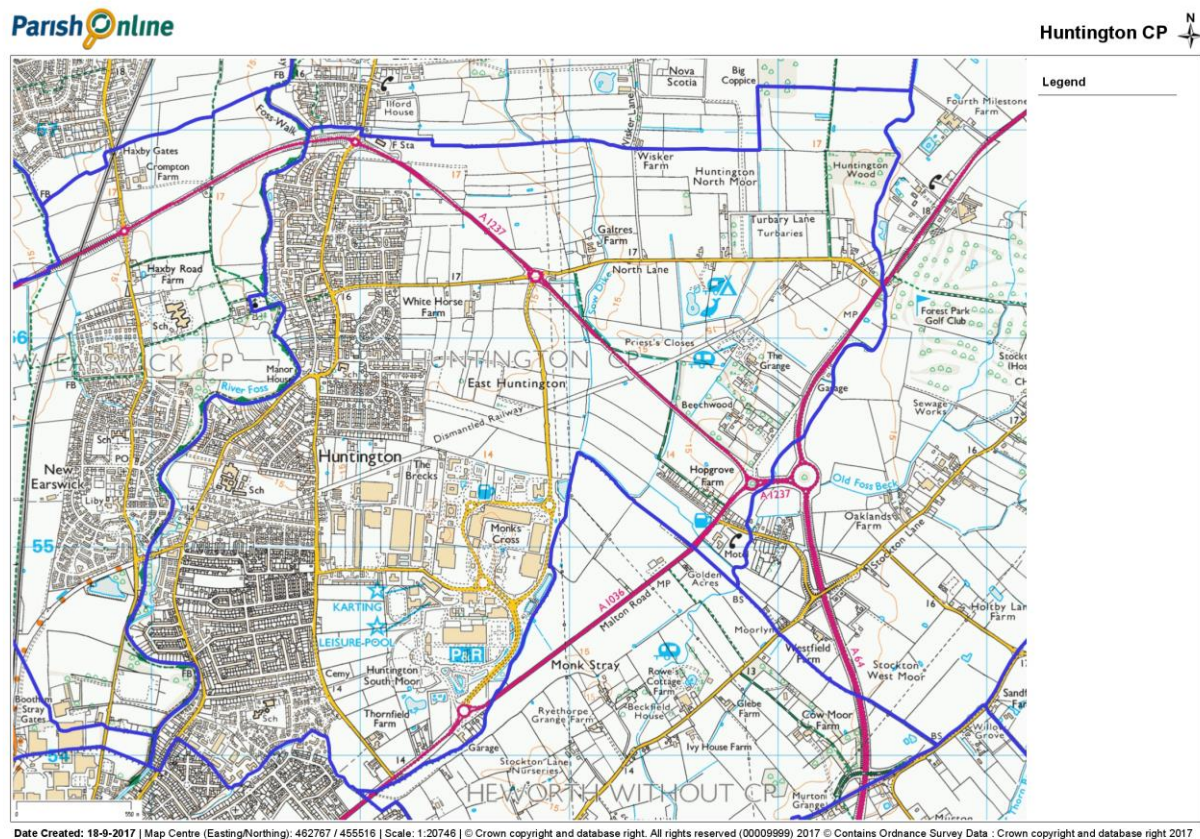
1. INTRODUCTION

1.1 What is a Neighbourhood Plan and why have we decided to produce one

1. A Neighbourhood Plan is a powerful new planning tool that gives local people more control over how their community develops and evolves.
2. It is a central part of the Localism Act introduced by the Government in November 2011, which aims to devolve more decision-making powers from Central Government to local communities and Parish Councils.
3. As paragraph 29 of the National Planning Policy Framework (NPPF) states, "*Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need*"¹.
4. If passed by a local referendum, the Huntington Neighbourhood Plan ('the Plan') will be adopted by the City of York Council and will become part of the statutory development plan for the area, together with the City of York Local Plan.
5. This means planning applications and other development proposals for land and buildings in the parish of Huntington must be determined in accordance with the Plan unless there are compelling planning reasons to do otherwise.
6. For Huntington, this is a great opportunity for people living in the Parish to decide how it should evolve and develop up to 2032/33.
7. The Plan includes a vision for Huntington that was developed through consultation with the community and sets out clear aims and planning policies to realise this vision.
8. A Neighbourhood Plan is not prepared in isolation. There are rules and regulations governing its preparation and content. These include that it must have regard to national planning policies and be in "general conformity" with relevant local (e.g. City of York) strategic planning policies.
9. The Neighbourhood Plan covers the period 2017 to 2032/33. This period was purposefully chosen so that it mirrors the timescale of the City of York's emerging Local Plan.
10. The Plan covers the whole of the Parish as shown on the map of the designated area in Figure 1 below.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

Figure 1 Neighbourhood Plan Area: Huntington Parish



1.2 How the Plan was prepared

11. The Plan is being led and championed by the Huntington Neighbourhood Plan Steering Group.
12. This Group comprises local parish councillors and other members of the local community. It is supported by the City of York Council and consultants, *andrewtolertonassociates*, under the auspices of Huntington Parish Council (the qualifying and accountable body for the Plan).
13. It is based on robust evidence including statistical information gathered through sources such as the Census, evidence associated with the emerging Local Plan as well as consultation with the local community.
14. Effective and extensive consultation has been at the heart of its preparation. This includes a Parish-wide questionnaire, drop-in sessions and meetings. The findings from this consultation together with statistical information have been used to underpin the Plan and the policies contained within it and ensure that it fully articulates and reflects local needs and priorities.
15. A suite of documents, including supporting evidence reports and maps has been produced to accompany the Plan.

1.3 What next for the Neighbourhood Plan

16. The Plan is now at the submission draft stage. Comments received from residents and stakeholders during the pre-submission consultation phase have, where appropriate, been incorporated into this version of the Plan.
17. The Plan will now be submitted to the City of York Council with all necessary supporting documents. Following a further period of consultation, the Plan will go to an Independent Examiner, who will check to see that it has been prepared in the prescribed manner. If the Plan successfully passes this stage, with any modifications, it will be put forward to referendum, where those on the electoral register in the Parish will be invited to vote on whether they support it. More than 50% of those voting must approve it for the Neighbourhood Plan to become a 'Made' statutory planning document.
18. Whilst planning applications will still be determined by the City of York Council, the production of a Neighbourhood Plan will mean that they must have regard to the provisions of the Plan and the relevant locally formulated policies when reaching planning decisions that affect Huntington Parish. This means that the residents of the Parish will have far greater control over where development takes place, and what it looks like.

1.4. How the Plan fits into the planning system

19. Although the Government's intention is for local people to have a greater say on how their area develops, in preparing a neighbourhood plan, a community is not working from a blank piece of paper. There are some important rules and regulations that must be taken into account. Perhaps the most important of these is that it must meet the 'basic conditions'. That is a neighbourhood plan must:

- have regard to national policies and advice contained in guidance issued in particular the National Planning Policy Framework (more commonly known as the NPPF);
- be in general conformity with the strategic policies of the development plan for the area.

This requirement is complicated by the fact that the City of York does not have an adopted Local Plan. The City of York Draft Local Plan Incorporating the 4th Set of Changes (April 2005) was approved for development management purposes. Its policies are capable of being material planning considerations in the determination of planning applications where consistent with those in the NPPF.

A revised City of York Local Plan 2017-2032/33, which will replace those in the 'The Local Plan (2005)' is currently being developed. This will set out the strategic planning framework for the City of York's future development needs up to 2032/33. The evidence base and the policies contained within this emerging plan have been considered in preparing the Plan;

- not breach, and must be otherwise compatible with, European Union (EU) and European Convention on Human Rights (ECHR) obligations; and

- not have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) either alone or in combination with other plans or projects.
20. While a neighbourhood plan can provide for more development than set out in an approved Local Plan, it does not allow a neighbourhood plan to provide for less.
21. In addition, the NPPF requires the planning system (including Neighbourhood Plans) to contribute to sustainable development and details three dimensions to that development:
- An economic dimension – they should contribute to economic development;
 - A social dimension – they should support strong, vibrant and healthy communities by providing the right supply of housing and creating a high quality built environment with accessible local services;
 - An environmental dimension – they should contribute to the protection and enhancement of the natural, built and historic environment.

2. ABOUT HUNTINGTON PARISH

22. Huntington is a historic and attractive parish situated approximately 3 miles to the north of the City of York.
23. It covers some 740 hectares and is roughly rectangular shaped broadly measuring 6 miles from north to south and 3 miles from east to west.
24. Huntington is made up of mainly low-lying land, with the highest point in the Parish being only 64 feet above sea level.
25. It has a long and proud history. Its origins can be traced back to Roman times and beyond. The most obvious manifestation of its history is the many old buildings and structures (including Roman remains) which can be found within it. There has been a parish church ('All Saints') in Huntington since 1086. The older buildings are clustered in the 'Old Village;' the historic core of the Parish.
26. Huntington remained a very small, essentially agricultural settlement, until the second half of the 19th century, when it was the focus of much house building and other types of development. This resulted in a massive expansion of its population.
27. At the time of the 2011 Census, the population of the Parish was 12,108 (up from 9,277 in 2001).
28. It has a comparatively slightly older age population; at 24.5% the proportion of its population aged 65 or over is roughly half again (16.9%) the City of York and England (16.3%) averages. Reflecting the national trend, the proportion of its population aged over 65 is growing fast.
29. For a parish of its size, it has a good and diverse range of shops and community facilities including medical facilities, churches, village halls and a leisure centre. It is also home to Monks Cross/Vangarde a major sub-regional shopping centre.

30. There are many small and medium-sized enterprises based in the Parish, and levels of economic activity amongst its working age population are relatively high.
31. There are large areas of green space that surround and intersperse the Parish. These are important to the amenity and setting of the Parish, as well as the wildflowers and wildlife (some of national and local importance) they support.
32. It has a semi-rural atmosphere and feel to it. With a good sense of identity and community spirit, it is a popular place to live, work and visit.
33. A statistical profile of the Parish is available as part of the supporting evidence for this Plan. This can be found at http://www.huntingtonparishcouncil.co.uk/Core/Huntington-Pc/Pages/Neighbourhood_Plan_1.aspx

3. THE PLAN, ITS VISION AND PRINCIPLES

34. The Plan seeks to address and shape, as far as possible, the development challenges and opportunities that face the Parish of Huntington over the coming years.
35. It has at its heart a vision and a small number of principles that are based on the key issues raised by local people and which the Plan can add the greatest value.

Vision:

“Sustain and where possible enhance what is best about Huntington Parish today; its green spaces, landscape, history, sense of place and community, while ensuring that it plans for the future to ensure the continuing health, happiness and well-being of all its residents”.

Underpinning this vision is eleven principles:

- P1. Support the provision of housing that meets the future needs of the community and is of an appropriate scale, type, density and mix.
- P2. Support local strategies to increase and improve infrastructure to accommodate additional housing.
- P3. Protect the rural character and quality of life by, for example, prioritising the reuse of brownfield sites and conserving the Green Belt.
- P4. Identify and protect important green spaces that are of importance to the community, the landscape and wildlife.
- P5. Protect and encourage the further provision of community facilities/assets to support the health and well-being of the whole community.
- P6. Encourage the most environmentally sustainable development.
- P7. Support a thriving local economy and support and enhance local shops and the Vangarde/Monks Cross Shopping Area.
- P8. Encourage development in the most sustainable locations.
- P.9 Manage future growth and change to protect and enhance cultural and heritage assets and its distinct history, identity and character.
- P.10 Maintain and, where possible, improve walking, cycling and vehicular routes to ensure that everyone is able to travel safely and conveniently to services and amenities within the Parish and surrounding areas.
- P.11 Address the problems of highway safety and traffic congestion on some of the roads in the Parish.

4. HUNTINGTON PARISH NEIGHBOURHOOD PLAN POLICIES

36. This vision and principles will be realised by a number of planning policies. These locally formulated policies will be specific to Huntington Parish and reflect the needs and aspirations of the community.
37. These policies do not duplicate national or City of York planning policies, but sit alongside these, to add additional or more detailed policies specific to Huntington Parish. Where there are national and City planning policies that meet the needs and requirements of the Parish, they are not repeated here.
38. It is important to note that when using the Plan to form a view on a development proposal or a policy issue, the whole Plan and the policies contained in it must be considered together.
39. Finally, while every effort has been made to make the main parts of this Plan easy to read and understand, the wording of the actual policies is necessarily more formal, so that it complies with statutory requirements.

4.1 HOUSING DEVELOPMENT AND MEETING HOUSING NEED

40. One of the most important aspects of the Plan is to consider the amount, type and location of new housing in the Parish for the next 16 years.
41. Huntington is an attractive Parish with a good range of services and community spirit as well as good transport links to York and the other surrounding towns; consequently, it has a buoyant housing market as well as being a popular place to live. It has been the focus of considerable house building in recent years.

HOUSING PROVISION

42. Determining how many homes the Plan should provide for in the Parish is not straightforward.
43. The legislation requires that a Neighbourhood Plan must be in general conformity with national and district-wide (i.e. City of York) strategic planning policies. This means that it cannot be prepared in isolation. It needs to take into consideration, and generally work with, the grain of local and national planning policies.
44. At the local level, the key planning document, which the Plan must have regard to is the Local Plan. In the case of Huntington, this is the City of York Local Plan.
45. The Plan considers that the amount and specific location of housing to be provided in the Parish and the wider York area is best determined through the City of York Local Plan. This, however, is complicated by the revised timescale for its preparation. The Local Plan was submitted to Government on 25th May 2018 and following a public examination is expected to be adopted in 2020.
46. The final adopted City of York Local Plan will set out the revised housing requirements for the City of York, as well as identifying the sites required to meet this need.

47. The housing numbers required within the City have changed significantly, and the present policy of the City of York Council is to develop 841 houses per year with a preference for the development of brownfield sites over greenfield sites. There is a proposal for development over 15 years (2017-2032/33) with an extension of 5 years (2032-2037) with regard to housing requirements beyond the life of the Local Plan when approved. This has helped to set the parameters for this Plan.

48. How much of this housing development the Plan should cater for is complicated by the fact that the overall housing target contained in the draft Local Plan is not disaggregated to individual settlements or parishes, including Huntington. It does, however, identify several “Potential Strategic Housing Sites” (greater than 5 hectares) which collectively, it is envisaged, should provide sufficient land to meet the housing requirements for the City.

49. This includes one major site; ‘ST8 Land North of Monks Cross’ in Huntington. This is proposed in the emerging Local Plan as a major potential housing site. Stretching over 52 hectares, it has the capacity to provide close to 1,000 new homes together with a new primary school, new community, recreational and cultural facilities set within large areas of open space.



50. At about 1,000 new homes, it equates to about 8% of the City of York’s total new housing requirements and just under a 25% increase in the number of dwellings in Huntington. It is likely to be the biggest development in the Parish for many years.

51. The suitability of the site has been considered as part of the development of the Plan. The consultation showed that the community has major reservations about its suitability. They accept the need for some housing in the Parish but are very concerned about the amount of housing development planned to take place, close to a thousand homes. A recurring theme was that it might not be sustainable and that it is likely to place significant pressure on already overstretched facilities such as health, education and the road network.

52. There is also the issue of the increased flood risk from surface water runoff, which consultation shows to be a major concern for the community, especially as the Parish has been the subject of several serious flooding incidents in recent years.

53. A further concern is any adverse impact it may have on the character of the Parish, including as it would, the loss of attractive greenfield sites. That Huntington had already accommodated more than its fair share of housing growth was a recurring theme.

54. Nevertheless, the Steering Group considered it expedient to proceed with the Plan during the period of uncertainty while the Local Plan is being finalised. As previously discussed, the Plan does not seek to allocate land for housing. It considers that this is best done through the Local Plan process.



55. It does consider, however, that the needs and views of the community, should be a key factor in determining the scope and detail of any housing proposal (s) should it happen. The Parish Council and the Steering Group believe these are essentially local matters and, therefore, best dealt with through the Plan. This is especially important given the scale of housing development planned (about a thousand homes), which is likely to be the biggest development in the Parish for many years and by a wide margin.

56. Policy H1 seeks to ensure that any new housing development integrates well both functionally and physically, and best reflects the need and priorities of, the Parish. It has been developed in the context that the major housing site; 'Land North of Monks Cross' proposed in the draft Local Plan will go forward as a new housing site. This is despite the reservations of the community about this proposal. The Plan itself does not offer a view on whether or not the site should be allocated for housing.

57. The Plan did consider whether it should put forward an alternative housing proposal to the allocation of the site Land of Monks Cross. Having looked at the level of services and facilities and housing need, there is a good argument that the Parish should take a lower amount of housing than the 1,000 homes proposed. The Plan acknowledges, however, the need that it must be in general conformity with the adopted City of York Local Plan and play its part in meeting any citywide and national housing requirements. It is envisaged that the final housing allocations for Huntington will be confirmed by the City of York Council during the preparation of this Plan.

58. The Policy will be used to shape and influence any future housing allocation made through the Local Plan should it be the site Land North of Monks Cross or an alternative.

POLICY H1 MEETING HOUSING NEED

The Plan acknowledges and recognises the proposal in the emerging City of York Local Plan to allocate land for approximately a thousand new homes. The Plan itself does not offer a view on which sites should be allocated for housing to meet this requirement, but should any sites be allocated in the final Local Plan for such purposes, the Plan requires, as well as other Local Plan requirements, that it:

1. Provides for a mix of housing sizes, tenures and types specifically to meet identified and evidenced current housing needs in Huntington, in accordance with policies H2 and H3;
2. Functionally and physically connects to and integrates with Huntington Village;
3. Provides for a range of recreational, sporting and community facilities, including children play areas where appropriate, to meet existing and future needs;
4. Considers the need for any additional capacity in local services such as health and school including primary school provision, new or enhanced medical facilities and sport and recreational facilities including children play area;
5. including primary school provision, new or enhanced medical facilities and sport and recreational facilities including children play area. The need for any additional capacity in local services such as health and schools
6. Promotes and accommodates transport links for pedestrians, cyclists, and public transport;
7. Provides safe pedestrian and cycle links to Huntington Village, local schools and the existing network of pedestrian and cycle routes, including through green infrastructure where this would not have an adverse impact on biodiversity;
8. Includes significant and well-designed landscape and green areas to ensure that development sits sympathetically with the existing landscape; to preserve or enhance bio-diversity and provide formal and informal recreational opportunities;
9. Retains and, where possible, improves trees and hedgerows of good amenity, arboricultural or biodiversity value;
10. Seeks to create development of the highest quality design and highly energy efficient, with appropriate low carbon technologies;
11. Has an appropriately designed, constructed and maintained sustainable drainage system to manage surface water;

12. Includes satisfactory measures to mitigate any adverse effects caused by any significant increase in traffic through Huntington Village and more widely; and
13. Provides for adequate parking that is well designed and integrated into the development.

HOUSING NEEDS AND MIX

59. It is important that any new housing supports the changing needs and requirements of the Parish. It should be of the right type to ensure that Huntington is a demographically mixed and balanced community, whose housing stock provides for, and supports, people of all ages.
60. This requirement is of special importance to Huntington. There is strong evidence that the existing housing stock is unbalanced and may not serve its existing and future needs. In particular, there is some evidence of a relative over provision of larger dwellings and a relative under-provision of smaller dwellings. There is also evidence of under-occupancy in some homes.
61. As part of the development of the Plan, an assessment of housing needs and characteristics in the Parish was undertaken based on the available evidence from the Census and other reliable sources. This shows that at the time of the 2011 Census over 25% of households lived in detached houses, which is somewhat higher than the City of York and England averages, both 22%. At the same time, there is under-representation of smaller types of properties. At 13.5% the proportion of the housing stock that is terraced or a flat is approximately a third of the national average (45.7%) and less than half the city average (41.1%).
62. In addition, while the average household size in the Parish at just over 2 people per household (according to the 2011 Census) is broadly in line with the national average, the higher average number of bedrooms per household means that there is evidence of widespread under occupancy (having more bedrooms than the recommended number). The Census data shows that older person households are more likely to under-occupy their dwellings. Almost three-quarters of older person households have an occupancy rating of +2 or more (meaning there are at least two more bedrooms that are technically required by the household).
63. At the same time, reflecting the national trend, the Parish is seeing a growing demand for small properties as people live longer or alone. At 24.5% the number of people aged over 65 is about half again the national and City averages.
64. This analysis strongly suggests that there is a need to significantly increase the number of smaller properties (less than 3 bedrooms), especially of a type that is suitable for older people who want to downsize, as well as younger people (and people on low incomes) who want to find their first home.

65. This is a view, which was echoed in consultation. When residents were asked about the mix and type of dwellings which should be constructed to provide housing in the future the highest proportion considered that there should be more provision for older people's housing. This was closely followed by a mixture of housing.
66. The findings from the consultation and the statistical analysis reinforce the need and support for a housing stock that helps create more diverse and sustainable communities and meets the changing needs of the community now and in the future.
67. In particular, there is a need for smaller homes for older people especially those wishing to downsize and remain in the Parish (thereby freeing up larger housing for families). This Census reveals that the population profile of Huntington is characterised by an older (over 65s), population than the national and City of York picture which also includes a greater proportion of single pensioner households
68. This does not mean that a certain proportion of new build properties should be reserved exclusively for older people. Rather, a significant proportion should be of appropriate design, size and layout for the needs of older people.
69. The *Housing Needs and Characteristics Report December 2017* is available as part of the supporting evidence for this Plan. This can be found at http://www.huntingtonparishcouncil.co.uk/Core/Huntington-Pc/Pages/Neighbourhood_Plan_1.aspx

POLICY H2 HOUSING MIX IN NEW HOUSING DEVELOPMENT PROPOSALS

New housing development should provide for a mix of housing types, sizes and tenures to meet identified housing need in the Parish and the City of York. They will be required to demonstrate how they have taken account of the most up to date published evidence of housing needs in the Parish, having regard to other site and market considerations. Priority should be given to the provision of smaller homes (one or two bedrooms) suitable for young families and young people as well as older people (including those who wish to downsize) to meet an identified housing need.

AFFORDABLE HOUSING

70. Affordable housing is social rented, affordable rented and intermediate housing, provided to households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices.
71. Housing affordability is a significant issue within the Parish and the wider City. There is a high and above average disparity between average house prices (both for sale and rent) and average income.
72. In 2015, the average house price in the Parish was £219,00, according to the Land Registry. Data from the Land Registry also shows that between 2013 and 2015 average house prices in the Parish increased by 17%, a rate of increase far more than the increase in average earnings. Consequently, many people who wish to

live in the Parish, including those with a local connection, are unable to do so as they cannot find suitable accommodation either to buy or rent.

73. While developments within Huntington have contributed some much needed affordable housing in recent years, research indicates that its provision remains a major challenge in the Parish.

74. Consequently, many affordable housing needs in the Parish are not being met. For example, the findings of the 2016 Strategic Housing Market Assessment², which examined affordable housing need in the City of York showed that, in addition to underlying the pressing general need for more affordable housing, there was a specific need for more, smaller affordable dwellings (especially one and two bedroomed properties). The assessment of affordable housing needs indicates that, in delivering affordable units, “*a City-wide mix target of 20% intermediate and 80% social or affordable rented homes would be appropriate. Any strategic policy should however retain a degree of flexibility both to take account of local level variations which we have identified, as well as any site specific issues*” (p,16). Adding, in terms of size mix, our analysis (taking account of demographic trends and market evidence) concludes that the following represents an appropriate indicative mix of affordable homes at a City-wide level.

- *1-bed properties: 35-40%*
- *2-bed properties: 30-35%*
- *3-bed properties: 20-25%*
- *4-bed properties: 5-10%*” (p.16).

75. The research, and the public consultation undertaken, has confirmed that the provision of good quality affordable housing as a local priority. It also identified that the community shared the view that the priority should be on smaller dwelling types (one or two bedrooms) suitable for young families and young people as well as older people (including those who wish to downsize).

76. This research also identified a clear local preference for more ‘social housing’. This is normally typified as affordable housing let at low rents provided by councils or not-for-profit organisations. While it is recognised that the provision of ‘social housing’ may be less straight-forward to provide than other forms of affordable housing under present planning rules its provision is a clear local priority. Further, the provision of this type of accommodation is considered to be an especially appropriate way to meet local housing need in the Parish. Its



² file:///C:/Users/yourl/Downloads/SHMA_June_2016%20(1).pdf

provision is supported by Census findings. At 8%, the proportion of the local housing stock, which is 'socially rented' is significantly below the City of York (13.1%) average and national average (18.1%), according to the 2011 Census.

77. Given the ongoing need for affordable housing in the Parish and the wider City, City of York emerging planning policies identify an overall target that all new housing developments, especially those involving 15 or more dwellings, should provide of up to 30% affordable housing on greenfield sites and 20% on brownfield sites.
78. At this time, there is only one proposed housing site of sufficient size that could potentially trigger the requirement for affordable housing to be provided. This is the site, Land North of Monks Cross. This potentially could provide a significant boost to the supply of affordable homes in the Parish of 300 new homes. Further, it is considered that the location of the site close to facilities such as shops, schools and leisure facilities as well as its convenient access to public transport and roads makes it an especially suitable location for affordable housing.
79. The Plan strongly supports national and local planning policies which require a high level of affordable housing provision in housing developments, wherever possible, and that this should include a mix of tenures suitable for all age groups, with an emphasis on social housing and smaller housing types (one and two bedrooms).

POLICY H3 AFFORDABLE HOUSING PROVISION AND MIX

To support the provision of mixed, sustainable communities and meet an identified need in the Parish, housing development proposals should comply with, and wherever possible exceed, City of York Council requirements with regard to the provision of affordable housing. Subject to viability and site considerations, a target mix of affordable housing provision of 35%-40% one bedroom; 30-35% two bedroom and 25%-35% three or more bedroom affordable homes should be delivered on new developments where required to provide affordable housing by City of York Council. The focus should be on the provision of social housing and affordable homes that are suited to the needs of older people and young people and families.

4.2 DESIGN AND THE BUILT ENVIRONMENT

80. The Parish has a rich and diverse history, resulting in a wide array of building designs, as well as numerous sites and buildings of architectural or historic interest, some dating from Roman times.
81. This distinct and pleasant environment is highly valued by residents and visitors and makes a major contribution to the Huntington's character and its sense of community and identity.

PROMOTING GOOD QUALITY AND DISTINCTIVE DESIGN

82. There is no dominant style of design in Huntington. There is a wide and diverse range of building styles, including one and two-storey inter-war house building; typical 1970s, two-storey residential developments and bungalow cul-de-sac estates, as well as 18th and 19th Century building and new housing estates of more modern design.

83. The York Historic Environment Characterisation Project and Character Area Statements ³ provides a more detailed analysis of archaeological character and streetscape character of the suburban areas of York, including Huntington Parish. Huntington falls within Character Areas 45, 47, 48 and 49 (see Figure 2). Each Character Area Statement defines the characteristics of that particular area. The main findings for the four Character Areas that cover the Parish are outlined below.

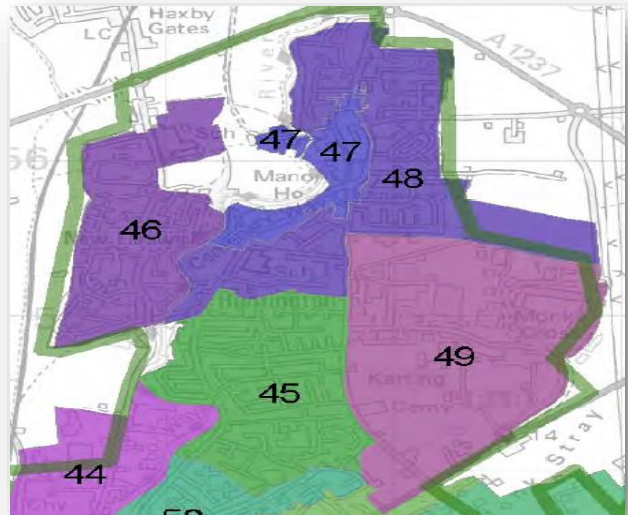


Figure 2 Huntington Character Areas (these areas are also shown in more detail and in the context of the Parish in Map 2)

Table 1: Overview of defining characteristics of character areas

Character Area	Defining character
Character Area 45 Huntington South	Characterised by inter-war and post-war housing spread over planned estates of varying size. Several small housing developments from earlier and later dates also feature in this area.
Character Area 47 Huntington	A former rural village containing 18 th and 20 th century buildings and retaining natural features. Incorporates Huntington Conservation Area.
Character Area 48 Huntington expansion	The residential area is principally a mixture of housing estates and developments dating between c. 1930s-2000s. “The mixed mid to late 20 th century residential expansion with rural fringe is distinct from the historic village of Huntington. Green fields surround the areas as well as the close proximity of the picturesque village of Huntington.”
Character Area 49 South Moor/Monks Cross	This area is characterised by a mixture of late 20 th century out of town, large modern commercial and industrial premises surrounded by small amounts of contemporary and inter-war housing and flat, agricultural land.

³

https://www.york.gov.uk/info/20214/conservation_and_archaeology/1297/york_historic_environment_characterisation_project

84. The study also makes recommendations and actions that would help to promote well thought-out design in the defined character areas. These are summarised below.
- Any extensions, new development or re-development in the area should be sympathetic in terms of style, material, proportions and density and should complement and enhance existing character.
 - The 1930s-1980s housing estates in Character Area 45 (Huntington South) still retains a large number of original architectural and streetscape features. Further erosion of the original aspects of the estates, as well as changes such as garden to driveway conversions and inappropriate extensions should be avoided where possible.
 - In Character Areas 45 (Huntington South) and 49 (Huntington South Moor/Monks Cross), the styles and features of modern housing states should be noted to inform future proposals. Any further development in this area should attempt to match existing modern housing in terms of style, material and proportions.
 - Historic agricultural buildings off New Lane (Character Area 49, Huntington South Moor/Monks Cross) should continue to be conserved and any future extensions or alterations should respect existing character and distinctiveness.
85. The Character Areas and their recommendations/actions have been considered as part of the development of the Plan. They are considered to be relevant and supported.

HUNTINGTON CONSERVATION AREA

86. Many of the Parish's more historic and distinctive buildings are to be found in the Old Village of Huntington. This is the historic centre of the Parish, and where the 18th Century and the majority of the 19th Century buildings are located.
87. Entering the Old Village, especially from the North, it is obvious that you are entering the historic core of the Parish. It retains much of its linear medieval layout. The Old Village is the original main street whilst North Moor Road was the village back lane.
88. Much of the traditional core of the village is protected by its designation as a Conservation Area in 1991, reflecting its special architectural and historic interest. The City of York



Council has produced a Conservation Area Appraisal⁴ for Huntington Conservation Area, which sets out its special characteristics, and how these can be best safeguarded and enhanced. It also includes a map showing the area covered by the Conservation Area.

89. The Conservation Area Appraisal for Huntington describes, “*The overall character of the conservation area arises from the contrast of the relatively narrow and winding Old Village (main street) and the historic area of All Saint’s Church and West Huntington Hall, linked to the village by a narrow lane and bridge*”.
90. The Plan seeks to ensure that all development proposals (including minor works) are sensitively and well designed to ensure that the generally pleasant built environment of the Parish is maintained and enhanced. This is particularly important where located within or in close proximity, to a building or structure of national or local heritage interest or in Huntington Conservation Area.
91. There is also need to ensure that design proposals respond to the changing needs and characteristics of the residents of the Parish; its above average and fast-growing older population. At approximately 25% the proportion of its population aged over 65 is nearly half again the City of York as well as the national average.

POLICY H4 DESIGN PRINCIPLES

Development proposals should respect the local character having regard to scale, density, massing, height, landscape, layout materials and access, as appropriate. They should take account of the design principles set out in the City of York Character Area studies for Huntington Parish and Huntington Conservation Area Appraisal.

They should also take into account the amenity of neighbouring occupiers. Where appropriate, development proposals should provide safe and attractive public and private spaces, and well defined and legible spaces that are easy to get around, especially for older people.

⁴ https://www.york.gov.uk/info/20215/conservation_and_listed_buildings/1325/conservation_areas_in_york

HERITAGE ASSETS

NATIONALLY DESIGNATED HERITAGE ASSETS

92. Many of the buildings within the Parish have been recognised as being of national importance. This includes 14 nationally designated assets including Listed Buildings and a Scheduled Monument. A particularly fine example is All Saints Church, the oldest and largest building in the Parish. The Church contains a 15th Century chancel and some internal 12th Century features.
93. Roman camp on Huntington South Moor is a Scheduled Monument and one of only four camps closely associated with the Roman legionary fortress of York.
94. The designation of these heritage assets as Listed Buildings and a Scheduled Monument gives them special legal protection beyond that which can be provided through the Plan. It is important, however, that the Plan highlights the community's appreciation of them and the important role and contribution they make to the history, and identity and character of the Parish.
95. The full list of Listed Buildings and Scheduled Monument is shown below.

Table 2: Listed buildings and Scheduled Monuments (2017)

Asset	Grade
Huntington Grange	II
Roman camp on Huntington South Moor, 300m east of Huntington Grange	Scheduling
Gate piers approximately 60 metres south east of Calm Cottage	II
The village cross	II
3, the Old Village	II
71, the Old Village	II
Prospect House	II
Vyner Cottage	II
The Grange	II
34, the Old Village	II
Calm Cottage	II
Church of All Saints	II*
Water Meadows	II
The Rectory	II

LOCALLY SIGNIFICANT HERITAGE ASSETS

96. In addition to these designated assets, there are other heritage assets that, while not meeting the criteria for national designation as an Ancient Monument or Listed Building, are of significance to the distinct local architectural and historic character of the Parish and are valued by the community.
97. These locally important heritage assets (sometimes known as ‘non-designated heritage assets’) include buildings and sites associated with Huntington’s industrial development (e.g. a former train station) and traditional buildings (e.g. the Memorial Hall).
98. The Plan area’s richness in heritage assets is not confined to above the ground; it also encompasses significant underground archaeological remains. This includes sites that may contain Roman remains. As the Character Area report for Huntington⁵ states, “*The relatively higher ground on which the village lies, both west and east, coupled with its clear pre-conquest origins may indicate reasonably high potential for prehistoric and Roman archaeological evidence still to be found. This is particularly true of West Huntington and areas around the church and manor*”.
99. The City of York Council has developed a ‘local heritage list’ of non-designated ‘heritage assets (buildings, monuments, sites, places, areas and landscapes) that contribute to the special local architectural and historic character of York and are valued by the community. Two assets in Huntington are included on this list. These are Memorial Hall and Huntington Community Centre. In addition to these two, after careful consideration and consultation, the Plan identifies three heritage assets which are considered to make a positive contribution to the character of the Parish, and which the community wishes to see protected and enhanced. The intention is that they would be incorporated in the ‘Local Heritage List for York’ which City of York Council and York Open Planning Forum are helping to establish in support of Policy D7 in the emerging Local Plan. This Policy (D7) will be supported by a Local Heritage Interest List Supplementary Planning Document. The Plan identifies three further heritage assets which are considered to make a positive contribution to the character of the Parish, and which the community wishes to see protected and enhanced. There are listed in Table 3 and shown in Map 1. More information about them can be found in the supporting evidence document Huntington Local Character Buildings and Sites of Local Heritage Interest accompanying this Plan and which can be found on the Parish Council website at http://www.huntingtonparishcouncil.co.uk/Core/Huntington-Pc/Pages/Neighbourhood_Plan_1.aspx

⁵ file:///C:/Users/yourl/Downloads/Area_47_huntington.pdf

Table 3: Proposed Huntington Character Buildings and Sites of Local Heritage Interest

Local Heritage Asset	Significance
Post Medieval Canal Lock 1793 – 1793	The remains of a brick canal lock with stone coping, on the Foss Navigation, built in circa 1793.
Huntington Road Brickworks	The site of late 19th century brickworks, which specialised in hand-made bricks. Moulded by hand, the bricks were dried in 12 tunnel driers.
Earswick Station	The site of railway station on the York and Beverley Railway opened in 1848 and closed in 1965.

POLICY H5 HUNTINGTON CHARACTER BUILDINGS AND SITES OF LOCAL HERITAGE INTEREST

The Plan identifies the buildings and sites identified in Table 3 and shown on Map 1 as Huntington Character Buildings and Sites of Local Heritage Interest.

Development proposals will not be supported that harm the historic significance and setting of Huntington Character Buildings and Sites of Local Heritage Interest, as identified in the Table and shown on the Map.

Development proposals will be required to take into account the character, context and setting of these locally important assets including important views towards and from them. Development will be required to be designed appropriately, taking account of local styles, materials and detail.

The designation of these buildings and sites as part of a ‘Local Heritage List for York’ by the City of York Council is supported

4.3 BUSINESS AND EMPLOYMENT

100. Huntington is home to a wide range of businesses, which provide local employment opportunities and make a major contribution to the economic sustainability of the Parish and the wider area.
101. There are a few centres of business activity. This includes Portakabin PLC, which has a major site, Birch Park Industrial Estate and at Roland Court. In addition, there is the major Vangarde development, which is the base for many retail (it includes the Monks Cross Shopping Park) and non-retail employment uses. These centres provide employment opportunities for hundreds, if not thousands of people.
102. The contribution of the Parish to the economic growth of the City will be strengthened by the proposal in the emerging Local Plan to allocate Annamine Nurseries, Jockey Lane as a new employment site.
103. Levels of economic activity are high (70.2%) and slightly above the City of York (70.1%) and national (66.9%) average.
104. A significant and growing number of people work from home and/or are self-employed, though rates are below the city and national averages.
105. The Plan recognises the importance of economic growth, and so it is considered important to support local employment and business development.
106. It is national and local planning policy that existing land and buildings should be retained for employment uses where there is a reasonable prospect of them being used for that purpose; a policy position the Plan supports.



POLICY H6 BUSINESS AND EMPLOYMENT

The Plan supports the retention of existing land and buildings in employment use, where there is a reasonable prospect of the site or building being used for employment purposes.

4.4 COMMUNITY FACILITIES AND BUILDINGS

107. Community facilities include a range of important amenities and buildings that meet the community, welfare and social needs of the residents. These include schools, community centres, churches, public houses and medical facilities.
108. Huntington is well served by such community facilities. This includes pubs, two primary schools, secondary school, doctors' surgeries, community centres, library, places of worship, and sport and leisure facilities. They are scattered across the Parish, and most residents live within easy walking distance of at least one community facility.
109. This is underlined by the findings from the consultation, which shows that residents are generally pleased with the existing provision of community facilities. Not only do they provide much-needed local facilities and services, but act as a focus for community life and engagement and help reinforce the sense of community and identity.
110. With a growing and above average older population, access to such locally based facilities will become increasingly important in Huntington.
111. The consultation did, however, identify some services which could be enhanced. Over half of the people responding to the community questionnaire indicated that health services could be improved.
112. There is also concern that development proposals, notably the Land North of Monks Cross housing proposal, will place additional demands on existing services, such as recreation, schools and medical facilities some of which are already stretched.
113. There is a strong desire in the community to see community facilities protected and, where possible, enhanced. Also, where development proposals place additional demands on existing services they are required to proportion facilities to meet this anticipated demand.
114. After consideration and consultation, the following facilities and buildings have been identified as being of special importance to the community:



Table 4: Important community facilities

White JD & FV Associates Dentist , 408 Huntington Rd, Huntington, York YO31 9HU.	New Earswick & District Bowls Club ; Huntington Rd, Huntington, York YO32 9PX.
Huntington Library , Garth Road, York YO32 9QJ.	St. Andrews Church , Huntington Rd, Huntington, York YO32 9PX.
Orchard Park Community Centre , Badger Paddock, Huntington, York YO31 9EH.	All Saints Church , Church Ln, Huntington, York YO32 9RE.
Blacksmiths Arms , 56 The Old Village, Huntington, York YO32 9RB.	Huntington Methodist Church ; Strensall Rd, Huntington, York YO32 9SH.
Flag & Hogs Head Huntington Rd, Huntington, York YO32 9PX.	Huntington Memorial Hall , 46, Strensall Rd, Huntington, York, YO32 9SH.
Pear Tree Farm Public House , Monks Cross Dr, Huntington, York YO32 9GZ.	Huntington Community Centre , 26 Strensall Rd, Huntington, York YO32 9RG.
Hop Grove Public House ; Malton Road, York, North Yorkshire, YO32 9TE.	Yearsley Grove Primary School , Yearsley Grove, Huntington, York YO31 9BX.
Huntington Working Men's Club , 1 N Moor Rd, Huntington, York YO32 9QS.	Huntington Primary School , 23 N Moor Rd, Huntington, York YO32 9QU.
Huntington Post Office , 43 N Moor Rd, Huntington, York YO32 9QN.	Huntington Secondary School , Huntington Rd, Huntington, York YO32 9WT.
Huntington Sports and Social Club , N Moor Road, Huntington, York YO32 9RY.	Huntington Cemetery , New Lane, Huntington, York YO32 9NA.
Huntington Parish Council Allotments , Huntington Road, Huntington, York YO32 9PX.	New Earswick & District Bowls Club , Huntington Rd, Huntington, York YO32 9PX.
Huntington Library , Garth Road, York YO32 9QJ.	St. Andrews Church , Huntington Rd, Huntington, York YO32 9PX.
Huntington Health Care Surgery , Garth Road, Huntington, York, YO32 9QJ.	All Saints Church , Church Ln, Huntington, York YO32 9RE.
Haxby Group Practice , North Lane, 1 North Ln, Huntington, York YO32 9RU.	Parkers Pharmacy , 61 N Moor Rd, Huntington, York YO32 9QN.
MyHealth Huntington Health Care Centre , Garth Road, Huntington, York, YO32 9QJ.	Lloyds Pharmacy , 412 Huntington Rd, Huntington, York YO31 9HU.

POLICY H7 EXISTING COMMUNITY FACILITIES AND BUILDINGS

Development proposals that result in the loss of an important community building or facility will not be supported, unless it can be demonstrated that the operation of the facility is no longer viable or necessary or that a replacement facility of equal quality is provided in an equally accessible location.

The community buildings identified above are considered to be of special importance to the Parish.

POLICY H8 NEW AND ENHANCED COMMUNITY FACILITIES AND BUILDINGS

Development proposals involving the provision of new or enhanced community facilities, especially medically related, will be supported where it can be demonstrated to City of York Council that it meets an identified and evidenced Parish need and subject to accessibility, amenity, landscape and environmental considerations.

Development proposals that place additional demands on existing services should provide proportionate facilities to meet this anticipated demand.

ASSETS OF COMMUNITY VALUE

115. The registering of Community Assets is a separate (non-planning) legal process, initiated by the Parish Council, but undertaken by City of York Council. The inclusion of these facilities on City of York's register of Assets of Community Value will provide the Parish Council, or other community organisations within the Parish, with an opportunity to bid to acquire them on behalf of the local community, should the asset come up for sale on the open market.



116. One facility in the Parish has already been registered as an Asset of Community Value - New Earswick and District Bowls Club. Through the Plan process, other assets, which are considered especially important for community life, have been identified. The Parish Council, therefore, intends to seek to designate them as

Assets of Community Value. Legislation does not permit a Neighbourhood Plan to designate them.

117. The Plan can, however, support the retention and where possible the enhancement of any assets designated by the City of York as an Asset of Community Value.

POLICY H9 ASSETS OF COMMUNITY VALUE

The Parish Council will support the listing of Assets of Community Value and once listed, will work to support their longevity.

4.5 SHOPS AND SHOPPING

118. Huntington has a good range of shops. These include supermarkets, a post office, hairdressers, newsagents, cafes, butchers and hot food take-ways.
119. Consultation shows that these are important to residents and their quality of life. They provide a valuable service in meeting the day to day needs of residents as well as providing opportunities for local employment close to where people live. They are generally viewed as convenient, well used and highly prized by residents.
120. In the community survey undertaken as part of the preparation of the Plan, 69% of residents considered Shopping Facilities as being important in making Huntington a good place to live and only 4% considered it to be unimportant.
121. There is no defined village centre within Huntington and shops are split across several locations.

VANGARDE/MONKS CROSS SHOPPING PARK

122. The Vangarde/Monks Cross Shopping Centre is, by a wide margin, the biggest shopping facility in the Parish. This major 'out-of-town' development consists of several high street retailers, two large supermarkets, a number of retail warehouses and leisure uses. It attracts many thousands of visitors from Huntington and a much wider area.
123. Its role and attractiveness for shopping and other purposes are likely to be boosted by the recent planning approvals for large-scale retail development together with a community stadium, swimming pool and other uses to the south of the existing Monks Cross Shopping Park.
124. It performs an important role as sub-regional centre servicing a large catchment area encompassing the north of York and the wider area. Adjacent to the Vanguard/Monks Cross Shopping Park is a site, currently under construction, which will incorporate a football/rugby stadium, swimming pool and health facilities.

POLICY H10 VANGARDE/MONKS CROSS SHOPPING PARK

The Plan supports the continued role and function of Vangarde/Monks Cross Shopping Park as a major sub-regional shopping area providing services to the north of York and a wider catchment area.

BROCKFIELD PARK AND NORTH MOOR ROAD NEIGHBOURHOOD SHOPPING PARADES

125. In addition to Vangarde/Monks Cross Shopping Park, Huntington has two distinct shopping clusters. These comprise the small purpose-built shopping centre at the junction of Kestrel Wood Way and Brockfield Park and a cluster of shops off North Moor Road.

126. These small shopping areas provide an important range of shops and community facilities used by local residents and the wider Parish. They fulfil a vital need for many residents especially for those without access to a car or have limited mobility.
127. The City of York Council's Retail Study Update and Addendum 2014⁶ produced to support the development of the draft Local Plan, defines a hierarchy of centres in the City of York, based on the scale and nature of the services provided in that shopping centre.
128. The general principle is that shopping provision within the defined areas identified through the hierarchy will be protected and enhanced, having regard to its scale and nature.
129. At the top of the hierarchy are major shopping centres such as York City Centre that serve a wide area. At the bottom of the hierarchy are neighbourhood parades. These comprise small parades of shops that cater for the day to day needs of the immediate local population.
130. Brockfield Park and North Moor Road have been defined in the Retail Study as neighbourhood parades. The Plan supports their identification as neighbourhood shopping parades. They are important focal points that cater for the day to day needs of those living locally. Their identification as such will protect and enhance their important shopping role and function. With the support of the City of York Council, the opportunity has been taken through the neighbourhood plan to define their boundaries. In each case, the boundary has been drawn to include the main shopping and community uses within it. The proposed boundaries are shown on Map 3. It is noted, however, that the boundary proposed for the North Moor Road Neighbourhood Shopping Parade in the Neighbourhood Plan differs from that the one originally put forward by the City of York Council as part of the emerging Local Plan, which covers a wider area. It is hoped that the boundary for the North Moor Road Shopping Parade in the final Local Plan will be the same as that in the Plan. Should they differ, the Plan will be reviewed.
131. In accordance with the recommendations of the Council's Retail Study, the Plan supports development proposals for main town centre uses within Neighbourhood Parades that:
 - consolidates, maintains or improves upon the function, vitality and viability of the centre;
 - is of an appropriate scale and nature to the existing centre and the retail hierarchy, maintain or enhances the character and environmental quality of the centre;
 - contributes positively to the range of services on offer; and

⁶ https://www.york.gov.uk/downloads/file/2092/retail_study_update_2014pdf

- does not have a detrimental impact upon residents or the historic and natural environment.

POLICY H11 BROCKFIELD PARK AND NORTH MOOR ROAD NEIGHBOURHOOD SHOPPING PARADES

The Plan identifies Brockfield Park and North Moor Road (as shown in Map 3) as Neighbourhood Parades. Their role and function as Neighbourhood SHOPPING Parades that cater for the every day shopping and community uses of those living locally will be protected and enhanced.

OTHER SHOPS

- 132 Beyond the two defined Neighbourhood Shopping Parades and the Vangarde/Monks Cross Shopping Park, there are a few single, or small groups, of shops scattered across the Parish. These range in size from individual shops to the small superstore ('Tesco Express') off Huntington Road. These also provide a valuable service in providing for day to day shopping needs, and residents would like to see these enhanced and protected.



POLICY H12 OTHER SHOPS

Development proposals that would result in the loss of, or have a significant adverse effect on, a shopping use outside of the Vangarde/Monks Cross Shopping Park or the defined two Neighbourhood Parades will not be supported unless it can be demonstrated to the City of York Council in consultation with the Parish Council that (a) its continued use for shopping is no longer viable and (b) the site has been actively marketed for at least six months for shopping purposes

HOT FOOD TAKEAWAYS

133. In recent years, there has been a significant increase in the number of hot food takeaways in the Parish. Hot food takeaways serve the needs of local communities and can enhance their attractiveness as a place to visit and shop.
134. The community, however, is concerned about some of the negative aspects associated with these uses, including noise and disturbance, anti-social behaviour and increased litter, especially if some of these uses are clustered together, or are located in primarily residential areas.

POLICY H13 HOT FOOD TAKEAWAYS

Hot food takeaway uses should be located within the Vangarde/Monks Cross Shopping Park or the defined Neighbourhood Parades. In considering development proposals for hot food takeaways, special regard should be made to:

- a) The number of existing take away establishments in the immediate area and their proximity to each other, in order to avoid clusters (normally two or more) of takeaway uses; and
- b) The impact on the amenity of the immediate area (including smells, fumes and noise), traffic, anti-social behaviour or safety issues arising from the proposal itself or cumulatively with the existing uses in the area.

Development proposals for hot food takeaways should also include the provision of a litter bin on land within the premises, of which the property will be responsible for its maintenance, emptying on a regular basis and the area adjacent to the premise to be kept clear, where appropriate. Where a litter bin cannot be provided within the curtilage of the premises, a commuted sum will be sought towards the provision of a litter bin within a nearby location.

4.6 NATURAL ENVIRONMENT AND FLOOD DEFENCE

135. The Parish encompasses the main settlement of Huntington, which is surrounded by, and interspersed, with large areas of green and open spaces. While it has seen much development in recent years, it remains largely open and undeveloped in nature. Much of it remains in agricultural use.
136. The Parish sits within the Vale of York National Character Area⁷. This is described as an area of relatively flat, low-lying land surrounded by higher land to the north, east and west.
137. The consultation shows that the underdeveloped nature of much of the Parish is highly valued by residents and should be conserved and enhanced. 87% of people responding to the community questionnaire stated that parks and open spaces were important in making Huntington a good place to live

GREEN BELT

138. Over half of Huntington is designated as draft Green Belt. It covers much of the open countryside in the Parish, including large swathes of land especially to its east. The general extent of the Green Belt in the Parish is shown at Map 3.
139. The fundamental aim of the Green Belt is to prevent urban sprawl by protecting the open character of land designated as such. Within the Green Belt, there are strict planning controls over the type of development, which can take place within it.
140. There is strong community sentiment regarding the draft Green Belt that generally surrounds the built-up parts of Huntington. It not only helps retain the distinct character of the area, but also provides opportunities for recreation and leisure and contains many key 'Green Infrastructure' assets including sites of nature conservation value.
141. National Planning policy is clear in its support for the Green Belt, emphasising its essential characteristics of openness and permanence. It also states that inappropriate development (such as the construction of new buildings), which is harmful to the role and function of the Green Belt should not be approved except in very special circumstances.
142. Despite the fact that the York Green Belt is still, technically, draft Green Belt it has, de facto, been in existence for several decades and has been reaffirmed on numerous occasions in planning refusals and dismissals of planning appeals. It was specifically recognised in the Yorkshire and Humber Regional Spatial Strategy (RSS) adopted in 2007 and although the RSS was substantially revoked by an Order (SI. No. 117 2013) made in early 2013 under the Localism Act 2011, policies which related to the York Green Belt were specifically excluded from the revocation.
143. Further, whilst not forming part of the Development Plan, the City of York draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005) was approved for development control purposes. The effect of this process is that decisions on planning applications falling within the general extent of the Green

⁷ <http://publications.naturalengland.org.uk/publication/3488888>

Belt (as defined in the RSS) are taken on the basis that land is treated as Green Belt.

144. The National Planning Policy Framework (NPPF) is clear that the identification and modification of Green Belt boundaries are essentially matters for the Local Planning Authority to determine. In this case, that authority is York City Council. Furthermore, these paragraphs identify that these processes should be undertaken as part of the preparation or review of a Local Plan. In this case, this would be through the vehicle of the preparation of the emerging City of York Local Plan.
145. At the same time, the Neighbourhood Plan needs to be in general conformity with the strategic policies of the development plan. In this case, these are policies YH9 and Y1 of the Yorkshire and Humber Regional Spatial Strategy. These identify the general extent of the York Green Belt and set out its national significance.
146. In these circumstances, this Plan continues to apply, and strongly supports, the approach to the identification of the Green Belt as set out currently in the RSS and the Fourth Set of Changes Development Control Local Plan (2005) on an interim basis until such times as the emerging Local Plan is adopted.
147. This will ensure that the preparation of the emerging Local Plan is used as the mechanism for the detailed identification of the York Green Belt boundaries in accordance with national planning policy. It will also provide the proper opportunity for residents, developers and other interested bodies to contribute to this debate both in general terms on the Green Belt boundary and to provide the agreed levels of development for the City. Once the emerging Local Plan has been adopted, the Neighbourhood Plan will be reviewed in order to ensure that it and the Local Plan are consistent on this important matter.



POLICY H14 GREEN BELT

The Plan supports the continued designation of the majority of Huntington Parish as Green Belt. The general extent of the York Green Belt within Huntington Parish is shown on Map 3.

Within the general extent of the Green Belt inappropriate development will not be supported except in very special circumstances. New buildings are regarded as inappropriate development and will not be supported other than in the circumstances identified in the National Planning Policy Framework.

Development proposals for the following uses will be supported provided that they preserve the openness of the general extent of the Green Belt and do not conflict with the purposes of including land in the Green Belt:

- Minerals extraction;
- Engineering Operations;
- Local Transport Infrastructure that can demonstrate a requirement for a Green Belt location;
- The re-use of buildings provided that the buildings are of permanent and substantial construction; and
- Development brought forward under a Community Right to Build Order.

LOCAL GREEN SPACES

148. There are also numerous other green spaces in the Parish not within the Green Belt, but which are highly valued by the local community. This 'green infrastructure' is of great variety and includes:
- Watercourses.
 - Highway verges.
 - Parks, playgrounds, allotments and other public open spaces.
 - Trees and woodlands.
 - Private gardens,
 - The grounds of schools and business parks.
 - Sports pitches and recreational areas.
149. Individually and collectively these areas make a significant contribution to the distinctive and attractive character of the Parish.
150. National planning policy enables the community to designate, through a Neighbourhood Plan, green areas of special significance to them. This local significance could be because of the green area's beauty, historic importance, recreational value, tranquillity or richness of its wildlife. By designating land as Local

Green Space, this will give them special protection and rule out their development other than in very special circumstances.

151. Based on the criteria set out in the NPPF, and following consultation with the local community, several important green spaces have been identified as being special to the local community and requiring special protection from development. The areas identified as Local Green Space are described in the Supporting Evidence document accompanying this Plan and satisfy the criteria set out in paragraph 99 of the NPPF. This Supporting Evidence Document can also be found on the Parish Council website at http://www.huntingtonparishcouncil.co.uk/Core/Huntington-Pc/Pages/Neighbourhood_Plan_1.aspx

POLICY H15 LOCAL GREEN SPACES

Development proposals that would result in the loss of an important Local Green Space listed below and identified on Map 3, will only be supported in very special circumstances.

1. Land adjacent to River Foss;
2. Recreation Ground off North Lane;
3. Playground off Garth Road;
4. Huntington Primary School Playing Field;
5. Land next to Manor House;
6. Allotments off Huntington Road/Pollard Close;
7. Sports Ground and Playing Fields off Huntington Road;
8. Huntington Secondary School Playing Fields;
9. Land between the entrance to the Portakabin employment site and the Meadows, New Lane;
10. Allotments adjacent to Sleeper Path. Huntington Road;
11. Land off Stratford Way;
12. Land adjacent to St Andrew's Church, Huntington Road;
13. Land next to Foss River;
14. Orchard Park;
15. Land off Jockey Lane;
16. Land on corner of Yearsley Grove;
17. Land on corner of Birch Park;
18. Playground and nature park off Birch Close;
19. Land off Nightingale Close;
20. Yearsley Grove Primary School Playing Field;
21. Land off Geldoff Road/Andrew Drive;
22. Land off Disraeli Close;
23. Land off Darwin Close; and
24. Land off Victoria Way.

RIVER FOSS

152. The River Foss is 31km (19.5 miles) in length – much of which runs through the Parish.
153. The River Foss has a long history entwined with the development of York. Together with the river Ouse, the Foss has played a vital role in the military defence of the city, and in its economic life, from the earliest recorded times. The Romans found that the Foss combined with the Ouse provided a natural defence and built their fortress of Eboracum here. Recent excavations have proved that the Foss was later used by the Anglo-Saxons and the Vikings for commerce.
154. The River Foss Corridor has a multifunctional role including wildlife, bankside recreation, culture and history. Species records⁸ within the Huntington Parish highlight the rich diversity of wildlife present in the river corridor including toads, kingfishers, otter, water vole and bats.
155. The boundaries of this corridor are restricted as the influence of the river itself is limited, and as such, back gardens are a significant contributory habitat for wildlife within the urban area. Priorities for enhancement include wet and flood meadow grasslands, fens and marshes, wet woodlands, ponds, bats, otters, water vole and gardening for wildlife.
156. A 28 mile trail follows footpaths along or near the river Foss starting at its confluence with the Ouse in York and finishing at its source, Pond Head four miles from Easingwold.
157. Over the years, encroachment of development into the river corridor has been as an issue.
158. There is a strong appreciation that the river corridor represents an extremely rich resource, deserving of protection. This is reflected in reports and studies as well as consultation.
159. The River Foss Society was founded in 1973 to seek practical ways of improving the footpaths and other amenities of the river for the benefit of naturalists, fishermen, ramblers and local residents. Today the key aims of the Society are to:
- Conserve the river's natural environment
 - Prevent pollution in the river
 - Restore natural habitats along the river for its vegetation, fish and all animals
 - Improve the river for everyone by making it a better place to walk, fish and enjoy other recreational activities
 - Help prevent floods in the future
160. The River Foss and its corridor are of great value to the character and landscape of the area. It is a key element of the Green Infrastructure network and several important functions including wildlife, recreation, culture and history. The Plan seeks

⁸ North and East Yorkshire Ecological Data Centre

to ensure that future development enhances the corridor, improves public access and offers a refuge for wildlife.

161. An 8-metre buffer zone will be maintained as a natural or semi-natural habitat free from built development, parking areas, private gardens and formal landscaping. The Environment Agency recommends a minimum distance of 8 metres (measured from the top of the riverbank to the development) for ecological and conservation purposes.
162. Provision of an 8-metre buffer may not be achievable in some situations where development is already infringing the river corridor.

POLICY H16 RIVER FOSS

Development proposals that adjoin or are within the vicinity of the River Foss will only be supported if it can be demonstrated that they would actively enhance the River's ecological and recreational value and not have an adverse impact on the functions and setting of the River and its associated corridor.

Development proposals should:

- a) **Conserve and enhance the biodiversity, landscape and recreational value of the Foss River and its corridor through good design;**
- b) **Provide or retain a minimum 8-metres natural green buffer between the top of the river bank and development adjacent to the River Foss unless circumstances dictate otherwise; and**
- c) **Protect existing pedestrian access along the river and links that lead to the wider residential areas and surrounding countryside. Where practicable links should be provided to the river corridor from new developments.**

BIODIVERSITY

PRIORITY HABITATS

163. While Huntington does not have any statutory environmental designated sites, there are many sites that have been identified as locally important for wildlife and wildflowers.
164. The Parish encompasses a number of UK Biodiversity Action Plan (BAP) priority habitats, listed as priorities for conservation action under the UK BAP. These deciduous woodland habitats have been identified at Huntington Wood, Big Coppice, adjacent to York Beachwood Grange Caravan Park and along sections of the River Foss.

165. The York Biodiversity Action Plan (BAP)⁹ identifies a list of priority habitats based on those that are most at risk and requiring conservation action in the local area. Priority habitats present in Huntington include unimproved neutral grassland, flood meadow as well as wet grassland and ponds. Other habitats considered important in the York context and present in the Parish are woodlands and species-rich hedgerows.
166. These habitats support a wide variety of plant life and wildlife. Data for species records within Huntington Parish demonstrate the importance of local ponds (notably at/in proximity to Monks Cross) in supporting species such as the Common Toad, Smooth Newt and Great Crested Newt and European Water Vole.
167. BAP Priority species that occur in Huntington include bats, white-clawed crayfish, great crested newts and the water vole.

SITES OF IMPORTANCE FOR NATURE CONSERVATION (SINCS)

168. There were 3 sites in the Parish designated in 2010 by the City of York Council as Sites of Nature Conservation (SINCS)¹⁰; Huntington (A64) Field, North Lane Meadow and New Lane Meadows. SINCS are non-statutory designations within the Local Authority's responsibilities and they are protected by local and national policy. A review of the SINCS in 2017¹¹ ratified Huntington (A64) field as a SINC:
 - Huntington (A64) Field is an example of a species-rich old meadow habitat, and one that is threatened nationally due to intensive farming practices and urban development.

SITES OF LOCAL INTEREST

169. Two sites within the Parish, while they may not fulfil the criteria for designation as a SINC, are "of substantive interest" for wildlife. The sites identified in Table 5 and Map 4 have been recognised in the SINC review (2017) as candidate SINC status. Candidate sites are treated as extant SINCS until such a time as they can be surveyed and assessed against the site selection guidelines and are therefore afforded the same weight in local policy as a fully ratified SINC.
170. These candidate SINC sites have not been included in the Publication draft Local Plan on the basis that their identification has fallen outside of the formal North Yorkshire and York SINC system and, therefore, not subject to the same level of scrutiny.
171. The Plan seeks to highlight the special importance of these two sites which make a positive contribution to biodiversity due to the presence of priority habitats and/or

⁹ https://www.york.gov.uk/downloads/file/15320/local_biodiversity_action_plan_lbap_2017

¹⁰

<http://democracy.york.gov.uk/documents/s46232/Bio%20Audit%20Review%202010%20with%20appendices%203%20-%20online%20only.pdf>

¹¹

https://www.york.gov.uk/downloads/file/15319/sites_of_importance_for_nature_conservation_sinc_review_2017

their current or potential role in strategic networks of habitats. Proposals, should take account of the wildlife significance of SINCS listed below and ensure that the impact of any development of them is carefully controlled, proportionate to its biodiversity value. Development proposals should take where possible should protect these sites and incorporate them into developments.

Table 5: Sites of Local Interest

Site	Feature
North Lane Meadow	Grassland
New Lane Meadows	Grassland

DIAMOND JUBILEE WOOD

172. In addition to the sites identified above, through the development of the Plan, another site has been identified, which the community considers being of nature conservation value and is worthy of protection and recognition. This is Diamond Jubilee Wood in the north of the Parish, which has been the subject of significant tree planting and other actions that have enhanced its nature conservation, biodiversity and other value. It is understood that the City of York Council is to review the present list of Sites of Local Interest. The Plan actively



POLICY H17 BIODIVERSITY

In order to protect and where possible, provide net gains in biodiversity, development proposals will be expected to:

- a) Maintain and enhance existing ecological corridors and landscape features (such as species rich grassland, watercourses, ponds, woodland and species-rich hedgerows) for biodiversity wherever appropriate and demonstrate how any adverse impact will be managed or mitigated. These measures should be targeted to benefit local conservation priorities as identified in the York Biodiversity Action Plan; and
- b) Incorporate into new developments, features that would lead to net gains in biodiversity including pollinators, bats, birds and mammals. Landscape schemes should use traditionally and locally appropriate species to support and enhance biodiversity.

supports the inclusion of Diamond Jubilee Wood as part of the revised list and the resulting recognition and protection this will afford it.

FLOODING AND WATER MANAGEMENT

173. Flooding is an issue of great concern to residents of Huntington. In recent years, parts of the Parish have suffered some of the worst flooding in its history. This is mainly due to exceptional rainfall but has also highlighted concerns relating to the adequacy of the system in place to deal with water management. Heavy rainfall has overwhelmed this system, causing flooding on numerous occasions.
174. The area is relatively flat, low-lying land surrounded by higher land to the north, east and west. It is crossed by the floodplain of the River Foss, which runs along the western and sections of the eastern boundary of the Parish (Flood Zone 2 and 3). This is exacerbated by the fact that the area is characterised by clay soil, which results in poor soil drainage by holding water into the soil and the general area.
175. It is predicted that climate change has and will continue to contribute to an increase in the intensity and frequency of floods. The need to ensure that proper controls are in place to eliminate flood risk is a top priority of the community and the Plan. This was highlighted in the community questionnaire, for example, where land drainage was highlighted as the most popular additional provision, with over 80% of respondents considering that there should be further action.
176. The Parish Council has been actively involved in resolving flooding issues with the City of York Council and others to address the problem of flooding, or at least to prevent it worsening.
177. A key element of this is to ensure that new development does not escalate the severe problems being experienced, as any additional development has the potential to exacerbate these.
178. New developments especially large ones, should consider how they can contribute to minimising and managing the risk of flooding both on and off-site.
179. More broadly, managing and enhancing the River Foss and important wetland habitats may also provide the opportunity to increase the landscapes ability to naturally and sustainably manage flood risk. Natural solutions from ecosystems, such as using reed beds for sustainable drainage systems and restoring wetland habitat within the river corridor can play a highly significant role by enabling land to hold back water at peak flood times and storing excess water.

180. The City of York Council Strategic Flood Risk Assessment (2013) assessed the different levels of flood risk in the York Unitary Authority area. This document should be referred to in planning applications to ensure that flood risk issues are taken into account in a sustainable manner.

POLICY H18 FLOODING AND WATER MANAGEMENT

Development should not increase the risk of flooding and/or exacerbate existing drainage problems.

Development proposals must consider their impact on surface water management and, where required by the City of York Council, demonstrate that they have a surface water management plan, which shows that the risk of flooding both on and off site is minimised and managed. The management of surface water run-off from new development should incorporate sustainable drainage techniques and should be designed to deliver wildlife benefits, where possible.

Development proposals should protect existing watercourses and wetlands. The creation, extension and linking of wetland habitats to enhance the storage capacity of the landscape and reducing downstream flooding will be supported.

4.7 TRANSPORT AND GETTING AROUND

181. The consultation showed that the general view was that transport and accessibility need improving. 72% of people responding to the community questionnaire stated that it needs significant improvement or some improvement.
182. While strategically the Parish is well located for access to the national road and rail networks, connections to these networks are poor. Local roads are congested, especially at peak times, and public transport provision is limited.
183. Residents are also concerned that new housing and other forms of development will inevitably increase traffic and transport issues.
184. There are some more localised issues, especially in respect of on-street parking and road safety, which are major issues in parts of the Parish.
185. The car provides the principal mode of transport for residents. According to the 2011 Census, 82% of households have 1 or more car, a rate which is above the City and national averages (both 74%).

TRAFFIC MANAGEMENT

186. Traffic is, inevitably, a major public concern given the convenient location of the Parish to the main road network, the relatively high levels of car ownership and the heavily trafficked A1237 which runs through the Parish.
187. Action to improve traffic management was a major theme of many respondents consulted on the Plan. Parts of Huntington already experience highway and pedestrian safety problems due to the volume of traffic that passes through it.
188. There is concern that the proposed significant expansion of the Vangarde/Monks Cross Shopping Park (including the community sports stadium) and the proposed major housing development at Land North of Monks Cross) individually and cumulatively will severely increase the levels of vehicle traffic in the Parish and worsen an already challenging issue. It is accepted that this traffic cannot be prevented from travelling through the Parish. However, there is concern that such traffic could result in what would commonly be viewed as 'rat running', bringing with it the problems of speeding as well as increased volumes of traffic on what are small roads.



POLICY H19 TRANSPORT AND TRAFFIC MANAGEMENT

The provision of Traffic management solutions to address the impacts of traffic arising from the expansion of the Vangarde/Monks Cross Shopping Park and development of land north of Monks Cross including the widening and dualling of the York Outer Ring Road (YORR), will be strongly supported.

CAR PARKING

- 189. Action to improve car parking was identified as a high priority by many residents. It is especially an issue for residents in some of the more older parts of the Parish, which were designed without or with limited off-road parking provision. This lack of off-road provision is often worsened by the narrow width of some of the roads such as in the Royal Forest Estate.
- 190. This absence of satisfactory car parking provision adds to traffic congestion and has a negative impact on highway and pedestrian safety, and generally detracts from the quality of life and character of the area.
- 191. There is concern that new development will increase pressure on off road parking spaces and may worsen an already unsatisfactory position.
- 192. The City of York Council has developed important guidelines on transport infrastructure



needs, including any car parking provision sought as part of a development proposal. The Plan supports this guidance. Also, it urges the application of the highest levels for car parking provision as set out in the guidelines, especially in those parts of the Parish where the lack of car parking spaces is having the greatest negative impact on the character and quality of life of an area.

193. Furthermore, the Plan seeks to conserve existing parking provision from other forms of development unless there are strong grounds to justify its loss.

POLICY H20 CAR PARKING

Development proposals should incorporate sufficient, safe and convenient car parking provision in accordance with agreed City of York Council standards. This provision be at the highest level of standards wherever possible and practical.

Development proposals that result in the loss of car parking provision will only be supported where (i) it can be shown that the loss of parking will not have a severe adverse effect on parking provision and road and safety in the nearby area; or (ii) adequate and convenient replacement car parking provision can be provided.

WALKING AND CYCLING

194. Cycling and walking provide great potential to promote physical activity and reduce reliance on the car for trips. Huntington is relatively flat and compact and has some footpaths and cycleways. Walking and cycling are popular activities. At 9%, the proportion of people who state that they cycle to work is above the City of York (8%) average, and well above the national average (2%), for example.

POLICY H21 WALKING AND CYCLING

Having regard to its scale and location, development proposals should seek to incorporate improvements to the network of footpaths and cycleways into their proposal or may be required to contribute to such improvements through a planning obligation. Priority should be given to those that create or improve links between the main residential areas and (i) key local services such as shops and schools (including the Vangarde/Monks Cross Shopping Park; (ii) the existing network and (iii) the proposed housing development at Land North of Monks Cross.

4.8 DEVELOPER CONTRIBUTIONS

195. Development can bring significant benefits to the local community, including new homes and jobs. It can also have a negative impact, for example, where additional demand is placed on facilities and services, which are already at or near capacity. Planning obligations (often as Section 106 agreements) may in some circumstances be used to secure infrastructure or funding from a developer. For example, a planning obligation might be used to secure a financial contribution towards improving existing recreational facilities or affordable housing. However, there are strict regulations governing the circumstances in which planning obligations can be sought and how it can be spent. A new system is also being introduced to be used alongside the use of Section 106 agreements. This is known as the Community Infrastructure Levy (CIL) and is set at 25% in areas where there is a neighbourhood plan. At this time, the City of York Council is considering whether to introduce CIL in conjunction with Section 106 agreements.
196. Through the preparation of the Plan, the Parish Council, in conjunction with the community and other stakeholders, has identified a small number of priority areas they wish to secure funding for (either in whole or in part) through the use of planning obligations.

POLICY H22 DEVELOPER CONTRIBUTIONS

Contributions towards those community facilities identified below as priorities by the Parish Council will be sought through planning obligations wherever possible and appropriate:

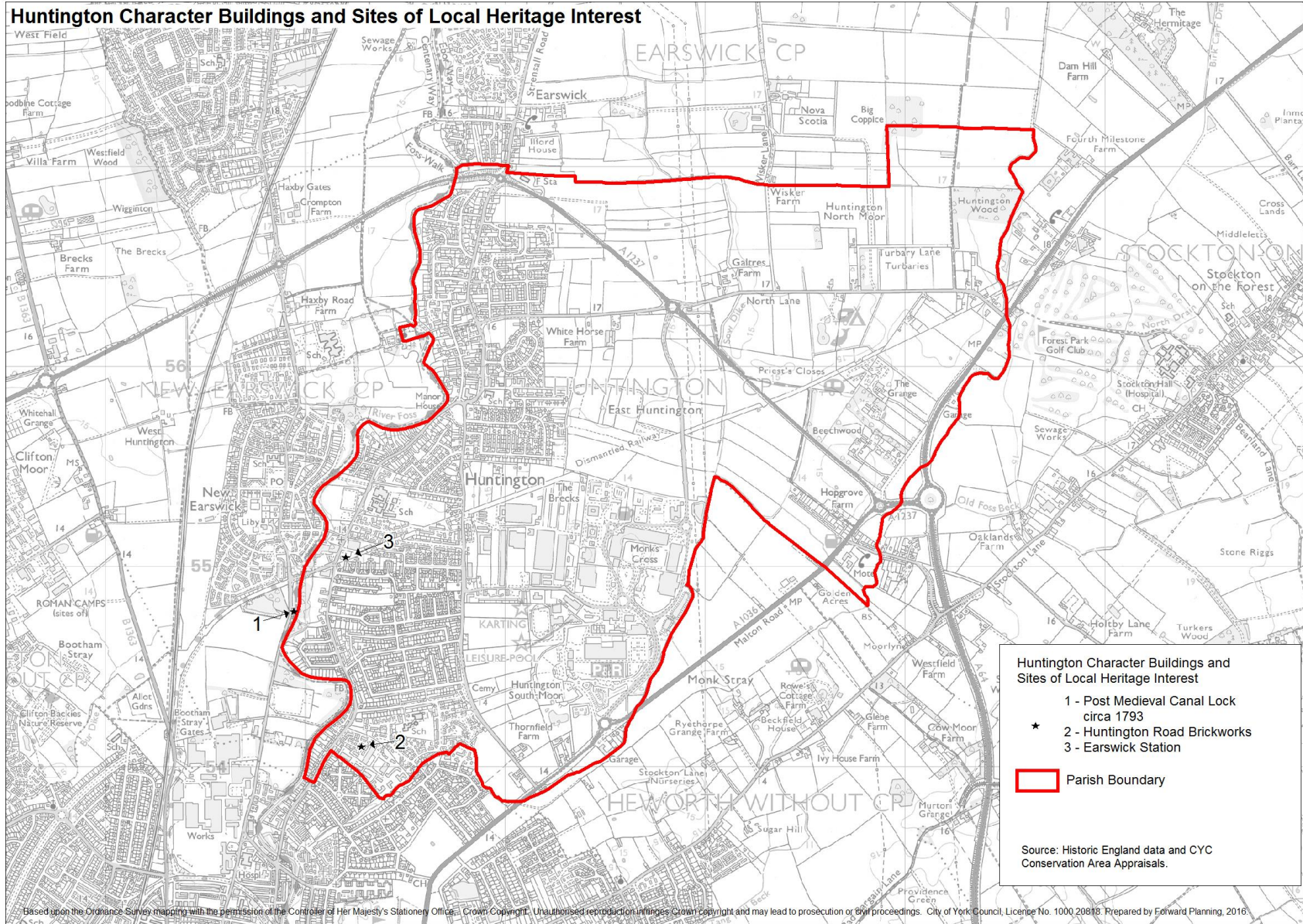
- **Improvements to open space, sport, community and recreation facilities;**
- **Improvements to community infrastructure including medical facilities; and**
- **Traffic management and pedestrian enhancement in the village of Huntingdon.**

Developers are encouraged to engage with the Parish Council prior to the preparation of any planning application to confirm these local priorities, ensuring that, where appropriate and viable, the facilities proposed to complement any development proposals reflect these priorities.

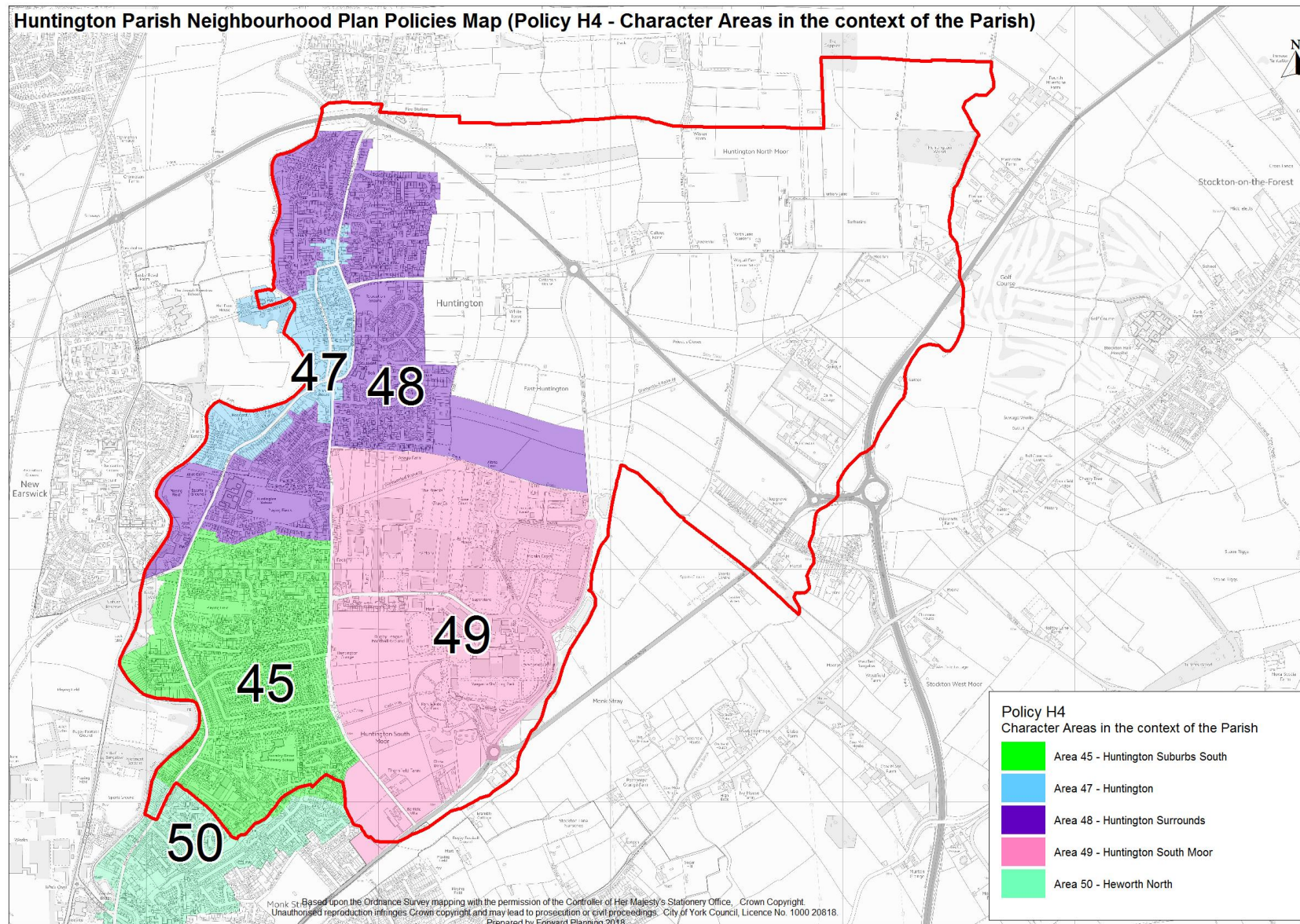
5. MONITORING AND REVIEW

197. It is anticipated that the Neighbourhood Plan will be in place for a period of 16 years. During this time, the circumstances which the Plan seeks to address may change.
198. The Neighbourhood Plan will be monitored by the Parish Council in conjunction with the City of York Council on at least an annual basis. The policies and measures contained in the Plan will form the core of the monitoring activity, but other data collected and reported at the Parish level relevant to the delivery of the Plan will also be included.
199. The Parish Council proposes to formally review the Plan on a five-year cycle or to coincide with the review of the City of York Local Plan if this cycle is different.

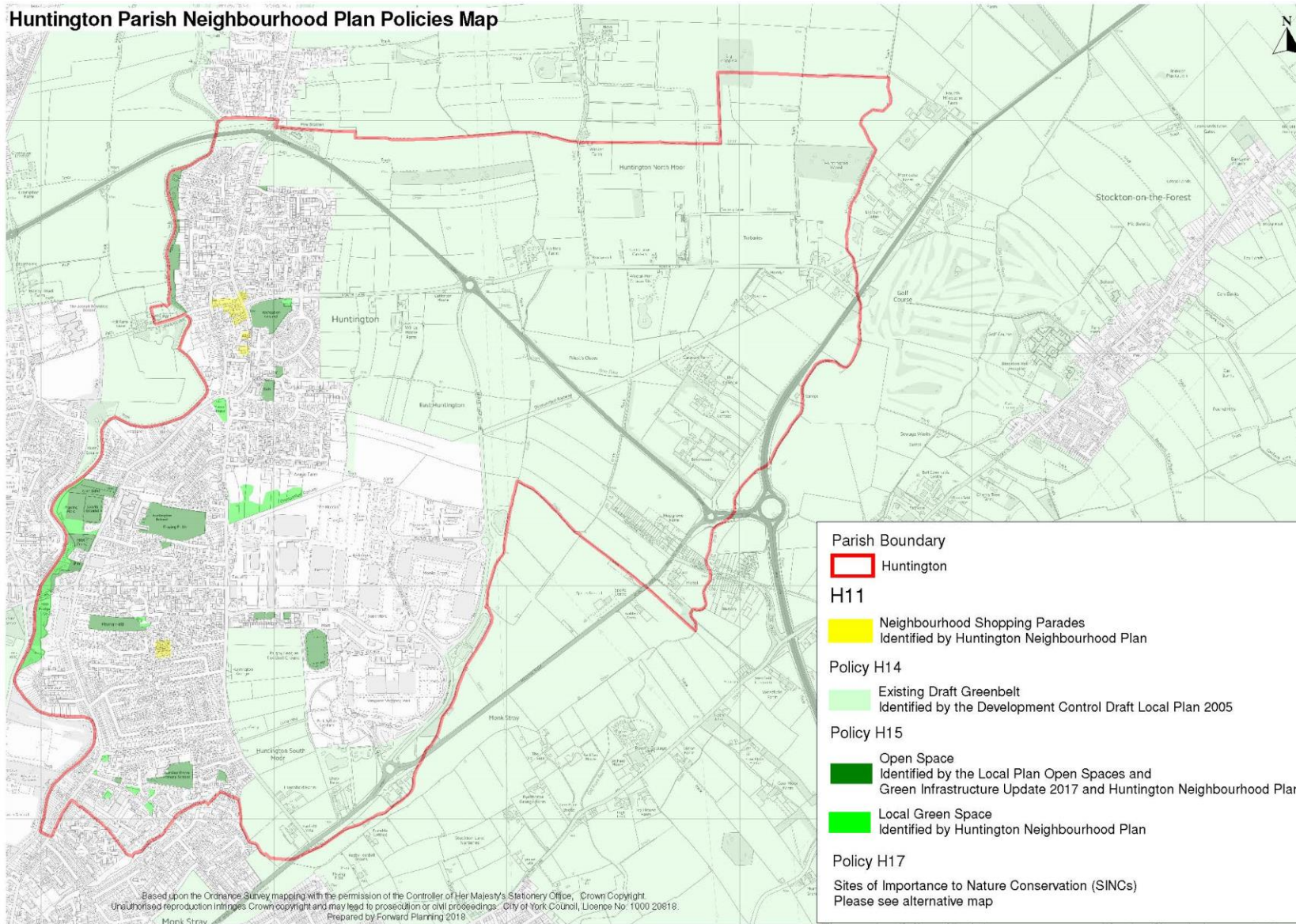
Map 1

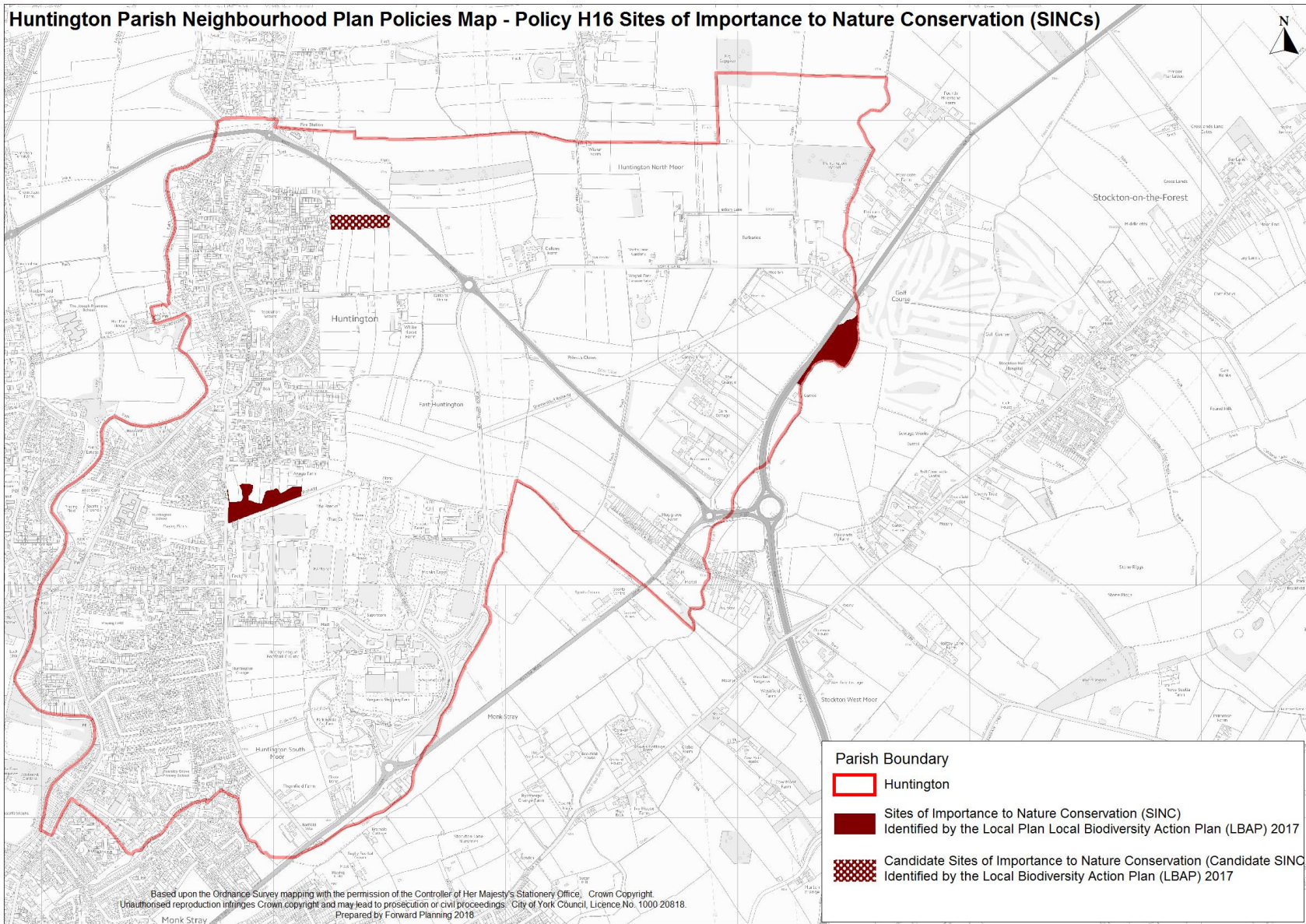


Map 2



Map 3







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

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

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

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

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

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

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

Please complete all items (and expand if necessary).

Introduction

Service submitting the proposal:	Forward Planning
Name of person completing the assessment:	Anna Pawson
Job title:	Development Officer
Directorate:	Economy and Place
Date Completed:	02/03/2021
Date Approved: form to be checked by service manager	

Part 1

Section 1: What is the proposal?

1.1	Name of the service, project, programme, policy or strategy being assessed?
	Huntington Neighbourhood Plan - Examiner's Report

1.2	What are the main aims of the proposal?
	Huntington Neighbourhood Plan's main aim to to sustain and where possible enhance what is best about Huntington Parish today: it's green spaces, landscape, history, sense of community, while ensuring that it plans for the future to ensure the continuing health, happiness and well-being of all its residents. The main purpose of the report is to request that Members agree the recommendations of the Examiner and the additional proposed officer recommendations pertaining to Green Belt and allow the Huntington Neighbourhood Plan to proceed to referendum.

1.3	What are the key outcomes?
	To ensure that the Huntington Neighbourhood Plan can be progressed.

Section 2: Evidence

	<p>What data / evidence is available to understand the likely impacts of the proposal? (e.g. hate crime figures, obesity levels, recycling statistics)</p>
<p>2.1</p>	<p>The Neighbourhood Plan uses the Local Plan evidence base to support its policies.</p>

	<p>What public / stakeholder consultation has been used to support this proposal?</p>
<p>2.2</p>	<p>Previous consultation responses received in relation to the Pre-Submission Consultation: 29th January to 23rd March 2018, the Submission consultation: 7th October to 18th November 2019 and the Regulation 17(A)(2) consultation: 3rd December 2020 to 28th January 2021 have shaped policy formation.</p>

	<p>Are there any other initiatives that may produce a combined impact with this proposal? (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)</p>
<p>2.3</p>	<p>The Neighbourhood Plan has been developed alongside an emerging City of York Local Plan. The residents, businesses and people with a land interest in the Huntington area will also be consulted on as part of the Local Plan process.</p>

Part 1

Section 3: Impact on One Planet principles

This section relates to the impact of your proposal on the One Planet principles.

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

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

Equity and Local Economy

Does your proposal?	Impact	What are the impacts and how do you know?
3.1 Impact positively on the business community in York?	Positive	Several policies in the Huntington Neighbourhood Plan impact positively including: Policy H6 (Business and Employment), Policy H10 (Vanguard/Monks Cross Shopping Park) Policy H11 (Brockfield Park and North Moor Road Neighbourhood Shopping Parades), Policy H12 (Other Shops) which support the retention of existing business land / buildings and support the existing role and function of retail centres.
3.2 Provide additional employment or training opportunities in the city?	Positive	Several policies in the Huntington Neighbourhood Plan impact positively including: Policy H6 (Business and Employment), Policy H10 (Vanguard/Monks Cross Shopping Park) Policy H11 (Brockfield Park and North Moor Road Neighbourhood Shopping Parades), Policy H12 (Other Shops) which support the retention of existing business land / buildings and support the existing role and function of retail centres.
3.3 Help individuals from disadvantaged backgrounds or underrepresented groups to improve their skills?	Neutral	There are no specific policies relating to individuals from disadvantaged backgrounds.

Health & Happiness

Does your proposal?	Impact	What are the impacts and how do you know?
3.4 Improve the physical health or emotional wellbeing of staff or residents?	Positive	The Neighbourhood Plan includes policies to protect local green spaces (Policy H15), to protect the River Foss (Policy H16) to protect and enhance biodiversity (Policy H17), to protect development from flooding (Policy H18), to improve walking and cycling routes (Policy H21) for everyone who lives and works in the Parish.
3.5 Help reduce health inequalities?	Positive	The Neighbourhood Plan includes policies to protect local green spaces (Policy H15), to protect the River Foss (Policy H16) to protect and enhance biodiversity (Policy H17), to protect development from flooding (Policy H18), to improve walking and cycling routes (Policy H21) for everyone who lives and works in the Parish.
3.6 Encourage residents to be more responsible for their own health?	Positive	The Neighbourhood Plan includes policies to protect local green spaces (Policy H15), to protect the River Foss (Policy H16) to protect and enhance biodiversity (Policy H17), to protect development from flooding (Policy H18), to improve walking and cycling routes (Policy H21) for everyone who lives and works in the Parish.
3.7 Reduce crime or fear of crime?	Neutral	There are no policies which specifically relate to crime.
3.8 Help to give children and young people a good start in life?	Positive	The Neighbourhood Plan includes a policy to deliver any necessary new school provision and new childrens play areas in relation to proposed new developments (Policy H1). Policy H15 also protects Local Green Spaces.

Culture & Community

Does your proposal?	Impact	What are the impacts and how do you know?
3.9 Help improve community cohesion?	Positive	The production of a Neighbourhood Plan should help improve community cohesion by bringing people together with a shared goal of improving their neighbourhood.
3.10 Improve access to services for residents, especially those most in need?	Positive	The Neighbourhood Plan includes policies which include opportunities that exist for new development proposals to incorporate improvements to the network of footpaths and cycleways into their designs (Policy H21) and enhancements to transport and highways (Policy H19).
3.11 Improve the cultural offerings of York?	Positive	There is a policy relating to character buildings and sites of local heritage interest which seeks to protect and preserve the historic character and features of Huntington.
3.12 Encourage residents to be more socially responsible?	Positive	There is a policy in the Huntington Neighbourhood Plan relating to supporting and retaining assets of community value.

Zero Carbon and Sustainable Water

Does your proposal?	Impact	What are the impacts and how do you know?
3.13 Minimise the amount of energy we use, or reduce the amount of energy we will use/pay for in the future?	Positive	There is a policy in the Neighbourhood Plan which relates to meeting housing need (policy H1) this policy seeks to create development of the highest quality design and create highly energy efficient properties with appropriate low carbon technologies.

3.14	Minimise the amount of water we use or reduce the amount of water we will use/pay for in the future?	Positive	There is a policy in the Neighbourhood Plan which relates to meeting housing need (policy H1) this policy requires appropriately designed, constructed and maintained sustainable drainage systems to manage surface water.
3.15	Provide opportunities to generate energy from renewable/low carbon technologies?	Positive	There is a policy in the Neighbourhood Plan which relates to meeting housing need (policy H1) this policy seeks to create development of the highest quality design and create highly energy efficient properties with appropriate low carbon technologies.

Zero Waste

Does your proposal?		Impact	What are the impacts and how do you know?
3.16	Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?	Neutral	No specific reference.

Sustainable Transport

Does your proposal?		Impact	What are the impacts and how do you know?
3.17	Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?	Mixed	The Neighbourhood Plan includes a policy which include opportunities that exist for new development proposals to incorporate improvements to the network of footpaths and cycleways into their designs (Policy H21).
3.18	Help improve the quality of the air we breathe?	Mixed	The Neighbourhood Plan includes a policy which include opportunities that exist for new development proposals to incorporate improvements to the network of footpaths and cycleways into their designs (Policy H21).

Sustainable Materials

Does your proposal?		Impact	What are the impacts and how do you know?
3.19	Minimise the environmental impact of the goods and services used?	Neutral	No specific reference

Local and Sustainable Food

Does your proposal?		Impact	What are the impacts and how do you know?
3.20	Maximise opportunities to support local and sustainable food initiatives?	Neutral	No specific reference

Land Use and Wildlife

Does your proposal?		Impact	What are the impacts and how do you know?
3.21	Maximise opportunities to conserve or enhance the natural environment?	Positive	The Neighbourhood Plan includes policies to protect local green spaces (Policy H15), to protect the River Foss (Policy H16) to protect and enhance biodiversity (Policy H17).
3.22	Improve the quality of the built environment?	Positive	There is a policy in the Neighbourhood Plan which relates to meeting housing need (policy H1) this policy seeks to create development of the highest quality design and create highly energy efficient properties with appropriate low carbon technologies.
3.23	Preserve the character and setting of the historic city of York?	Positive	The Neighbourhood Plan includes a policy on the Green Belt and recognises the important role the Green Belt plays in determining the setting, character and identity of the village of Huntington and wider area.
3.24	Enable residents to enjoy public spaces?	Positive	The Neighbourhood Plan includes policies to protect and enhance community facilities across the Huntington Parish (Policies H7 and H8), protect local green spaces (Policy H15) and to protect the River Foss (Policy H16).

3.25	Additional space to comment on the impacts		

Part 1

Section 4: Impact on Equalities and Human Rights

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

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

Equalities
Will the proposal **adversely impact** upon 'communities of identity'?
Will it **help advance equality** or **foster good relations** between people in 'communities of identity'?

	Impact	What are the impacts and how do you know?	Relevant quality of life indicators	
4.1	Age	Neutral	None deemed likely	N/A
4.2	Disability	Neutral	None deemed likely	N/A
4.3	Gender	Neutral	None deemed likely	N/A
4.4	Gender Reassignment	Neutral	None deemed likely	N/A
4.5	Marriage and civil partnership	Neutral	None deemed likely	N/A
4.6	Pregnancy and maternity	Neutral	None deemed likely	N/A
4.7	Race	Neutral	None deemed likely	N/A
4.8	Religion or belief	Neutral	None deemed likely	N/A
4.9	Sexual orientation	Neutral	None deemed likely	N/A
4.10	Carer	Neutral	None deemed likely	N/A
4.11	Lowest income groups	Neutral	None deemed likely	N/A
4.12	Veterans, Armed forces community	Neutral	None deemed likely	N/A

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

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

4.18	Right not to be subject to discrimination	neutral	None deemed likely
4.19	Other Rights	neutral	None deemed likely

4.20	Additional space to comment on the impacts		

Part 1

Section 5: Developing Understanding

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

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

Taking into consideration your responses about <u>all of the impacts</u> of the project in its <u>current form</u>, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?	
5.1	Given the wide range of policy areas covered by the Neighbourhood Plan and its over all vision which responds to the issues, opportunities and challenges facing the area it is considered that the plan will have a positive impact overall on creating a fair, healthy, sustainable and resilient neighbourhood.

What could be changed to improve the impact of the proposal on the <u>One Planet principles</u>? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)	
5.2	No improvements considered necessary.

What could be changed to improve the impact of the proposal on <u>equalities and human rights</u>? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)	
5.3	No mixed or negative impacts on equality and human rights are considered likely.

Section 6: Planning for Improvement

What further evidence or consultation is needed to fully understand its impact? (e.g. consultation with specific communities of identity, additional data)	
6.1	The community has been widely consulted on the content of the Plan. Members are being asked to agree the Examiner's recommendations and the additional Green Belt modifications which include progressing the Plan to referendum. Therefore, the community will have the final say when they vote in the referendum whether or not to agree with the final Plan.

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

	Additional space to comment on the impacts
6.3	

Part 2

Section 1: Improvements

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

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

For the areas in the 'One Planet' and 'Equalities' sections, where you were unsure of the potential impact, what have you done to clarify your understanding?

1.1
 Given the wide ranging policy areas covered in the plan and the process taken so far in preparing the plan there are inherent links and good understanding of the one planet principles and equalities.

What changes have you made to your proposal to increase positive impacts?

1.2
 No changes considered necessary.

What changes have you made to your proposal to reduce negative impacts?

1.3
 No negative impacts anticipated.

Taking into consideration everything you know about the proposal in its revised form, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?

Your response to this question must be input under the One Planet Council implications section of the Executive report. Please feel free to supplement this with any additional information gathered in the tool.

1.4
 Given the wide range of policy areas covered by the Neighbourhood Plan and its over all vision which responds to the issues, opportunities and challenges facing the neighbourhood it is considered that the plan will have a positive impact overall on creating a fair, healthy, sustainable and resilient neighbourhood.

Any further comments?

1.5



Executive**18 March 2021**

Report of the Director of Place and Assistant Director Transport, Highways and Environment.

Portfolio of the Executive Member for Environment & Climate Change

Pollinator Strategy**Summary**

1. This report seeks approval of a Pollinator Strategy.

Recommendations

2. The Executive is asked to approve the Strategy.

Reason: To improve suitable habitat within York for pollinators.

Background

3. In July 2019 Council resolved “*to request a paper to Executive setting out the options for a comprehensive Pollinator Action Plan to include consideration of the management of appropriate verges, parks and other open spaces for wildflowers and biodiversity; other possible measures to support pollinators and the options for working collaboratively to develop and implement the plan with other local organisations.*”
4. A draft strategy was developed in late 2019 by the Council’s Ecologist and Countryside Officer with assistance from Public Realm. In August 2020 the Executive referred the draft on to the Climate Change Scrutiny Committee. Informal feedback on the draft strategy has been received and these comments are incorporated.
5. A copy of the draft is attached as Annex 1. It has two parts, part 1 provides context, examples of what can be achieved and links to best

practice and Part 2 sets out aims and objectives to implement the strategy.

The Strategy

6. The Strategy proposes as its vision:

Our (York) local environment will be rich in pollinator friendly habitats, helping support sustainable pollinator populations and making places more attractive for people to live and work in.

7. To implement the strategy the council will

- a) Ensure the needs of pollinators are represented in local plans, policy and guidance;
- b) to protect, increase and enhance the amount of pollinator habitat on council owned or managed land, and help to improve the status of any locally threatened species;
- c) improve our knowledge and understanding of pollinators in our local area;
- d) increase awareness of pollinators and their habitat needs across local residents, businesses and other landowners, and;
- e) work together with partners to deliver these aims.

8. To deliver the strategy a series of Aims have been proposed, against which 'Actions' have been identified these are detailed in Part 2: The aims range from setting high level strategy direction through the Planning Process, to changes in purchasing policy, to working in partnership with others to develop cross city action. Some can be adopted now, others require additional resources and others are likely to be at odds with other land uses.

Examples of existing work to support the strategy

9. In support of the strategy the council is pursuing a range of initiatives to support pollinators which are detailed in the following paragraphs. These initiatives can be incorporated into the strategy.
10. York Community Woodland. A proposed 154 acre site of new amenity green space in Knapton, just outside the York outer ring road, will consist of more than 50,000 trees and include a wildflower meadow. The Council has made £3m available through the Northern

Forest budget to deliver the project, which is being supported by the White Rose Forest. A wildflower meadow will be incorporated into the project and we will be working with the Wildflower Meadow Trust to deliver and maintain this.

11. Ward based wildflower verges. A wide verge near Wheldrake has been selected for a reseeded with a local wildflower seed mix and a new mowing regime. Historically this has had no involvement from the council and is cut by a local farmer. This year care of the verge will be carried out via an informal partnership involving the council, Yorkshire Wildlife Trust, Natural England and a local farmer. The results of which will be seen in early summer 2021.
12. Hull Road Ward are, through their ward budgets, funding the Trust for Conservation Volunteers (TCV) to develop and maintain areas of wild flower verges in the Feld Lane area of the Ward for two years. Working with Public Realm, suitable locations, specification and process were all agreed. This can become a role model open to all wards and guidance on how to develop such sites will be issued by autumn 2021 to assist planning for 2022.
13. Rural verge management. The vast majority of rural highway verges are not cut by the council's contractor (cutting being limited to a continuous 1m swath either side of the A and B roads, selected cycle paths and sightlines and T-junctions on C roads). The contract for this service is due for renewal in 2021 so can incorporate any lessons learned from the test projects detailed below.
14. Highway weed spraying. As part of this year's herbicide treatment of highways (footpaths, kerb lines, back lanes, and snickets) trials of alternative methods of weed control will take place. Glyphosate is currently used, this will be compared with alternative chemical and manual methods. Independent assessment of the alternative methods has been arranged, with the results due in the autumn 2021.
15. As the strategy identifies projects that deliver the pollinator strategy may be at odds with other uses of the land e.g. active recreation, therefore an approach where Wards identify and develop projects with their ward teams is to be encouraged.

Options

16. The Executive have the option to:

- a. Approve the Strategy as drafted.
- b. Suggest further amendments and additions to be developed by officers.

Council Plan

17. This proposal supports and contributes to the following Council Plan priority - A greener and cleaner city.

Implications

- **Financial.** Where the strategy requires a change in other policies there are no financial implications. Where it requires action on the ground this will have to be funded by Wards or 3rd parties otherwise the Public Realm budget and their limited resources will be stretched further. There is no capacity to lead or coordinate city wide projects.

Risk Management

18. In compliance with the Council's risk management strategy, the risks associated with the projects are:

Reputational – failure to adopt and implement a strategy risks reputational damage.

Contact Details

Authors:

Dave Meigh
Operations Manager
Public Realm

Chief Officer Responsible for the report:

James Gilchrist
Assistant Director Transport, Highways and
Environment

Report Date 25/2/21
Approved

Specialist Implications Officer(s) List information for all

None

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

For further information please contact the authors of the report

Background Papers: None

Annexes –

Annex 1 – Draft Strategy

List of Abbreviations Used in this Report:

(TCV) Trust for Conservation Volunteers

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CITY OF YORK POLLINATOR STRATEGY 2020 – 2025

A Commitment from City of York Council

City of York Council (CYC) is committed to helping to conserve the UK's pollinators by ensuring the council will consider the needs of pollinators in the delivery of its duties and work. CYC will seek to protect and increase the amount and quality of pollinator habitat and manage its greenspace to provide greater benefits for pollinators. We will ensure local people are provided with opportunities to make York more pollinator friendly.

Our vision: *Our local environment will be rich in pollinator friendly habitats, helping support sustainable pollinator populations and making places more attractive for people to live and work in.*

Aims: The Council will work to:

- Ensure the needs of pollinators are represented in local plans, policy and guidance;
- Protect, increase and enhance the amount of pollinator habitats on council owned or managed land, and help to improve the status of any locally threatened species;
- Improve our knowledge and understanding of pollinators in our local area;
- Increase awareness of pollinators and their habitat needs across local residents, businesses and other landowners; and
- With partners to deliver these aims.

Background to the Strategy

The Importance of Pollinators

Our native pollinators include bumblebees and other bees (250 species), butterflies and moths, flies, beetles and wasps. In all there are over 4000 species of insect in the UK that carry out pollination of our native wild plants and our food crops. Insect pollination is extremely important to the UK economy, with estimated values of £691 million annually. Without pollinators we would struggle to grow many vegetables and fruits including apples, pears, strawberries, beans and peas.

Pollinators under Threat

Our pollinators are in trouble;

- Half of our 27 bumblebee species are in decline.
- Three of these bumblebee species have already gone extinct.
- Two-thirds of our moths are in long term decline.
- Across Europe 38% of bee and hoverfly species are in decline.
- 71% of our butterflies are in decline.

The most significant factors leading to these declines in pollinator numbers include:

- 1) Habitat loss – The most significant cause of decline is the loss and degradation of habitats which provide food, shelter and nesting sites for pollinators. The loss of wildflower-rich grasslands is one of the most important issues. Over 3 million hectares of these habitats have been lost in England alone since the 1930s, the loss being attributed to more intensive farming and urban/industrial development.
- 2) Pesticides – There is growing evidence that the use of pesticides is having harmful effects on pollinators including honeybees, wild bees and butterflies. Wider effects throughout ecosystems are also of concern and pesticides have been implicated in other declines such as farmland birds and soil organisms. The use of neonicotinoids is of particular concern. These are systemic pesticides which can be applied as a seed dressing (the preferred delivery mechanism) or spray and have a high toxicity to insects.
- 3) Climate Change – long term changes can deprive pollinators of food supplies at times when they need them, increase their exposure to parasites and diseases, or change habitats so that they are no longer suitable. There may be gains as well as losses but a resilient network of good pollinator habitat across the area is needed for them to be able to adapt and take advantage of changes.

What Pollinators Need

Pollinators need many of the things we need – food, shelter and nesting areas.

Food - Pollinators need food (nectar and pollen) throughout the year. Honey bees may be active well into the autumn and other pollinators, including bumblebees, hoverflies and butterflies, can fly and search for food on warm days throughout the winter. Many plants and trees can provide these food resources, including many so called ‘weeds’ such as dandelions and thistles.

In addition to flowers, many pollinators need other food resources to support their different life stages – for example butterfly and moth caterpillars need particular plants to feed on.

Shelter and nesting - Dense vegetation such as tussocky grassland, scrub, mature trees, and piles of wood and stone can provide essential habitat for hibernating pollinators. Many species overwinter as adults including queen bumblebees, and some butterflies and hoverflies, others as eggs, larvae or pupae. Old burrows and dense vegetation are used by bumblebees, with sunny slopes and dry ground used by ground-nesting bees such as mining bees.

National Pollinator Strategy

The Government's National Pollinator Strategy for England (2014) sets out a 10 year plan to help pollinating insects survive and thrive across England. The Strategy outlines actions to support and protect the many pollinating insects which contribute to our food production and the diversity of our environment. It is a shared plan of action which looks to everyone to work together and ensure pollinators' needs are addressed as an integral part of land and habitat management.

In particular the Strategy asks local authorities to take a lead across many of their work areas and duties, including their role in local planning and also as managers of public and amenity spaces, brownfield sites, schools, car parks, roadside verges and roundabouts.

<https://www.gov.uk/government/publications/national-pollinator-strategy-for-bees-and-other-pollinators-in-england>

Pollinators in York - Key principles

This Strategy has been developed to:

- *Raise awareness of the plight of pollinators, to ensure the Council and its local residents, businesses and landowners are provided with information to help us all protect and increase our pollinator populations.*
- *Inform and focus the Council's plan of action to protect pollinators and to protect and improve land and habitat management.*
- Ensure the needs of pollinators are enshrined across the breadth of Council work and to increase awareness of pollinators across our local community.

Working with partners and partners initiatives

Where possible the Council will join forces and participate in other local, regional or national pollinator programmes or projects. More joined up collaborative action for pollinators will help ensure a future for these very important species. Key national initiatives include Buglife's B-Lines programme which aims to create a network of wildflower rich areas across the UK.

Local Biodiversity Action Plan

The City of York Local Biodiversity Action Plan (LBAP) sets out what is special about the biodiversity in York and identifies those plants and animals and where they live that are most at risk in our local area. These are referred to as Priority Species and Priority Habitats. A Priority Species Statement has been produced for Hymenoptera: Aculeata (Wasps and Bees) with an objective to protect and improve the habitat available in York for threatened species of bees and wasps, expanding and linking areas of habitat where possible.

https://www.york.gov.uk/downloads/file/15320/local_biodiversity_action_plan_lbap_2017

York Urban Buzz Project (2015 – 2017)

In 2015 the invertebrate charity Buglife approached City of York Council (CYC) to partner with them for a share of a national grant of more than £1 million from Biffa Award.

The aim of the Urban Buzz project was to improve the quality of the urban environment for pollinators through engaging people in the creation and enhancement of habitats, and raising the profile of pollinators and their importance to the environment.

A full-time officer hosted by CYC was employed and work undertaken on a range of sites termed 'Buzzing Hotspots' across the city area which included creating;

- Bee Banks for nesting,
- Formal beds to increase forage availability,
- Native meadows for forage,
- Shrubs,
- Bee hotels for nesting, and
- Ornamental meadow for forage.

The project targets were all met and surpassed; creating 134 'Buzzing Hotspots', engaging 2,229 people to help create habitat and enhancing 38ha of land.



Glen Mosaic Garden -before and after Urban Buzz work © Chris Ferry

The majority of work was undertaken on sites where there are existing community groups. A hand operated power scythe was purchased through the project for use on sites in York. This equipment facilitates the sensitive management of small-medium sized grassland (annual cutting and removing of arising) that might not otherwise be possible to do within existing grass cutting contracts. This equipment is being hosted by the St Nicks Environment Centre but is readily available for use by all community groups, subject to some basic training, which the council's Environment and Community Officers have received.

<https://www.buglife.org.uk/our-work/pollinator-projects/urban-buzz/urban-buzz-york/>

Strategy Objectives and Actions

Aim 1: To ensure the needs of pollinators are represented in local plans, policy and guidance.

	Objective	Specific Action
1.1	Increase the protection afforded to pollinator habitats and the species they support by ensuring appropriate recognition in local plans and policies where relevant.	Ensure the needs of pollinators are incorporated within the City of York Local Plan Green Infrastructure Strategy and Supplementary Planning Document.
		Update the 'Land Use and Wildlife' section of the CYC One Planet Better Decision Tool to include specific reference to pollinators.
1.2	Recognise and capitalise on opportunities to create pollinator friendly habitats as part of new development.	Raise awareness of and promote the creation of pollinator friendly features with developers through the development management process, in particular pre-application advice, drawing on our own best practice as demonstration examples.
		Ensure the value of Brownfield habitat for pollinators is taken account of in the development management process.

Aim 2: To protect, increase and enhance the amount of pollinator habitat on council owned or managed land, and help to improve the status of any locally threatened species.

	Objective	Specific Action
2.1	Increase the value for pollinators of Sites of Importance for Nature Conservation (SINC) and Local Nature Reserves (LNR)	Ensure the needs of pollinators are taken into account in the management of SINCs and LNRs.
2.2	Increase the value of parks and other greenspace for pollinators.	<i>Implement a proactive management regime including reduced cutting and meadow management in suitable locations. The Council's network of green spaces are used for a variety of roles e.g. picnics, football, running etc and are highly responsive to local resident's needs. Therefore any changes to the management regime needs to take these numerous activities into account and be developed, considered and agreed at a local level.</i>
		Work with local 'Friends of' groups to develop a balanced approach to park management to support a range of uses and wildlife benefits.
		<i>Only use bedding plants that provide forage for a wide variety of pollinating insects</i>
2.3	Reduce the impact of pesticides on pollinators and other wildlife.	Review use of herbicides in grounds maintenance by trialling alternative methods of weed control.
		<i>Cease the use of all neonicotinoids including seed dressings, plants and turf from the supply by end of 2021.</i>

2.4	Make council owned land and buildings more pollinator friendly.	<i>Ensure the pollinator strategy we have developed links together wildflower-rich habitats and is informed by B-lines established across our region and work with other local authorities, land owners and wildlife organisations to enable delivery</i>
		<i>Encourage Ward Teams to work with neighbouring wards and authorities, land owners and wildlife organisations to link and expand B Lines by creating new areas for pollinators.</i>
		Include pollinator friendly habitats as part of new Highways schemes where doing so will create a benefit.
		Establish and maintain a network of 'Bee Hotels, across the parks and open spaces.

Aim 3: To improve our knowledge and understanding of pollinators in our local area.

	Objective	Specific Action
3.1	Increase information on the status of pollinators.	<i>Measure the abundance of pollinator friendly habitat on council-owned or council-managed land</i>
		Encourage local people to support national pollinator monitoring schemes and to submit local records to: the North and East Yorkshire Ecological Data Centre (https://www.neyedc.org.uk/), Big Butterfly Count https://bigbutterflycount.butterfly-conservation.org Great Yorkshire Creature Count https://www.ywt.org.uk/great-yorkshire-creature-count
		Make this document available on the council's website with links to further advice and information available on the council's website.

Other Possibilities Subject to Further Resource:

Aim to increase awareness of pollinators and their habitat needs across local residents, businesses and other landowners.

	Objective	Specific Action
	Increase awareness of pollinators in the local community and within local businesses.	Provide information on pollinator friendly gardening activities to local residents and local allotment holders.
		Create pollinator friendly flower beds in parks and link these to interpretation about pollinators.
		Promote pollinators to Ward Councils to encourage inclusion within their funding priorities. CYC Templates on best practise provided in 2020.

		Encourage local schools to develop wildflower areas in school grounds.
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Annex 1: Useful Sources of Information

Buglife – Get Britain Buzzing: A manifesto for pollinators

<https://www.buglife.org.uk/pollinator-manifesto>

National Pollinator Strategy for England 2014

<https://www.gov.uk/government/publications/national-pollinator-strategy-2014-to-2024-implementation-plan>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/794668/pollinators-strategy-imp-plan.pdf

Buglife B-Lines Pollinator sheets - <https://www.buglife.org.uk/our-work/b-lines/b-lines-guidance/pollinator-leaflets/> and local authority guidance

<https://www.buglife.org.uk/our-work/b-lines/>

Buglife information on Neonicotinoid insecticides

<https://www.buglife.org.uk/campaigns/pesticides/neonicotinoid-insecticides/>

Buglife Urban Buzz information - <https://www.buglife.org.uk/our-work/pollinator-projects/urban-buzz/>

‘Managing Transport Corridors for Pollinators’ and ‘Managing Urban Spaces for Pollinators’ (Buglife)

<https://cdn.buglife.org.uk/2020/04/Transport-Corridors.pdf>

<https://cdn.buglife.org.uk/2019/07/managing-urban-areas-for-pollinators.pdf>

‘Living with Environmental Change: Managing urban areas for insect pollinators. As town and cities continue to grow how can land managers help insect pollinators in urban areas?’

<http://www.nerc.ac.uk/research/partnerships/ride/lwec/ppn/ppn20/>

‘Planning for a healthy environment: good practice guidance for green infrastructure and biodiversity’, TCPA and the Wildlife Trusts, 2012

www.tcpa.org.uk/data/files/TCPA_TWT_GI-Biodiversity-Guide.pdf

Wildlife Trusts

<https://www.wildlifetrusts.org/savingbees>

Status and value of pollinators and pollination - A report to DEFRA

<http://nora.nerc.ac.uk/505259/1/N505259CR.pdf>

Friends of the Earth - Local Authority Bee Guide

<https://friendsoftheearth.uk/nature/developing-pollinator-action-plan>

Bumblebee Conservation – Local Authority Pack

https://bumblebeeconservation.org/images/uploads/Local_authorities_pack_full.pdf



Executive**18 March 2021**

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

York Outer Ring Road Phase 1 Dualling – Resolution in principle to promote a Compulsory Purchase Order and associated Side Roads Order.

Summary

1. In June 2020, Executive approval was given to progress with the procurement and consultation elements of the proposed York Outer Ring Road Phase 1 dualling and junction upgrade scheme (**‘the Scheme’**). This work has been largely completed and this is good news as the Scheme moves into the next phase in 2021. The primary objectives for the coming year are to submit a planning application and acquire land for the proposed scheme, see Annex A.
2. A consultation process with residents and stakeholders held last autumn is currently being evaluated. Over 3,500 comments were received about the proposals. Some of the emerging themes include 79% support (agree/strongly agree) for the scheme proposals but there were also concerns about inadequate facilities at some locations for pedestrians and cyclists. Consequently a separate report will be brought before members in due course to determine the outcome of that process, but in the meantime a resolution is needed to approve the ‘in principle’ preparation of a Compulsory Purchase Order (**‘CPO’**) and associated Side Roads Order (**‘SRO’**). This is necessary to enable the Council to make the necessary preparations in the event that negotiations for land purchase fail.
3. The land acquisition strategy for the Scheme is to purchase as much land as possible by private agreement and avoid or reduce the size of a CPO. The vast majority of land required is strips of agricultural land, there are no individual dwellings needed. The land acquired will be used for the new road, drainage and the orbital pedestrian/cycle route.

4. Acquisition of land is one of the key risks on the Scheme and as such it is important to acquire as much of the required land at an early stage to avoid future delays and increases in costs. A land agent has recently been appointed and discussions to purchase land are now expected imminently.
5. If the discussions to agree acquisition/licences of land are unsuccessful, it is vital to have completed the necessary preparations in readiness to make a CPO. This also serves to demonstrate to land owners that the Council is committed to acquiring the land and proceeding with the Scheme.
6. Preparation and making of a CPO can be a long drawn out process, possibly involving a Public Inquiry, so it is vital to make provisions at an early stage. This work will run in parallel with discussions with land owners who will be given the opportunity to sell land by private agreement without the need for a CPO.
7. This report is therefore asking Executive Members to approve the principle of pursuing a Compulsory Purchase Order and a Side Roads Order (relating to the improvement of highways, the stopping up of highways, the construction of new highways , the stopping up of private means of access to premises and the provision of new means of access to premises in association with the proposals in the CPO) using CPO powers contained in Part XII of the Highways Act 1980 to acquire the land required for the Scheme, and sections 14 and 125 of the Highways Act 1980 in relation to the Side Roads Order. A separate report requesting the endorsement of the making of the CPO and SRO will be brought to Executive in due course. Officers would endeavour to continue negotiations with landowners during the CPO and SRO process.
8. The next steps for the project team will be to contact landowners about the Scheme. They will also be addressing the response to the consultation process which took place in late 2020. This will be undertaken over the next three months and is aimed at addressing the impact of the comments on the design, active travel and planting proposals.

Recommendations

9. The Executive are requested to:

- 1) Note the general progress on the YORR Phase 1 Dualling Scheme.
- 2) Approve the principle of pursuing a CPO using powers contained in Part XII of the Highways Act 1980 to acquire the land required to deliver the YORR Phase 1 Dualling Scheme (A19 Rawcliffe to A1036 Little Hopgrove).

Reason: The Executive are recommended to approve the principle of using CPO powers and officers will continue to prepare the documentation necessary to make the Order. In the meantime negotiations to acquire land will continue but in the event that these do not prove successful officers intend to take a report to a future Executive meeting requesting authority to make the Order.

- 3) Approve the principle of pursuing a Side Roads Order under Sections 14 and 125 of the Highways Act 1980 to carry out works to the highway in association with the proposals for the CPO.
- 4) Delegate authority to the Assistant Director of Transport, Highways and Environment to take all necessary steps to prepare to make the CPO referred to above. This delegation will also include negotiation of easements and temporary rights where freehold ownership is not required e.g. for drainage purposes, or temporary occupation for the construction works. This delegation will also include obtaining the release/extinguishment of, or variation of, any third party rights over affected land (for example a third party might have a right of way over land which needs to be acquired).

Reason: To ensure that the Council is in a position to make the Order as soon as practicable in the event that a final resolution to make the Order is made.

Background

10. The YORR Improvement programme comprises two main elements which have now become a single scheme of delivery. Members will recall that in 2016, a scheme to upgrade seven junctions between Wetherby Road and Monks Cross secured funding through the West

Yorkshire Plus Transport Fund administered by West Yorkshire Combined Authority.

11. Subsequently in late 2019, the Department for Transport (DfT) gave endorsement to a Major Roads Network grant for dualling a 7.5km length of the A1237 between A19 Rawcliffe and A1036 Little Hopgrove. This element has now been merged with the junction upgrades, driven by planning legal reasons, and this was approved by Members at the Executive Meeting in February 2020.
12. Members are reminded that a similar report to this one (requesting resolution to prepare a CPO) was submitted and approved by the Executive for a proposed CPO at the Monks Cross junction in September 2019. That report was specifically targeted at acquiring land around the Monks Cross junction at a time before the dualling grant had been announced.
13. The subsequent work to understand the impact of the dualling grant meant that planning approval had to be secured for the whole of the 7.5km dualling length (including Monks Cross) so the previously proposed CPO was no longer appropriate. This report concerns a single CPO (including Monks Cross) for the 7.5km length from A19 Rawcliffe to A1036 Little Hopgrove to ensure that it will be possible to implement the Scheme.

Progress since the last Executive Report June 2020

14. In June 2020, Executive gave approval for the following areas of work:
 - The procurement strategy.
 - The consultation strategy.
 - Development of landscape principles.
15. Since June the project team have made good progress on all these items. Commissions for ground investigation, detailed design, land referencing, land agent and planning consultant have all been tendered and let. The consultation process took place during September, October and November of 2020. Finally, the landscape strategy document was produced to guide the design principles of the scheme.
16. The project team are now in a position to pursue progress on the next key goals for 2021. These are:

- To submit a planning application and secure planning approval for the Scheme.
- To acquire as much of the required land by private agreement as possible.
- To develop the detailed design and business case for the Scheme.

Public Engagement

17. As stated in paragraph 9 above, the project team developed a consultation process which complied with UK Government's guidelines to cope with the effects of the Covid-19 virus. This took place last autumn 2020 using a combination of telephone conferences, letter drops, media channels, internet and face to face meetings. It appears to be successful having attracted over 3,500 comments and these are now being evaluated.
18. A separate report about the consultation will be brought to the Executive in coming months specifically to address the outcome of this process. The report will cover the concerns raised by the respondents and the suggested modifications to the scheme as presented at consultation. The objective will be to seek agreement on a scheme which would be submitted for a planning application.

Land Acquisition

19. The Land Acquisition Strategy (LAS) for the scheme is to acquire as much land as possible by private agreement. The Council will do this by approaching landowners, through its agents, to acquire the required land. If this is not possible, a CPO will be sought to acquire the necessary land but this is a 'last resort'.
20. A Compulsory Purchase Order should only be made where there is a compelling case in the public interest for making and promoting a CPO, the use of the powers is necessary and proportionate, and the public benefits associated with the proposed scheme will clearly outweigh the interference with the rights of those affected. These matters are referred to below, and will be considered further in detail in a future report to the Executive to seek authority for a CPO to be made. In summary, the key public benefits are as follows:-
 - Strategic Benefits

- Improved cross-country routes
 - Better connectivity to the strategic road network e.g. A1(M)
 - Local Benefits
 - Relieve congestion on the A1237
 - Improve air quality
 - Improve journey time reliability for all traffic including public transport
 - Creation of active travel networks
 - Economic Benefits
 - Provide better access to employment sites
 - Provide capacity for new homes
 - Drive economic growth
21. In submitting the CPO to the Secretary of State for Transport for confirmation the Council must demonstrate that there are no impediments to implementation of the CPO. To do so, the Council must provide substantive information as to the sources of funding available for both acquiring the land and implementing the scheme for which the land is required. In this case, funding for the scheme is available through the West Yorkshire Plus Transport Fund and DfT Major Roads Network improvement grant, see paragraphs 24-26 below.
22. The Council must also show that the Scheme is unlikely to be blocked by any physical or legal impediments to implementation including any need for planning permission or other consent or licence. As stated in paragraph 10 it is proposed that a planning application is submitted for the Scheme in due course and that a planning permission will be in place before any formal steps are taken to make a CPO.
23. Turning to human rights issues, whilst this report only seeks an 'in principle' decision from the Executive that it is prepared to authorise the use of CPO powers to facilitate the scheme, officers would provide the following guidance at this stage on the human rights implications of pursuing CPO action.

24. The MHCLG Guidance on the CPO ('the Guidance') confirms that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. Regard should be had, in particular, to the provisions of Article 1 of the First Protocol to the European Convention on Human Rights (ECHR) (right to the peaceful enjoyment of property) and, in the case of a dwelling, Article 8 of the ECHR (right to respect for private and family life, home and correspondence). In this case no dwellings are to be acquired to deliver the Scheme. Before deciding whether to authorise a CPO, the Executive will need to consider the balance and compatibility between the compulsory powers sought and the rights enshrined in the ECHR and whether there is a compelling case for a CPO in the public interest which means that the acquisition of land to enable the scheme to proceed, brings benefits to the area, which could not be achieved without the use of compulsory purchase powers.
25. Executive should note that approvals have already been given to undertake preparatory work for a possible CPO, including the appointment of external lawyers (Weightmans) and a land referencing exercise identifying all relevant land interests in the site to be occupied by the works is being progressed by Land Referencing Services (LRS).
26. Accordingly, whilst the case for making a CPO will be detailed in a future report, officers are of the view that a compelling case in the public interest for making and promoting a CPO could be made out and the use of the powers could be seen as both necessary and proportionate and the public benefits associated with the proposed works are likely to outweigh the interference with the rights of those affected. So whilst negotiations to acquire the necessary land by agreement are ongoing and will continue, in the event that these do not prove successful officers intend to take a report to a future Executive meeting requesting authority to make the Order.
27. In order to proceed with the efficient preparation, making and serving of the of the CPO and associated SRO, Executive are asked to note that delegated operational and detailed decision making has previously been given to the Assistant Director Transport, Highways and Environment to negotiate the terms of acquisition by private agreement for individual land interests. This delegation also includes negotiation of easements and temporary rights where freehold ownership is not required e.g. for drainage purposes, or temporary occupation for the construction works. This delegation will also include obtaining the release/extinguishment of,

or variation of, any third party rights over affected land (for example a third party might have a right of way over land which needs to be acquired). This delegation also includes acquisition of land up to £250k in any one interest.

Council Plan

28. The Scheme proposals are embedded in the Council Plan 2019-23. The implementation of this programme of highway improvements will be an integral part of the key priorities to “create homes and a world class infrastructure; well paid jobs and an inclusive economy; getting around sustainably; a greener and cleaner city; safe communities and culture for all and an open and effective council”. Improvements to transport infrastructure such as reduced journey times are key drivers for improved productivity and unlocking sites for homes and jobs. This in turn leads to economic growth and the increase in wealth, helping local businesses to thrive.
29. As stated in paragraph 11 above, residents and stakeholders have been consulted about the scheme to ensure that consideration of the potential impact of decisions in relation to health, communities and equalities has been made.

Implications

Financial Implications

30. The estimated cost of the drafting of the CPO (£10k) and the purchase of interests in any land will be funded from the £66m capital allocation for the junction upgrade and dualling scheme funded by West Yorkshire Plus Transport Fund (£33m), Department for Transport (DfT) (£25m) and CYC contribution (£8m).
31. Should the Scheme ultimately not be delivered the land acquisitions would be retained as capital assets.

Human Resources

32. The Major Transport Project Team will be the primary resource for this project. External advisors will be appointed where appropriate to provide additional resource and expertise.

One Planet Council / Equalities

33. The One Planet Council Better Decision Making Tool has identified the following areas which can be explored further during the design and development of the whole YORR improvement programme:

- Greater consideration of renewable materials during construction.
- Consideration about the reduction of crime where subways are proposed.
- Enhanced Landscaping.¹
- Use of Public Art to provide attractive spaces for residents.
- Enhanced Active Travel

¹ Notes on Better Decision Making Tool:

Commitment to a Landscape Strategy and inclusion of additional planted areas (Community Woodland) has now been included in the Scheme.

34. As noted above, a Compulsory Purchase Order should only be made as a last resort where there is a compelling case in the public interest that is considered to outweigh the human rights of the owners and occupiers affected. Together with an Equalities Impact Assessment, that case will need to be set out in a future report to the Executive to inform any decision on taking compulsory purchase action. This process will be informed by engaging with the various parties that fall within the proposed area of land for acquisition.

Legal and Procurement Implications

35. CYC has the necessary powers to acquire land compulsorily for the Scheme. Part XII of the Highways Act 1980 includes a number of CPO powers to support the delivery of highways. These include:

- Section 239 of the 1980 Act pursuant to which the highway authority for the area may acquire land required for the construction of a highway, other than a trunk road, which is to become maintainable at the public expense, as well as any land required for the improvement of a highway.
- Section 240 of the 1980 Act, pursuant to which the highway authority may acquire land required for use in connection with construction or improvement of a highway and the carrying out of a diversion or other works to watercourses
- Section 246 of the 1980 Act pursuant to which the highway authority can acquire land for the purpose of mitigating any adverse effect which the

existence or use of a highway constructed or improved by them has or will have on the surroundings of the highway.

- Section 248 of the 1980 Act pursuant to which the highway authority can acquire land in advance of requirements
- Section 249 of the 1980 Act prescribes distance limits from the highway for the acquisition of land for certain purposes.
- Section 250 of the 1980 Act allows the highway authority to acquire rights over land, both by acquisition of those already in existence, and by the creation of new rights.

36. In the event that the CPO & SRO is required Legal Services will work closely with the external legal advisors to ensure there is continuity between the negotiated agreement process and any CPO process which may be required.

37. Legal Services will also advise and assist the project team in supervising the work of the Scheme lawyers appointed to support the preparation of a CPO and SRO.

Crime and Disorder

38. There are no Crime and Disorder implications.

Information Technology

39. There are no Information Technology implications.

Property

40. Property Services are involved in this project acting as land managers for the council. New pieces of land will be acquired for the scheme, the titles for which will belong to the council. Property Services will also advise and assist the project team in supervising the work of the land agents, valuers and referencers.

Other

41. There are no other known implications

Risk Management

42. In compliance with the council's risk management strategy the main risks that have been identified in this report are those which could lead to financial loss, damage to the council's image and reputation and failure to meet stakeholders' expectations. Measured in terms of impact and likelihood, the land acquisition risk has been assessed at 21. This is classed as Major/Highly Probable and is the most significant live issue on the project. Other risks have been assessed at 14 or below. At this point the risks will be monitored and managed. A risk allowance has been estimated and is included within the current cost plan for the project. The top two risks currently affecting this project are:

- a. Risks associated with land acquisition. As described above, there is a high risk that some landowners may potentially be unwilling to sell land to the council by private agreement, or in a timely manner. This presents a programme risk potentially prolonging the time to complete the project, increase costs or lose the secured funding. In order to mitigate this risk, preparation of a CPO in parallel to land negotiation is being progressed as described in this report.
- b. Risks associated with utility diversions being more complex than anticipated. These could lead to programme delays and have a cost implication. Early meetings with utility companies are planned to mitigate these risks.

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Report **Date** 25 February 2021
Approved

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

Rawcliffe & Clifton Without, Rural West York, Haxby & Wigginton;
Huntington & New Earswick, and Strensall.

For further information please contact the author of the report

Background Papers:

Executive Report 13th July 2017 2020 – Proposed York Outer Ring Road
Improvement – Approach to Delivery.

Decision Session Transport & Planning 15th March 2018 – YORR Improvements – Proposed A1237/B1224 Wetherby Road Junction Upgrade.

Decision Session Transport & Planning 13th September 2018 – YORR – Proposed A1237 Monks Cross Junction Upgrade.

Decision Session Transport 29th August 2019 – YORR – Proposed A1237 Clifton Moor Junction Upgrade.

Executive Report 26th September 2019 – YORR Update.

Executive Report 13th February 2020 - York Outer Ring Road (YORR) Improvements – Proposed Phase 1 Dualling from A19 Rawcliffe to A64 Hopgrove.

Executive Report 25th June 2020 - YORR Phase 1 Dualling - Procurement Strategy, Approach to Public Engagement and Landscaping.

List of Abbreviations Used in this Report

WYCA – West Yorkshire Combined Authority

YORR – York Outer Ring Road

CYC – City of York Council

WY+TF – West Yorkshire Plus Transport Fund

DfT – Department for Transport

MRN – Major Roads Network

CPO – Compulsory Purchase Order

MHCLG – Ministry of Housing, Communities & Local Government

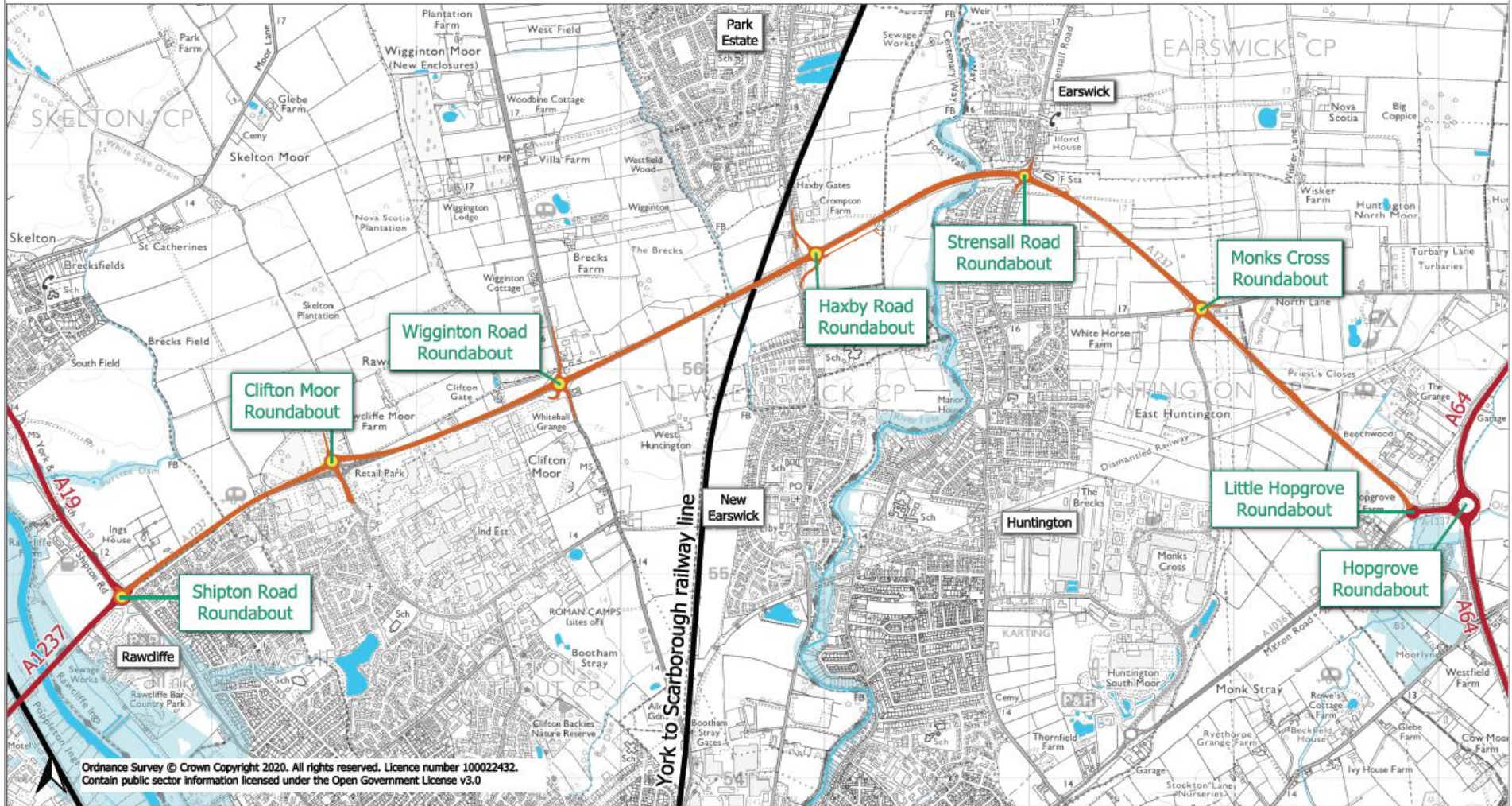
YORR – York Outer Ring Road

List of Annexes

Annex A Proposed YORR Dualling Scheme (A19 Rawcliffe to A1036 Little Hopgrove).

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York Outer Ring Road – Dual Carriageway



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Executive**18 March 2021**

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

Joint Waste Management Agreement**Summary**

1. The City Council (CYC) entered into a Joint Waste Management agreement (JWMA) with North Yorkshire County Council (NYCC) in December 2010. This report seeks approval to update that arrangement with the Shared Waste Management Services Agreement attached as appendix A to deliver a shared service across CYC and NYCC.

Recommendations

2. The Executive is asked:
 - 1) To agree to the entering into the Shared Waste Management Services Agreement as contained with Appendix A and to delegate to the Director of Transport, Highways and Environment (in consultation with the Director of Governance or her delegated officers) the authority to take such steps as are necessary to complete the agreement

Reason: To develop a shared waste management service across CYC and NYCC for the management and disposal of waste (Excluding collection services).

- 2) To note the additional cost of the Shared Waste Management Agreement and that this will be met from existing budgets.

Reason: So that CYC pays its fair share of the shared service.

Background

3. CYC entered into a Joint Waste Management Agreement with NYCC in December 2010 which supported NYCC in entering into a contract with

Amey Cespa for the provision of a long term waste management service at Allerton Waste Recovery Plant (AWRP). In October 2014 Full Council approved to proceed to Financial Close for the Long Term Waste Management Service.

4. The contract for the Long Term Waste Management service (AWRP Contract) is between NYCC and Amey Cespa. The JWMA flows down certain obligations of the AWRP Contract to CYC and sets out payment provisions and governance. The overall costs to the authorities for the Long Term Waste Management service totalled over £34m in 2018/19 and therefore is a significant contract to the partners.
5. CYC pays a contribution to NYCC for the contract management for the work undertaken in managing the AWRP Contract.
6. Separately CYC and NYCC have each entered into Services Agreement with Yorwaste for the provision of Waste Management Services including the bulking and transport of waste to AWRP as well as the management of the council's Household Waste and Transfer Stations (Yorwaste Contract).

Current Management Arrangements

7. As stated above the AWRP Contract with Amey Cespa is managed by NYCC led by the Assistant Director for Waste and Countryside Services. There are a number of boards and joint meetings that are arranged in order to manage the contracts between the parties including

Meeting	Attendees	Frequency	Key Purpose
AWRP Project Board	NYCC Director and support / CYC Assistant Director / Amey / Shareholders	6 Monthly	Commercial / Contractual Issues
AWRP Joint Meeting	NYCC / CYC / Amey	Monthly	Operational Updates
NYCC / CYC	NYCC / CYC	Monthly	Commercial / Finance / Operational

8. These roles and duties within CYC are currently undertaken by a combination of the Assistant Director (Transport Highways and Environment) Head of Waste Services, Finance Manager, and Members of the Waste Strategy Team.
9. In reality the CYC Waste Services Team have been managerially stretched in dealing with improvements to CYC's Waste Collection Service and unable to get heavily involved with the AWRP Contract and liaison with Yorwaste. This has meant much of the joint working has been filled by the Assistant Director with support from Finance and Legal Services.

Drivers for Change

10. It has been acknowledged that the resources required for effective management and supervision of contracts with Amey Cespa and Yorwaste are greater than originally assessed. CYC has been paying a relatively small contribution towards these costs however NYCC has advised that these will need to increase. This is particularly due to CYC's historic contributions not including funding for a proportion of NYCC senior managers who are spending significant amount of time on the AWRP contract and also that CYC have not been paying for any overhead costs.
11. The forthcoming Government review of waste is anticipated to add new obligations on councils in terms of waste collection and recycling. This will likely impact the service at AWRP and closer collaboration with NYCC and the County Districts is anticipated.
12. There are significant linkages between the AWRP Contract and the Yorwaste Contract particularly in relation to bulking and delivering waste from transfer stations and transporting waste to AWRP. Any delays at the transfer station have ongoing financial implications to both councils. There is also a requirement for Yorwaste to source commercial waste from within North Yorkshire to deliver to AWRP in order to maximise the commercial benefit of the AWRP contract rates.

Proposal

13. As have been identified above there are significant synergies between CYC and NYCC in regards its their Waste Disposal services. Officers commenced preliminary discussions in 2019 to explore the benefits of

greater collaboration and whether a shared waste management Service could benefit the two organisations.

14. Following an options appraisal officers from both authorities have concluded that a shared service would be the preferred solution.
15. The Shared Waste Management Service (SWMS) will provide the following functions for the two authorities
 - Contract Management of the AWRP Contract
 - Contract Management of the Yorwaste Contract
 - Client Management of Household Waste Sites
 - Payment of Invoices on behalf of authorities
 - Provision of Management Information including completion of Waste Data Flow
16. The SWMS will be managed by a Head of Service who will jointly report to the Assistant Director Transport Waste and Countryside Services at NYCC and the Assistant Director Transport, Highways and the Environment at CYC. The staff will be employed by North Yorkshire County Council and based at County Hall however will be expected to spend time within CYC and attend officer meetings and Executive / Executive Member / Scrutiny Meetings as required.
17. The SWMS will be governed by the Shared Waste Management Service agreement (SWMS Agreement).
18. It is important to stress that the SWMS Agreement does not change the CYC's ability to determine the service delivered at Household Waste Recycling Centres.
19. The SWMS Agreement does not change CYC's existing 25 year commitment to work with NYCC in a joint way as regards waste disposal through the Allerton Park facility as set out in the original Joint Waste Management Agreement which is incorporated into the SWMS Agreement.
20. CYC retains its obligations regarding tonnages to be delivered to Allerton Park.
21. CYC has greater freedom over non residual waste as this is not part of the existing 25 year agreement.

22. Oversight of the new SWMS Agreement will be through CYC's normal performance reporting mechanism and through the Executive member and scrutiny upon request.

Council Plan

23. Over the period of the Council Plan (2019-2023), the Council will actively seek to nurture strong connections with those who will help to achieve the best for York residents.

Financial Implications

24. The current budget for the Shared Waste Management Service totals £140k and this budget contributes towards the cost of NYCC staff who manage the AWRP Contract with Amey Cespa as well as associated advisor costs primarily Legal and Technical in supporting the contractual relationship. The current breakdown is approximately £85k relating to staffing costs and £55k for advisor costs.
25. The new Shared Waste Management Service will lead to CYC funding £145k staffing costs of the structure which is £60k greater than the current cost but does provide a significantly enhanced service and is more reflective of the value that CYC derives. CYC will continue to fund a share of advisor costs as the contract continues. It is assumed this will remain at similar levels (£55k).
26. There are potential savings as duties transfer to the Shared Waste Management Service and these will be identified through service restructures. It is proposed therefore that this cost can be contained within existing service budgets.

Legal Implications

27. CYC has the power to collaborate with NYCC as set out in the Local Authorities (Goods and Services) Act 1970, s1 of the Localism Act 2011, s93 of the Local Government Act 2003 and s101 and s111 of the Local Government Act 1972.
28. The arrangements contemplated by the SWMS Agreement do not require a procurement process to be carried out as they are in accordance with the provisions of regulation 12(7) of the Public Contracts Regulations 2015 (Regulations) regarding collaboration arrangements between authorities. Regulation 12(7) recognises that the

public procurement rules as set out in the Regulations are not designed to interfere with the freedom of public authorities to perform the public service tasks conferred on them by using their own resources which includes the possibility of cooperation with other public authorities.

29. NYCC and CYC entered into the JWMA in December 2010 which provides for sharing of costs between NYCC and CYC relating to the procurement of the long term service provided by Amey but does not extend to arrangements for formal management of the AWRP Contract.
30. NYCC and CYC also entered into contracts with Yorwaste Limited (a company owned jointly by NYCC and CYC) to provide certain waste management services to both parties.
31. The SWMS Agreement allows the authorities to collaborate in the management of contracted waste disposal services including AWRP but also for other waste disposal authority functions provided through Yorwaste and other third party contractors.

Human Resource Implications

32. Consideration has been given as to whether the potential transfer of responsibility for some tasks from CYC to NYCC is likely to qualify as a business transfer under the Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006. If that was the case, the council would apply and follow the legislation. CYC employees who are assigned to work on any of the tasks that are transferring may be eligible to transfer to NYCC. However, given the current assignment of work across CYC staff, then based on what we know at present it is unlikely that TUPE will apply in respect of the tasks transferred or that redundancies would result.

Information Governance Implications

33. The council's corporate information governance offers assurance to its customers, employees, contractors, partners and other stakeholders that all information, including confidential and personal information, is dealt with in accordance with legislation and regulations and its confidentiality, integrity and availability is appropriately protected. The Council may face financial and reputational risks if it fails to protect the information it processes effectively. For example, the ICO can currently impose significant civil monetary penalties for serious data security breaches. Also the failure to identify and manage information risks may diminish the

council's overall effectiveness and damage its reputation and individual(s) may be at risk of committing criminal offences.

Risk Management

- 34. The proposals contained within the report do not impact upon the Councils ability to change the service residents receive and therefore is considered low risk.
- 35. The Transfer of Undertakings (Protection of Employment) (TUPE) Regulations 2006 apply the risk is thought to be low.

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Background Papers:

None

Annexes

Annex A – Proposed Joint Waste Management Agreement.

DATED _____ **20**

(1) NORTH YORKSHIRE COUNTY COUNCIL

(2) CITY OF YORK COUNCIL

COLLABORATION AGREEMENT

Relating to: Shared Waste Arrangements

DRAFT

CONTENTS

1.	Definitions and Interpretation	28
2.	Commencement and Duration	36
3.	Representatives	37
4.	CYC Obligations	37
5.	NYCC Obligations	37
6.	Mutual Obligations	37
7.	Intellectual Property	3
8.	Insurance	3
9.	Limitation of Liability	4
10.	Termination	4
11.	Consequences of Termination	5
12.	Dispute Resolution	5
13.	Changes	6
14.	Publicity	6
15.	TUPE	6
16.	Assignment and Sub Contracting	6
17.	Rights of Third Parties	6
18.	Notices	7
19.	Waiver	7
20.	No Agency	7
21.	Further Assurance	8
22.	Severance	8
23.	Entire Agreement	8
24.	Counterparts	8
25.	Governing Law and Jurisdiction	8

Annex A

SCHEDULE 1 SERVICES

SCHEDULE 2 PRINCIPLES OF COLLABORATION

ANNEX 1 JOINT WASTE MANAGEMENT AGREEMENT (JWMA)

SCHEDULE 3 COSTS AND SHARING

SCHEDULE 4 TUPE AND STAFF MANAGEMENT

DRAFT

PARTIES

- (1) **NORTH YORKSHIRE COUNTY COUNCIL** of County Hall, Racecourse Lane, Northallerton, North Yorkshire, DL7 8AD ("**NYCC**");
- (2) **CITY OF YORK COUNCIL** of West Offices, Station Rise, York, YO1 6GA ("**CYC**").

BACKGROUND

- (A) Each Party is a Contracting Authority for the purposes of the Public Contracts Regulations 2015 (the "**Regulations**").
- (B) This Agreement describes how the Parties will collaborate in accordance (as applicable) with the Local Authorities (Goods and Services) Act 1970, s1 of the Localism Act 2011, s93 of the Local Government Act 2003 and s101 and s111 of the Local Government Act 1972;
- (C) The Parties aim to benefit from the economies of scale that will be generated through this collaboration which will contribute to the promotion and improvement of the respective areas;
- (D) This Agreement, amongst other things, sets out and is predicated on the Principles of Collaboration as contemplated by regulation 12(7) of the Regulations which the Parties have agreed should apply to the arrangements in this Agreement;
- (E) The rationale for entering into this Agreement is for the Parties to be able to work collaboratively in the public and common interest and in accordance with the Principles of Collaboration in order to utilise the operational expertise and experience of employees of both Parties in the delivery of joint waste related services;
- (F) The arrangements contemplated by this Agreement are predicated on the fact that the public procurement rules as set out in the Regulations and the Directive are not designed to interfere with the freedom of public authorities to perform the public service tasks conferred on them by using their own resources which includes the possibility of cooperation with other public authorities.
- (G) NYCC and CYC have entered into an agreement (JWMA) covering the procurement and delivery of a long term waste management service to both authorities. NYCC has subsequently entered into a contract with Amey Cespa (Amey) dated 26th August

Annex A

2011 which was amended and restated on 30th October 2014 for the provision of the service and at the same time CYC entered into a 'back to back' contract with NYCC to enable CYC to access the services provided by Amey.

- (H) NYCC and CYC have also entered into contracts with Yorwaste Limited (a company owned jointly by NYCC and CYC) to provide certain waste management services to both parties.
- (I) The JWMA provides for sharing of costs between NYCC and CYC relating to the procurement of the long term service provided by Amey but does not extend to arrangements for formal management of that contract. The parties now wish to formally collaborate in the management of contracted waste disposal services including AWRP but also for other waste disposal authority functions provided through Yorwaste and other third party contractors.
- (J) The objectives of further collaboration and shared management of contracted services are to:
- a. Minimise bureaucracy
 - b. Reduce duplication of effort
 - c. Improve decision making
 - d. Improve resilience
 - e. Share resources and assets
 - f. Improve capability to recognise and take advantage of opportunities
 - g. Strengthen team skills
 - h. Achieve optimum balance of waste movements to disposal facilities to ensure maximum shared financial benefit/ least cost to both parties

1. Definitions and Interpretation

In this Agreement the following terms shall have the following meanings:

ADR	has the meaning given to it in clause Error! Reference source not found.;
Audit Act	means the Local Audit and Accountability Act 2014;
Authorised Representatives	means the persons referred to in clause 3.1;

Agreement	means this agreement together with the Schedules attached to it;
Change	means an alteration to the Services and/or a variation to the terms of this Agreement;
Commencement Date	means [1 April 2021];
Contracting Authority	has the meaning given to it in Part 1 of the Regulations;
Costs	means the costs to be paid by each Party to the other in respect of the arrangements set out in this Agreement (in accordance with s93 Local Government Act 2003) as set out in Schedule 3 to this Agreement;
Data Controller	shall have the meaning given to the term “ controller ” as set out in Article 4 of GDPR;
Data Loss Event	any event that results, or may result, in unauthorised access to Personal Data held by a Party under this Agreement, and/or actual or potential loss and/or destruction of Personal Data in breach of this Agreement, including any Personal Data Breach;
Data Processor	shall have the meaning given to the term “ processor ” as set out in Article 4 of GDPR;

Data Protection Impact Assessment	an assessment by a Controller of the impact of the envisaged processing on the protection of Personal Data;
Data Protection Legislation	means: - <ul style="list-style-type: none">(a) the GDPR, the UK GDPR, the LED and any applicable national implementing Laws as amended from time to time;(b) the DPA 2018 to the extent that it relates to processing of personal data and privacy;(c) all applicable Law about the processing of personal data and privacy;(d) any codes of practice, guidelines and recommendations issued by the Information Commissioner or any replacement body, all of which are current at the time of and Processing of Personal Data;
Data Subject	shall have the meaning given to such term in the GDPR;
Data Subject Access Request	a request made by, or on behalf of, a Data Subject in accordance with rights granted pursuant to the Data Protection Legislation to access their Personal Data;

DPA	means the Data Protection Act 2018, or any successor or replacement legislation;
DPA Principles	means the six (6) principles set out in Article 5 of the GDPR;
Directive	means Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC;
Dispute	has the meaning given to it in clause 12.1;
EIR	means the Environmental Information Regulations 2014;
Equipment	any equipment, including tools or facilities, provided by either Party and/or either of their third party subcontractors used directly or indirectly in the provision of the Services;
European Union Treaty Principles	means the principles deriving from the Treaty on the Functioning of the European Union in respect of public procurement of: (a) transparency; (b) proportionality; (c) equal treatment and non-discrimination; and

(d) mutual recognition;

Event Of Default

means any act or omission on the part of any Party or its Staff in respect of:

(a) any breach of its obligations under this Agreement; and

(b) any representation, statement or tortious act or omission, including negligence, arising under or in connection with this Agreement;

FOIA

means the Freedom of Information Act 2000;

GDPR

means the EU General Data Protection Regulation 2016/679 and “**UK GDPR**” means the GDPR as implemented into the law of England and Wales, Scotland and Northern Ireland or any successor or replacement legislation;

Head of Shared Waste Management Service

means the head of the Shared Waste Management Service for NYCC and CYC employed by NYCC;

Intellectual Property

means any and all patents, trademarks, service marks, copyright, database rights, moral rights, rights in a design, know-how, confidential information and all or any other intellectual or industrial property rights whether or not registered or capable of registration and whether subsisting in the United Kingdom or any other part

of the world together with all or any goodwill relating or attached to such rights;

Joint Controllers

where two or more Controllers jointly determine the purposes and means of processing Personal Data;

Law

means:

- (a) any Act of Parliament;
- (b) any subordinate legislation within the meaning of Section 21(1) of the Interpretation Act 1978;
- (c) any exercise of the Royal Prerogative; and
- (d) any enforceable community right within the meaning of Section 2 of the European Communities Act 1972;

in each case in force in the United Kingdom;

Permitted Recipients

the Parties to this Agreement, the employees of each Party, any third parties engaged to perform obligations in connection with this Agreement;

Personal Data

shall have the meaning given to such term in the GDPR;

Personal Data Breach	means anything which constitutes a “ personal data breach ” for the purposes of Article 4 of the GDPR;
Parties	means the parties to this Agreement and the term "Party" shall be construed accordingly;
Principles of Collaboration	means the principles set out in Schedule 2 to this Agreement;
Processing	has the meaning given to such term in the GDPR and the term “ Processed ” and its and their derivatives shall be construed accordingly;
Protective Measures	appropriate technical and organisational measures which may include: pseudonymising and encrypting Personal Data, ensuring confidentiality, integrity, availability and resilience of systems and services, ensuring that availability of and access to Personal Data can be restored in a timely manner after an incident, and regularly assessing and evaluating the effectiveness of the such measures adopted by it;
Regulations	means the Public Contracts Regulations 2015;
Relevant Transfer	means a relevant transfer of an undertaking for the purposes of TUPE;

Requesting Party	has the meaning given to it in clause 6.13.2;
Reserved Matters	means those matters listed in Schedule 1 and which the SWMS must refer to the authorities;
Services	means the range of services which shall be provided (all or in part) by the SWMS under this Agreement and which are more specifically set out Schedule 1 to this Agreement;
Shared Waste Management Service or SWMS	means the shared service between NYCC and CYC for the provision of the Services as set out in Schedule 1;
SWMT	means the Shared Waste Management Team;
Staff	means partners, directors, employees, agents and subcontractors of either Party in connection with the Agreement;
Term	means the period from the Commencement Date to expiry of this Agreement in accordance with clause 10;
TUPE	means the Transfer of Undertakings (Protection of Employment) Regulations 2006 and/or any other regulations enacted for the purpose of implementing the EC Acquired Rights

Directive (Council Directive 2001/23/EC) into English law;

Working Day(s)

means any day between Monday to Friday, 0900 to 1700, excluding public holidays; and

1.1 References to:

- 1.1.1 any Act, Order, Regulation, Statutory Instrument shall be construed as a reference to the Act, Order, Regulation or Statutory Instrument as amended, replaced, consolidated or re-enacted;
- 1.1.2 one gender include any other gender;
- 1.1.3 persons include corporations;
- 1.1.4 singular includes the plural;
- 1.1.5 clauses are to clauses to this Agreement; and
- 1.1.6 paragraphs are paragraphs of the Schedules to this Agreement.

1.2 The Schedules to this Agreement, together with the documents referred to in them, form part of this Agreement.

1.3 In the event of any conflict or inconsistency between this Agreement and any conditions detailed in the Schedules the following order of precedence shall apply:

- 1.3.1 this Agreement; and
- 1.3.2 the Schedules.

2. Commencement and Duration

2.1 This Agreement shall commence on the Commencement Date and continue unless and until terminated:

- 2.1.1 as provided by the terms of this Agreement; or

Annex A

2.1.2 by either party giving to the other not less than twelve (12) months' prior written notice in accordance with clause 10.

3. Representatives

3.1 Each Party shall appoint a representative who shall have full authority to act on the applicable Party's behalf for the purposes of this Agreement ("**Authorised Representative**"). In the event there is a change to a Party's Authorised Representative, such Party shall inform all Parties of the identity of its new Authorised Representative no later than ten (10) Working Days after it made such change.

3.2 All Parties shall be entitled to treat any act of an Authorised Representative in connection with this Agreement as being expressly authorised by the relevant Party.

4. NYCC Obligations

NYCC shall provide the Shared Services with all reasonable skill and care and in accordance with the Schedules and the terms of this Agreement and shall comply with its obligations set out in this Agreement and its Schedules.

5. CYC Obligations

CYC shall comply with its obligations set out in this Agreement and its Schedules.

6. Mutual Obligations

6.1 Principles of Collaboration

The Parties agree that, to the extent which it is reasonably practicable, this Agreement shall operate on a collaborative basis and to this end each Party agrees to use all reasonable endeavours to adhere to the Principles of Collaboration. Where applicable the Parties shall adhere to the partnering principles set out in the JWMA.

6.2 Payment

6.2.1 Each Party shall pay the Costs in accordance with Schedule 3 of this Agreement.

6.2.2 Each Party shall be liable to pay such value added tax as may be properly chargeable by the other Party in respect of the delivery of the Services to a Party.

Annex A

- 6.2.3 Invoices for the Costs shall be as described in Schedule 3 of this Agreement and each Party shall pay all undisputed elements of an invoice within thirty (30) days of receipt.

6.3 Assets and Accommodation

- 6.3.1 Any Equipment belonging to either Party on the Commencement Date or at any time during the Term shall remain vested in the owning Party or such third party subcontractor of either of them (as applicable). Each Party shall be responsible for the safety and security of such Equipment whilst such Equipment is on its premises and may not add to, modify or in any way interfere with such Equipment nor allow anyone else (other than someone authorised in writing by the other Party or a third party subcontractor of either of them (as applicable)) to do so.
- 6.3.2 The Parties shall not be liable to each other or any third party subcontractor of either of them (as applicable) for any loss of or damage to any Equipment which is due to fair wear and tear and/or is caused by the other Party or any third party subcontractor of either of them (as applicable) or any person acting on its or their behalf (as applicable).

6.4 Access

- 6.4.1 Each Party shall provide such access to the other and/or a third party subcontractor of either of them (as applicable) to its premises or facilities as shall be required for the delivery of the Services.
- 6.4.2 Where a Party is responsible for any preparatory work in respect of the delivery of the Services, including the provision of items required by the other Party or any third party subcontractor of either of them (as applicable), each Party shall ensure that all such activities are completed and items made available in sufficient time to allow the other Party or any third party subcontractor of either of them (as applicable) to fulfil and complete their obligations in accordance with the Services.

6.5 Operational matters

- 6.5.1 Each Party acknowledges and agrees that, provided the applicable Party's Authorised Representative gives as much notice as possible to the other

Annex A

Party's Authorised Representative (and, whenever practicable, agrees the timescales with the Party's Authorised Representative) that Party may:

6.5.1.1 suspend the provision of the Services for operational reasons or due to an emergency; or

6.5.1.2 give the Party instructions concerning the Services which it reasonably believes are necessary for health and safety reasons or the quality of the Services provided to the applicable Party or any other person.

6.6 Review Meetings

6.6.1 The Authorised Representatives from each Party shall attend regular review meetings to:

6.6.1.1 review and discuss the operation of this Agreement;

6.6.1.2 share any lessons learned; and

6.6.1.3 consider any other matters reasonably required by any Party.

6.6.2 If any Party reasonably considers that a circumstance constitutes an emergency or otherwise requires immediate resolution, that Party may by notice to the other Party require that a review meeting be held as soon as practicable and in any event within five (5) Working Days following such notice.

6.7 Shared Service Board

6.7.1 In addition to the review meetings described in Clause 6.6, the Services will be monitored and controlled through a Shared Service Board consisting of senior officer representatives from both Parties

6.7.2 The Shared Service Board shall meet at least annually to

6.7.2.1 consider reports from the review meetings;

6.7.2.2 review the effectiveness of this Agreement; and

6.7.2.3 confirm the intention to continue or the need for any amendment to the Agreement (if any).

Annex A

6.8 Other review arrangements

- 6.8.1 The Head of the SWMS shall provide to the Parties regular (at least twice yearly) written performance reports on activity and contractor performance.
- 6.8.2 The Head of the SWMS shall be available at least twice yearly to present to NYCC and/or CYC Members in public forum on performance of contracted services and other activity carried out under this Agreement.
- 6.8.3 The Head of the SWMS shall also be available at reasonable times and with reasonable notice for private briefings and meetings with senior officers and members of each Party, as appropriate.
- 6.8.4 The Head of the SWMS shall provide such other briefings and/or exception reporting as required on issues of significance or major impact on Services or costs e.g. claims or contract variations
- 6.8.5 Both Parties shall adhere to the principle of open communication and consultation before decision making and shall engage in regular communication.

6.9 Best Value and Continuous Improvement

Each Party which is subject to the best value duty imposed on local authorities by s3 of the Local Government Act 1999 shall each be responsible for ensuring compliance with such duty.

6.10 Health and Safety

- 6.10.1 Each Party shall comply with the requirements of the Health and Safety at Work Act 1974 insofar as they apply to the provision of the Services.
- 6.10.2 Each Party shall have in place a health and safety policy which complies with all statutory requirements.

6.11 Data Protection

- 6.11.1 **[UPDATED UK GDPR CLAUSE TO BE INSERTED]**

6.12 Compliance with Law

Annex A

6.12.1 Each Party shall comply with all applicable Law and all other relevant regulations, codes of practice, guidance and other requirements of any relevant government or governmental agency relating to the Services including (but without limitation) the Human Rights Act 1998.

6.12.2 Without prejudice to clauses 6.9 to 6.11 (inclusive), where new Law is enacted during the Term which has the effect of changing the manner in which the Services (or any part of them) is to be provided, the Parties shall ensure that:

6.12.2.1 each Authorised Representative is informed of the nature and effect of such Law and the changes necessitated by it to the Services; and

6.12.2.2 the Services are provided in accordance with such changes in Law.

6.13 **Freedom of Information etc.**

6.13.1 Each Party acknowledges that the other Parties are subject to the requirements of the FOIA, the EIR and the Audit Act. Each Party shall assist and cooperate with each other (at its own expense) to enable all Parties to comply with any applicable information disclosure requirements.

6.13.2 Each Party shall make all reasonable efforts to assist all other Parties in meeting their respective obligations under the FOIA, EIR and Audit Act in respect of this Agreement. If a Party (the "**Requesting Party**") receives an access request under the FOIA, EIR and/or the Audit Act each other Party shall, upon written request, provide:

6.13.2.1 to the Requesting Party a copy of the information requested which is held by the other Parties on behalf of the Requesting Party within a period of five (5) Working Days; and

6.13.2.2 access to the relevant Authorised Representative, within a period of five (5) Working Days, to inspect information held by such Party on behalf of the Requesting Party.

6.13.3 Where a Requesting Party is asked to release information which any other Party believes to be exempt information under an exemption in the FOIA or

Annex A

EIR or Audit Act (as applicable), it shall state in writing to the Requesting Party the nature of the information and the relevant exemption. Each Party acknowledges that the final decision whether to disclose such information will rest with the Requesting Party and not with any other Party.

6.13.4 Nothing contained in this Agreement or any documents or negotiations relating to this Agreement shall prevent the Requesting Party from disclosing any information which (in the Requesting Party's reasonable opinion or in accordance with any recommendation, notice or decision of a competent authority) it is required to disclose under the FOIA, EIR or Audit Act (as applicable).

6.13.5 Each Party shall maintain an adequate records management system which will enable it to access the information within the time limits prescribed by the FOIA, EIR and/or the Audit Act (as applicable).

6.13.6 Each Party shall indemnify the Requesting Party against all claims, demands, actions, costs, proceedings and liabilities that the Requesting Party directly incurs due to the other Party's breach of clauses 6.13.2 to 6.13.5 (inclusive).

6.14 Confidentiality

6.14.1 Subject to clause 6.12.2, each Party shall keep confidential all information obtained from the other Parties or through its delivery or receipt of the Services.

6.14.2 Clause 6.14.1 shall not apply to any information which:

6.14.2.1 is or becomes public knowledge (otherwise than by a breach of clause 6.14.1);

6.14.2.2 was in the possession of the Party concerned without restriction as to its disclosure before receiving it from any other Party;

6.14.2.3 is received from a third party who lawfully acquired it and who is under no obligation restricting its disclosure; and/or

Annex A

6.14.2.4 is disclosed in accordance with clauses 6.12.2.1 to 6.12.2.3 (inclusive).

6.14.3 Each Party shall ensure that all its Staff engaged in the delivery or receipt of the Services or otherwise with access to information relating to this Agreement and/or the Services shall comply with clauses 6.14.1 and 6.14.2.

6.14.4 Nothing in clauses 6.14.1 to 6.14.3 (inclusive) shall prevent the Parties from disclosing information under or in accordance with any legal requirement, or in accordance with any lawful requirements made by any regulatory body or inspectorate established by Law.

7. Intellectual Property

7.1 For the avoidance of doubt, all Intellectual Property relating to or used in connection with this Agreement and/or the Services shall continue to vest in each of the Parties as it did prior to the Commencement Date.

7.2 Each Party grants each other Party a non-exclusive, non-transferrable (except in the case of statutory or voluntary re-organisation) royalty free, right and licence to use its Intellectual Property so far as it is needed for the purposes of this Agreement.

8. Insurance

8.1 Each Party shall have in place and maintain public liability insurance against its liabilities under this Agreement for death, injury and/or third party damage for the sum of £5 million in respect of each and every incident in relation to which a claim against it is made.

8.2 Each Party shall have in place and maintain employer's liability insurance against its liabilities under this Agreement for death, injury and/or third party damage for the sum of £10 million in respect of each and every incident in relation to which a claim against it is made.

8.3 Each Party shall have in place and maintain professional indemnity insurance in an amount for each and every claim, act or occurrence or series of claims, acts or occurrences which is sufficient to cover its liabilities under this Agreement.

Annex A

8.4 Each Party shall supply to the other (on written request) documentary evidence of the insurances in place to establish that Party's compliance with clauses 8.1 to 8.3 (inclusive).

9. Limitation of Liability

9.1 This clause 9 sets out each Party's entire liability (including any liability for the acts and omissions of their respective Staff) to the other Parties in respect of an Event of Default.

9.1 Except to the extent permitted by Law, each Party's liability to the other (other than any liability to pay the Costs for the Services under this Agreement) shall be limited to [£X].

9.2 Subject to the provisions of clause 9.1, no Party is liable to any other Party or to any third party, whether in contract, tort, under statute or otherwise (including in each case negligence) or otherwise for any of the following types of loss or damage arising under or in relation to this Agreement:

9.2.1 any loss of profits, business contracts, anticipated savings, goodwill or revenue; and/or

9.2.2 any indirect or consequential loss or damage whatsoever,

including where a Party was advised in advance of the possibility of such loss or damage arising.

9.3 Each Party acknowledges and agrees that the provisions of this clause 9 are reasonable and are reflected in the amount of the Costs, which for the avoidance of doubt would be higher without such limitation of liability, and each Party hereby accepts such risk and shall insure such risk accordingly if it considers (at its absolute discretion) that insurance is necessary.

9.4 Each Party shall at all times take all reasonable steps to minimise and mitigate any losses for which it is entitled to be indemnified by or bring a claim against the other Party pursuant to this Agreement.

10. Termination

10.1 Either Party may terminate this Agreement with immediate effect without written notice if the other Party:

Annex A

10.1.1 commits a material breach of this Agreement which is capable of remedy and the Party fails to remedy the breach within a reasonable time of a written notice to do so; or

10.1.2 commits a material breach of this Agreement which cannot be remedied.

10.2 Either Party may terminate this Agreement by giving at least twelve (12) months' notice in writing to the other Party.

11. Consequences of Termination

11.1 In the event this Agreement is terminated the following provisions of this clause 11 shall apply and each Party shall cooperate fully with each other to ensure an orderly end to the relevant arrangements in respect of the delivery of the Services.

11.2 In addition to any other rights or remedies which the Parties may have against each other each Party shall pay to the other Party any Costs due and payable to that Party for any Services already delivered in addition to such costs incurred or committed for disbursements by the Party or a third party subcontractor of either of them (as applicable) prior to the date of the termination.

12. Dispute Resolution

12.1 Any dispute or difference which arises between any of the Parties as to the construction of this Agreement, as to their respective rights, duties and obligations or as to any other matter arising out of or connected with the Agreement ("**Dispute**") shall be determined in accordance with the provisions of this clause 12.

12.2 Each Authorised Representative which is representing a Party in a Dispute shall consult in good faith in an attempt to come to an agreement in relation to the Dispute.

12.3 If the Authorised Representatives are unable to reach an agreement following the consultation referred to in clause 12.2 then the matter shall be referred to the Shared Service Board who shall use all reasonable endeavours to resolve such Dispute.

12.4 If the Parties are unable to reach an agreement following the consultation referred to in clause 12.3, the Parties shall follow the dispute resolution procedure set out in the JWMA.

Annex A

12.5 In the event that any costs and fees incurred by the Parties are not met in accordance with an agreement reached through the processes set out in clauses 12.2 to 12.4 (above) each Party shall be responsible for its own costs.

13. Changes

13.1 Without prejudice to the other relevant provisions of this Agreement, any Party may at any time during the Term request a Change to the terms of this Agreement including a change to the Services.

13.2 No deletion from, addition to, or variation of this Agreement or the Schedules shall be valid unless agreed in writing and signed by authorised signatories on behalf of each of the Parties.

14. Publicity

Each Party agrees not to use any other Party's name or the existence of this Agreement in any publicity materials or advertising without the prior written consent of the other Parties, such consent not to be unreasonably withheld or delayed.

15. TUPE

TUPE may apply to any Relevant Transfer of Staff under this Agreement. Where TUPE applies, the provisions of Schedule 4 of this Agreement apply.

16. Assignment and Sub Contracting

Neither Party shall assign or transfer this Agreement or any of the obligations or rights under this Agreement in whole or in part (save to any legal entity with which a Party merges or which is a successor body to the Party and for the avoidance of doubt this includes by reason of statutory or voluntary reorganisation of either or both of the Parties) without the prior written consent of the other Party.

17. Rights of Third Parties

A person who is not a party to this Agreement has no right under the Contracts (Rights of Third Parties) Act 1999 to enforce or to enjoy the benefit of any term of this Agreement.

Annex A

18. Notices

- 18.1 Any notice required to be given under this Agreement shall be in writing and shall be delivered personally, or sent by pre-paid first-class post, recorded delivery or by commercial courier to the relevant Party (at the address given at the front of this Agreement) and for the attention of the Authorised Representative, or as otherwise specified by the relevant Party by notice in writing to the other Party.
- 18.2 Any notice shall be deemed to have been duly received if delivered personally, when left at the appropriate address and for the appropriate contact referred to in clause 18.1 or, if sent by pre-paid first-class post or recorded delivery, at 9.00 am on the second Working Day after posting, or if delivered by commercial courier, on the date and at the time that the courier's delivery receipt is signed.
- 18.3 This clause 18 shall not apply to the service of any in any proceedings or other documents in any legal action.
- 18.4 A notice required to be given under or in connection with this Agreement shall not be validly served if sent by e-mail.

19. Waiver

- 19.1 The rights and remedies of the Parties in respect of this Agreement shall not be diminished, waived or extinguished by the granting of any indulgence, forbearance or extension of time granted by any Party nor by any failure of, or delay by a Party in ascertaining or exercising any such rights or remedies.
- 19.2 Any waiver of any breach of this Agreement shall be in writing and signed by all relevant Parties.
- 19.3 The waiver by any Party of any breach of this Agreement shall not prevent the subsequent enforcement of any subsequent breach of that provision and shall not be deemed to be a waiver of any subsequent breach of that or any other provision.

20. No Agency

Nothing in this Agreement is intended to, or shall be deemed to, establish any Party as the agent of the other or authorise any Party to make or enter into any commitments for or on behalf of any other Party.

21. Further Assurance

Each Party shall at its own cost and expense do or procure to be done all such further acts and things and execute or procure the execution of all such documents as may from time to time be necessary for the purpose of giving effect to the provisions of and the benefits and rights granted pursuant to this Agreement.

22. Severance

22.1 If any provision of this Agreement is held invalid, illegal or unenforceable for any reason such provision shall be severed and the remainder of the provisions of this Agreement shall continue in full force without affecting the remaining provisions of this Agreement.

22.2 If any provision of this Agreement is held to any extent invalid or unenforceable the Parties agree to immediately commence negotiations in good faith in order to remedy such invalidity or unenforceability and substitute a valid and enforceable provision which achieves to the greatest extent possible the economic legal and commercial objectives of the invalid or unenforceable provision.

23. Entire Agreement

This Agreement (including the Schedules and any documents referred to therein) represents the entire agreement between the Parties and supersedes all other undertakings, statements and agreements relating to the subject matter of this Agreement.

24. Counterparts

This Agreement may be executed in any number of counterparts, each of which when executed shall be an original and all the counterparts together shall constitute one and the same instrument.

25. Governing Law and Jurisdiction

This Agreement shall be governed by English Law and all Parties agree to submit to the exclusive jurisdiction of the English Courts.

Annex A

EXECUTED as a DEED

by the affixing of the COMMON SEAL of

**NORTH YORKSHIRE COUNTY
COUNCIL**

in the presence of:

.....

Authorised Signatory

EXECUTED as a DEED

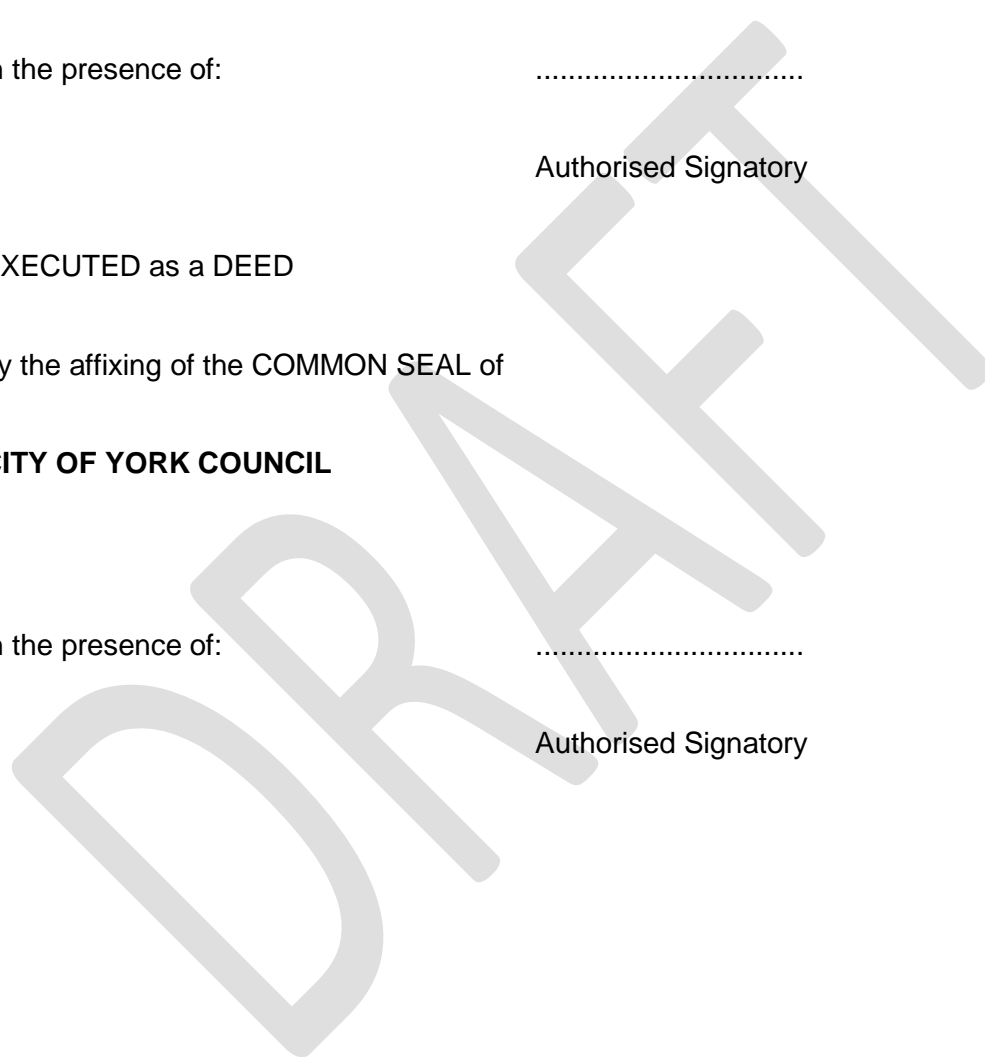
by the affixing of the COMMON SEAL of

CITY OF YORK COUNCIL

in the presence of:

.....

Authorised Signatory



Schedule 1 - Services

[TO BE INSERTED ONCE AGREED]

DRAFT

Schedule 2 - Principles of Collaboration

The Parties shall adopt the following principles:

1. Collaborate and co-operate: Establish and adhere to the governance structure set out in this Agreement to ensure that activities are delivered and actions taken as required;
2. Be accountable: Take on, manage and account to each other for performance of the respective roles and responsibilities set out in this Agreement;
3. Be open: Communicate openly and in a timely fashion about major concerns, issues, service disruption or opportunities relating to the Services and this Agreement;
4. Learn, develop and seek to achieve full potential: Share information, experience, materials and skills to learn from each other and develop effective working practices, work collaboratively to identify solutions, eliminate duplication of effort, mitigate risk and reduce cost;
5. Adopt a positive outlook: behave in a positive, proactive manner;
6. Adhere to statutory requirements and best practice: Comply with applicable laws and standards including the Directive, the Regulations, the Data Protection Legislation and legislation in relation to freedom of information;
7. Act in a timely manner;
8. Manage stakeholders effectively;
9. Deploy appropriate resources: Ensure sufficient and appropriately qualified resources are available and authorised to fulfil the responsibilities set out in this Agreement; and
10. Act in good faith to support compliance with these Principles of Collaboration.

Annex A

ANNEX 1 – JOINT WASTE MANAGEMENT AGREEMENT



NORTH YORKSHIRE COUNTY COUNCIL

**Waste Treatment Contract
[OJEU Notice Ref 208874-2007]**

Joint Waste Management Agreement

Schedule 3 – Costs and Sharing

[TO BE INSERTED ONCE AGREED]

DRAFT

Annex A

Annex 1

Additional Commercial Waste Benefit Share Mechanism

Annex 2

Example Distribution of Additional Commercial Waste Benefit

DRAFT

Schedule 4 – TUPE and Staff Management

[TO BE INSERTED ONCE AGREED]

DRAFT



18 March 2021

Executive

Report of the Interim Director of Place

Portfolio of the Executive Member for Housing and Safer Neighbourhoods

Consultation on Additional Licensing Scheme for Houses in Multiple Occupation (HMO)

Summary

- 1 This report sets out the proposal to undertake public consultation on improving the quality and energy efficiency of rented accommodation in the city by expanding the current scheme for licensing Houses in Multiple Occupation (HMOs) to those with 3 or 4 occupants within targeted wards where there is most evidence of both poor housing conditions and issues of poor management.
- 2 The licensing process has proved effective in driving up quality in larger HMOs and has given us a robust evidence base to support the extension of that scheme to smaller properties where voluntary schemes have failed to have the desired impact.
- 3 The quality of the home we live in makes a significant difference to our lives. Evidence suggests that poor quality homes will negatively affect our mental and physical health, wellbeing, educational attainment and career. At their worst, our homes can also present a danger to our health and safety.
- 4 The provision of good quality housing for our residents is one of our key priorities. Evidence suggests that residents living within the private rented sector (PRS) experience the worst quality housing in the city. HMOs are of particular concern with over 3000 within the city and only one third regulated through licensing.
- 5 It is recognised that there are many good quality landlords operating in the city. Unfortunately there are also landlords who do not maintain their

properties to a high standard, leaving residents in poorly maintained homes which can create risks around health and safety.

- 6 Under the Housing Act 2004, the Government have provided councils with powers to tackle poor quality HMOs in the PRS sector through Mandatory Licensing. This applies to HMOs that have 5 or more occupants from two or more households. There are approximately 1000 licensed HMOs in York. This licensing regime operates alongside the ambitions within our planning policies which aims to control the spatial distribution of HMO's to ensure we maintain mixed and balanced communities.
- 7 Approximately 2000 HMO's in York contain 3 or 4 occupants from 2 or more households. At present these homes do not require a license to operate. Evidence presented in this report highlights that many of these HMOs are poorly managed and maintained, resulting in poor housing conditions for the residents A targeted additional HMO licensing scheme seeks through a proactive approach to raise standards in the sector in the poorest performing wards not only to ensure safe homes but to also improve the mental and physical wellbeing of the occupants.
8. At a pre-decision meeting of the Housing and Safer Communities Scrutiny Committee, on the 16th February 2021, Members considered a report and were fully supportive of the officer's recommendation to carry out a 10 week statutory consultation to potentially designate a targeted additional licensing regime based on the full evidence attached in Annex A

Recommendations:

9. Executive are recommended to:
 - a) Agree to undertake a citywide, statutory, 10 week consultation on the potential designation of a targeted Additional Licensing scheme for HMO's with 3 or 4 occupants within the wards of Hull Road, Guildhall, Clifton, Fishergate, Heworth, Micklegate, Osbaldwick and Derwent; and Fulford and Heslington
 - b) Support a further report being brought before Executive following the conclusion of the consultation to determine whether to designate an additional licensing scheme.

Reason: To seek to improve HMOs and thereby benefiting:

- tenants by ensuring that homes which are safe and well managed,

- create a level playing field for all Landlords/agents
- support stakeholders such as the Fire and Rescue Service, Police and NHS by improving fire safety, security and reducing the number of unhealthy homes.
- support our universities and other educational institutions attract students
- support the wider city businesses and residents by providing well managed and sustainable housing

Background

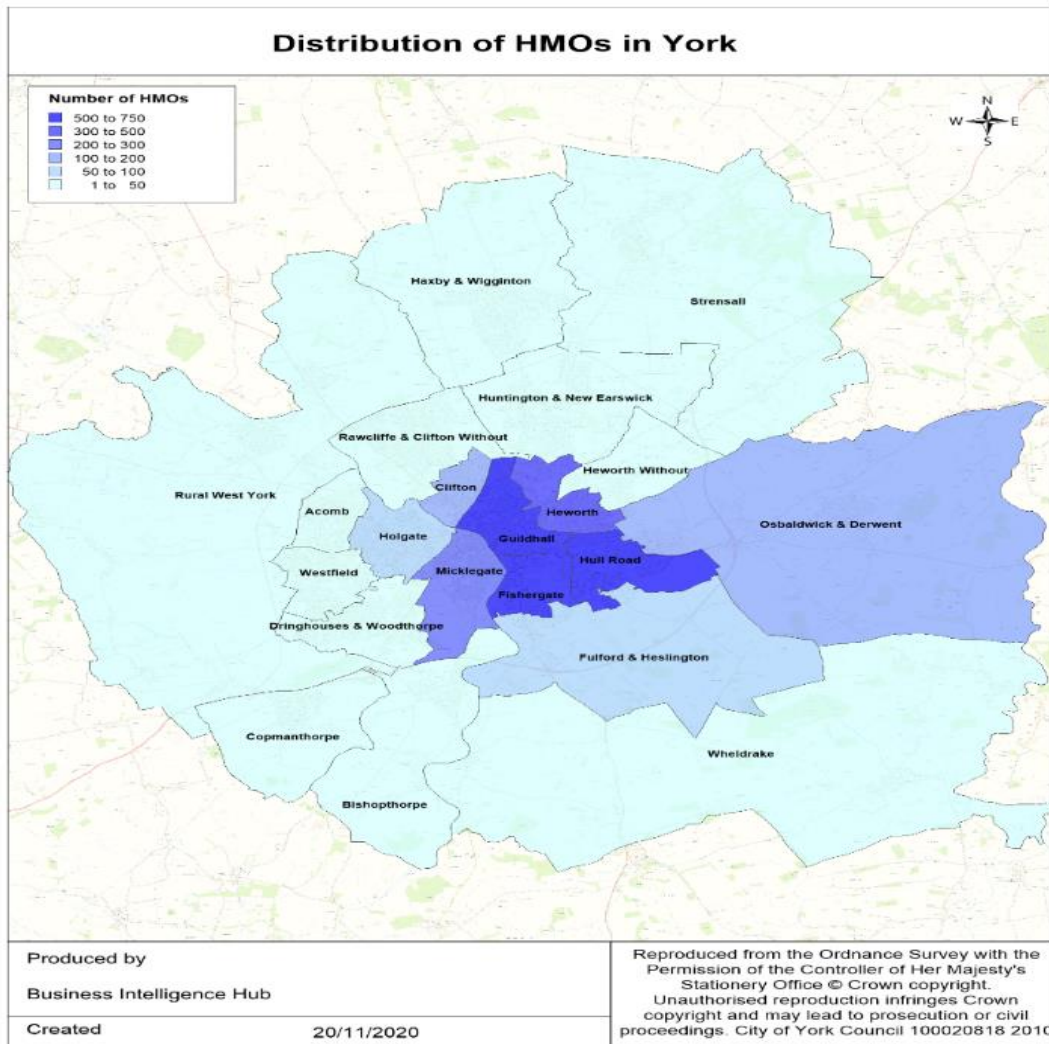
10. This work responds to the Council Plan 2019-23, which states that we will ‘Investigate the case to extend HMO licensing to smaller HMOs and work with partners to maximise energy efficiency in private sector housing.’ HMOs are properties that are occupied by a least 3 different tenants, forming more than 1 household whereby the tenants share facilities such as cooking or sanitary facilities. The definition of a HMO includes bedsits, shared houses, and flats, lettings with their own facilities but which are not self- contained, and some types of converted self-contained flats.
11. Our Private Sector Housing Strategy 2016-2021, developed using the Building Research Establishment¹ evidence base, highlighted issues within the private rented sector generally in the city, with particular concerns raised about conditions in HMOs.
12. The Housing Act 2004 provides the power to the council to introduce an Additional HMO Licensing Scheme. The power is intended to address the impact of poor quality HMOs that fall outside of the national licensing HMO scheme and address management issues and poor property conditions. The 2004 Act also requires authorities considering designating an area subject to Additional Licensing to:
 - A) take reasonable steps to consult persons who are likely to be affected by the designation; and
 - B) consider any representations made in accordance with the consultation
13. Annex A provides the full evidence base for re the standard of HMOs within the city but critically the main issues are:

¹ ¹ Building Research Establishment – The condition of private housing in York – BRE Integrated Dwelling Level Housing Stock Modelling and Database Dec 2015

- The numbers and distribution of HMOs in the city in the wards with older properties
- Poor Property and management conditions in such properties, evidence drawn from including Energy Performance Certificate Data and Housing Health and Safety Rating System Data
- Poor property and management conditions were found in HMOs during the extension of HMO licensing in 2018

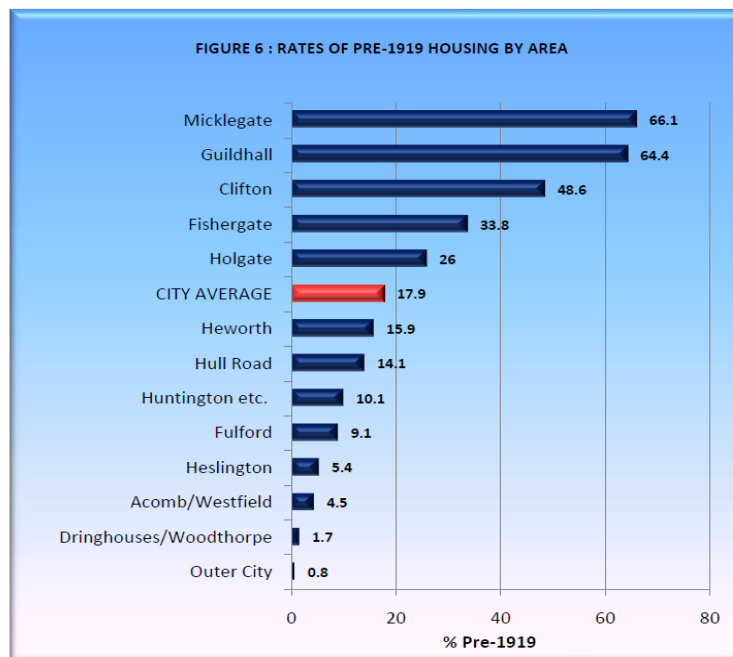
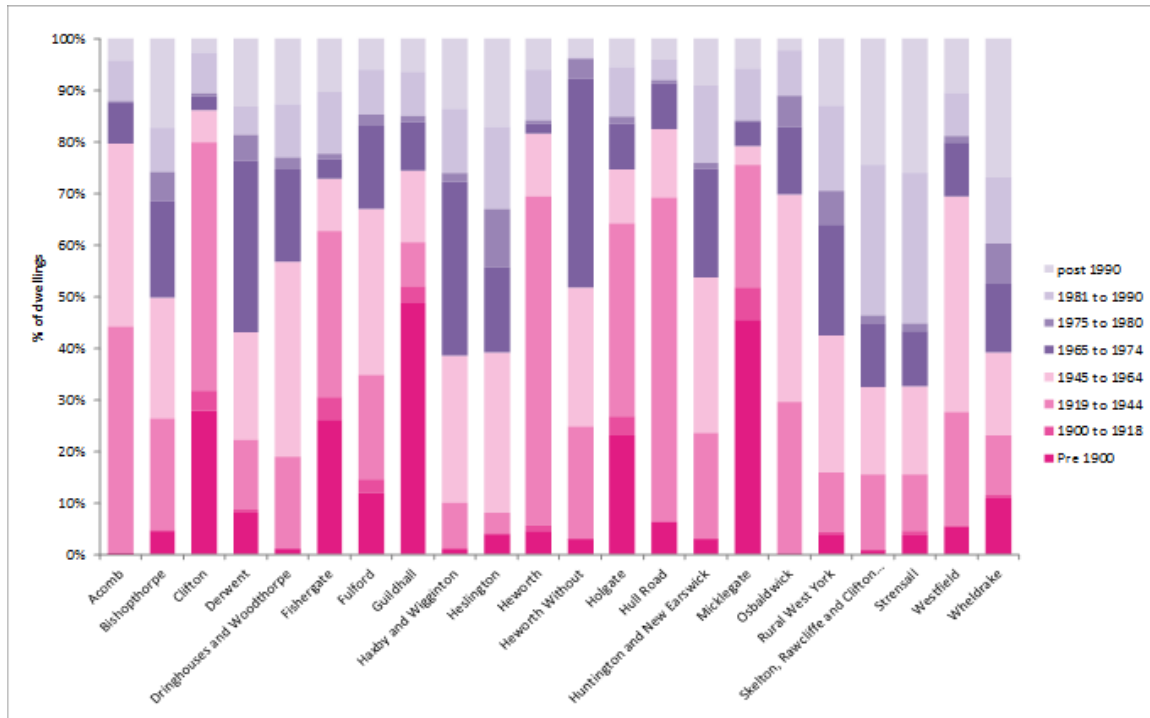
14. **Numbers and distribution of HMOs in York**

Planning data highlights that there are over 3,000 HMOs in York, not including university halls of residence. The hotspot density map below highlights that the largest concentrations of HMOs are within wards in close proximity to the city centre and the two major universities.



15. **Poor Property and Management Conditions**

The figures below provide relevant information regarding the stock and conditions in the PRS as reported in the 2015² assessment of housing conditions in York. The age of dwellings in the PRS is an important consideration, with the worst conditions typically present in older housing stock types. The graphs below highlights the dwelling age profile by ward. Typically the wards with the highest concentrations of HMO's also have high numbers of homes built before 1919.



² Building Research Establishment – The condition of private housing in York – BRE Integrated Dwelling Level Housing Stock Modelling and Database Dec 2015

16. Energy Performance

Analysis of Energy Performance Certificate (EPC) data provides strong evidence that licensing improves the energy performance of properties. Unlicensed HMOs are more likely to have no EPC, lower performing EPC ratings or expired EPCs. Poor performing properties leads to cold homes which are hard to heat and prone to dampness and mould.

EPC data for licenced and un-licenced HMOs

EPC Rating (incl. expired EPCs)	Unlicensed	Licensed	Total HMOs
A	3		3
B	108	16	124
C	642	395	1037
D	935	476	1411
E	210	97	307
F	13	4	17
G	6	3	9
No EPC	136	18	154
Ambiguous Address	9	6	15
Total	2062	1015	3077
% of properties with no EPC	6.60%	1.77%	5.00%
% of properties with F or G rating	0.92%	0.69%	0.84%
% of properties with expired EPC	13.77%	9.26%	12.28%

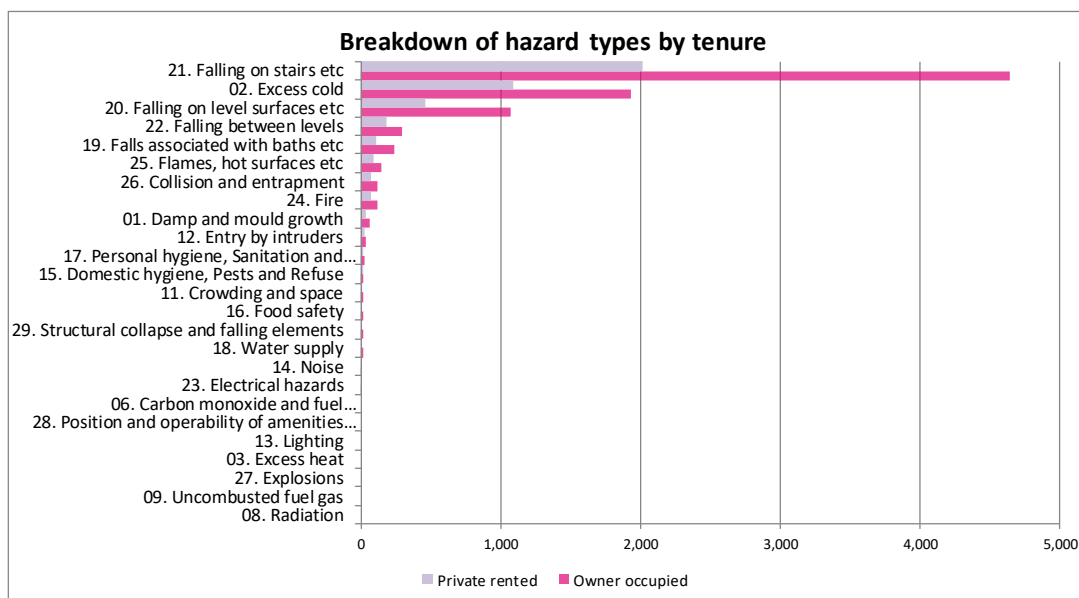
In addition there is a strong correlation between wards with high numbers of HMOs and HMOs with no EPC, lower EPC ratings (D or below) or expired EPCs.

EPC Ratings by Ward 2020 (wards with 100 or more HMOs in red)

	Licensed									Unlicensed									
	A	B	C	D	E	F	G	Expired	No EPC	A	B	C	D	E	F	G	Expired	No EPC	
Acomb		1	1	5	1							7	2	2				2	
Bishopthorpe													1					1	
Clifton			10	29	7	1		3	1		2	25	65	13			9	1	
Copmanthorpe																			
Dringhouses & Woodthorpe			7	2				0				5	8	2		1	2		
Fishergate		1	23	82	14			14	2		7	128	233	35	1		44	2	
Fulford & Heslington			15	11	3			1			1	13	24	4	1		3		
Guildhall		2	45	112	37			15	5		61	160	159	45	6	1	83	5	
Haxby & Wigginton				1							1	2	1	1					
Heworth		5	59	59	11			3	2	1	5	60	87	16	1	1	23	2	
Heworth Without			1	3						1		3	2						
Holgate			6	9	1	1		1	1		2	23	22	2	1		10	1	
Hull Road		5	199	122	9			13		1	6	124	198	53	2	1	53		
Huntington & New Earswick			1	2	1			0			2	7	11				3		
Micklegate			4	24	8			3	3		12	47	78	25		1	34	3	
Osbalwick & Derwent		1	30	20				1			8	27	21	6			9		
Rawcliffe & Clifton Without			1	2	1						1	4	7	2		1	3		
Rural West York													1						
Strensall												1	1	1					
Westfield			1	2		1	1	1				6	14	2	1		5		
Wheldrake														1					
Total	0	15	403	485	93	3	1	55	14	3	108	642	935	210	13	6	284	14	

17. The Housing health and safety rating system (HHSRS)

The HHSRS³ measures homes which have a deficiency that might give rise to a hazard. There are an estimated 12,920 category 1 hazards in York's private sector stock, of which over 4,194 (32%) are within the privately rented sector, The number of hazards are again weighted in the ward areas with high levels of HMOs



18. Findings of the Licensing Programme

When licence holders apply for a HMO licence they are issued with licence conditions specifying to the licence holder what action they must take. Some of these are standard conditions which every applicant must be achieve, however there are some conditions where the licence holder fails to meet a specified condition relating to the property or management of the property. When this occurs they are given a specified time to rectify the matter. The following table outlines the type and number of conditions imposed on HMOs that were licensed first time on the 1st October 2018, following the extension of the national HMO licensing scheme.

³ HHSRS provides the minimum standard for housing, in that a property should be free from a Category 1 hazard. There are 29 criteria for assessing hazards in a property and typically hazards arise from faults or deficiencies in the dwelling which could cause harm. The council is under a duty to take action in the case of Category 1 hazards and if necessary it may carry out any necessary remedial work and reclaim the costs. The council has a power (discretion) to take action in the case of all Category 2 hazards (i.e. those which carry lower risks).

The table shows the number of HMOs that failed to meet the standards in 2018.

	New HMOs and existing HMOs that have been renewed
The number of properties failing the room size and a condition imposed. NB this could relate to more than one room in the property	58
The number of properties failing to meet the required level of kitchen facilities for the number of occupants and households	192
The number of properties failing to meet the required level of bathroom facilities for the number of occupants and households	12
The number of properties failing to meet the required level of toilet facilities for the number of occupants and households	82
The number of properties failing to provide the level of controllable heating facilities for the number of occupants and households	25
The number of properties failing to meet the required minimum energy efficiency levels and licence conditions imposed	78
The number of properties failing to meet the required level of carbon monoxide detection in the house	205
The number of licence holders who fail to meet the required level of training by attending and passing a recognised training course	312
Total	609

19. The table below is a snap shot on the 12th February 2021 showing the significant improvement in just over 16 months, both in terms of the management and condition of HMOs. Without licensing these properties would likely to continue to fail to meet the standards required.

Conditions above the standard conditions	Number of properties
The number of properties failing the minimum room size	2
The number of properties failing to meet the required level of kitchen facilities	16
The number of properties failing bathroom/showering facilities	0
The number of properties failing to meet the required level of toileting facilities	12
The number of properties failing to meet the controllable heating condition	0
The number of properties failing to meet the required level of minimum energy efficiency levels	9
The number of properties failing to meet the required level of carbon monoxide detection in the house	4
The number of licence holders who failed to meet the minimum level of training	5
Total at 12 th February 2021	48

Should additional HMO licensing is extended to other HMOs then we expect the same significant improvement in standards

HMO inspection programme

20. When HMOs are licensed a full inspection of the property will be carried out within a five year period. A desk top risk assessment taking into account a number of factors but with a focus on Safety issues –in particular relating to fire safety, gas safety and electrical safety, will determine how quickly that inspection takes place.
21. Below is a summary of the outcome of the inspection programme in the first 18 months since the extension of HMO licensing. These matters have been addressed through a range of action from advice through to informal notices and formal notices- see page 21-23 of the evidence base report for more in-depth information

Number of inspections	Issues found	Category 1 Hazards	Category 2 Hazards
299 inspections	19 rooms found to be mis-measured	14 category 1 hazards found	239 category 2 category

Options to Improve the standard of HMO's in York

22. It is considered that there are five general approaches to improving the standards of HMO's, these are:
- 1) Voluntary accreditation
 - 2) Informal Area Action
 - 3) Management Orders
 - 4) Additional Licensing in targeted wards
 - 5) Additional Licensing citywide

Voluntary Accreditation

23. The Council initially supported the Universities in running a Voluntary Code of Practice for landlords to sign up to a set of standards up until 2013. The weakness in this approach was that there was no supporting inspection programme alongside the set of standards. As such, some landlords signed up but didn't meet the standards. In 2014, the universities brought this scheme to a close and the council stepped forward to operate its own voluntary accreditation scheme, called YorProperty. This was initially successful with 150 Landlords/Agents and around 600 properties, including some of the larger student private halls of residence being advertised through the website. However, once HMO licensing was brought in this replaced the need for voluntary accreditation for a number of properties. As such numbers dwindled, the programme became unsustainable and was brought to a close in 2018. So whilst we could re-introduce a voluntary accreditation, it is not likely that landlords who chose not to be part of this programme previously will engage in it now and therefore it is unlikely that there will be a meaningful chance in the quality and standards we are seeking to achieve.

Informal Area Action

24. The Council could consider creating a non-statutory informal action area where there are high concentrations of poorly managed or maintained

properties. The driver for the housing improvement would come from a combination of council activity through advice and support. However, as with option 1 this would not be enforceable and therefore would not support residents who live in the houses of landlords who do not wish to engage.

Management Orders

25. Alternatively the Council could use other powers in the Housing Act 2004. Specifically Management Orders where there are comprehensive and serious management failures. The use of Management Orders (MOs) is resource intensive working on individual properties and therefore on individual properties does not provide value for money. We would not be able to tackle a large number of HMO's utilising MO's. The use of MO's can also be considered to be heavy handed and can cause problems for the Council when attempting to work collaboratively with landlords.
26. Both option informal areas and MOs are expensive and do not generate an income to support the activity. Such works would therefore likely be funded from Council Tax. This seems unfair when many of the problems are due to poor management practices by landlords or agents operating in a buoyant market place.

Additional Licensing in targeted wards

27. The attached report provides clear evidence that there are a significant proportion of HMOs in certain wards which are being managed ineffectively so as to give rise, or be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public. The wards being:
 - c) Hull Road;
 - d) Guildhall;
 - e) Clifton
 - f) Fishergate;
 - g) Heworth;
 - h) Micklegate;
 - i) Osbaldwick and Derwent; and
 - j) Fulford and Heslington
28. Specifically the report highlights key issues around both poor housing conditions and poor management issues both in terms of properties which have recently been licensed following the extension of mandatory

HMO licensing and also the wider evidence base gathered from the Office for National Statistics (ONS), Building Research Establishment evidence, Energy Performance Certificate data and complaints data (pages 13-31).

Additional Licensing citywide

29. Alternatively licensing could be extended to HMOs in the city across all wards. However, the evidence is that the wards with the older housing stock, higher levels of HMOs have the poorer housing conditions and management.
30. Critically when the Council is considering to introduce any additional licensing scheme it must be able to demonstrate that it does so in line with the provisions of the Housing Act 2004. The Council can evidence that it has tried different approaches to improve the sector including initially thorough the voluntary code of practice run in partnership with the universities and then the council operated voluntary accreditation scheme. Clearly both these schemes have not been effective with dealing with the problems and that poor conditions and management of HMOs have continued to be identified.
31. Our recommended proposal is therefore that we introduce a targeted HMO licensing scheme in these wards with the highest concentrations and poorest conditions. Our proposal seeks to consult about this approach to help tackle the problems we identified in the evidence base.

Consultation

32. There is a statutory requirement to consult for a minimum period of 10 weeks on any proposals to designate an area subject to Additional Licensing. This report sets out recommendations to conduct a consultation and for the results of the consultation to be considered as part of the development of the proposed structure of the Additional Licensing scheme.
33. The consultation will demonstrate that it has satisfied the legal requirement to take reasonable steps to consult with those people who may be affected by the designations. This includes neighbouring areas outside of the identified areas.
34. The approach to undertaking the consultation is set out below:

- Online questionnaire tailored to gauge a cross section of views on the proposals from our residents promoted through ward and communities groups ;
 - Online focus groups with key stakeholder groups such as the universities and student bodies;
 - Other key organisations such as the North Yorkshire Fire and Rescue Service, Police, HMRC, and Border Agency
 - Drop in sessions in various parts of the City (subject to Covid restrictions at the time);
 - E-communications through social media and the Council`s website; and
 - Online Workshops with Landlords and Letting Agents
- Upon the completion of the consultation a report detailing the consultation results will be brought back to the Executive in autumn.

Options

35. The report outlines the evidence and considers five possible interventions for tackling substandard and ‘problematic’ smaller HMOs in the city. At present there are two options:

Option 1: Do decide that there is insufficient evidence and not to undertake consultation on additional HMO licensing and continue with the status quo

36. The attached report provides strong evidence that a number of HMO’s in the city are of a poor standard, either in terms of energy performance, the prevalence of hazards, or not having suitable facilities for the number of occupants. If no consultation is undertaken we will miss out on an opportunity to improve the living conditions for a many of our residents.

Option 2: Ask officers to undertake the statutory 10 week consultation on the potential introduction of targeted Additional Licensing scheme for HMO’s with 3 or 4 occupants within the wards of Hull Road, Guildhall, Clifton, Fishergate, Heworth, Micklegate, Osbaldwick and Derwent; and Fulford and Heslington and to present the findings back to Executive with options to decide what happens next

37. The attached report provides clear evidence that a significant proportion of the HMOs in the proposed targeted wards are being managed ineffectively so as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public. The report highlights key issues around poor housing conditions and poor management issues both in terms of properties

which have just recently been licensed following the extension of HMO licensing and those which are unlicensed.

38. The Council, in line with the Housing Act 2004, has considered and tried other approaches to improve the sector including initially through a voluntary code of practice run in partnership with the universities followed by a Council operated voluntary accreditation scheme. However, the evidence demonstrates that these schemes have not been effective with dealing with the problems and that poor conditions and management of HMOs have continued. The most effective method of dealing with them is to introduce a targeted HMO licensing scheme in the wards with the highest concentrations and poorest conditions. Our proposal seeks to consult on this approach.

Council Plan

39. Investigating the case to extend HMO licensing to smaller HMOs is a key action of the council plan to achieve the outcome of Creating Homes and World class infrastructure. It also contributes to other council plan outcomes:
- a) Open and Effective Council
 - b) A better start for Children and Young People
 - c) Good health and Wellbeing

Implications

Financial Human Resources and Information and Technology.

40. If option 2 to conduct a consultation is approved it should have limited impact on the council. There are no human resource, financial or ICT implications as the consultation exercise will be carried out using current resources. The implementation and delivery of the scheme will require additional staffing resources which have been accounted for within the fees and charges for licences. A recruitment process will need to be carried out to secure the necessary resources and this is programmed into take place before the Scheme comes into effect thereby limiting the risk and impact on the organisation.

One Planet Council / Equalities

41. See Annex 2 which highlights that HMO properties are more likely to be disproportionately occupied by young people on lower incomes. Focus will be to ensure that such tenants are consulted

Legal.

42. Part 2 of the Housing Act 2004 sets out the scheme for licensing HMOs in a local housing authority area and the “Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015” gives local housing authorities general approval regarding the implementation of additional and selective licensing designations in England. When considering the introduction of an Additional Licensing Scheme a local housing authority must proceed through a consultation period of not less than ten weeks and the statutory processes as laid out in Sections 56 and 57 Housing Act 2004.
43. Under section 56(1) of the Act a local housing authority can designate the whole or any part or parts of its area to be subject to additional licensing. Where an additional licensing designation is made it applies to all HMOs specified in the designation. Section 56 also places requirements upon the local housing authority when considering a designation for additional licensing of HMOs, in that it must:
 - Consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public;
 - Take reasonable steps to consult with persons who are likely to be affected and consider any representations made in accordance with the consultation and not withdrawn; and
 - Have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area (these codes relate to University managed accommodation).
44. Section 57 provides further considerations for the local housing authority in that it should ensure that:
 - Exercising the designation is consistent with the authority’s overall housing strategy;
 - Seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector as regards combining licensing with other action taken by them or others;

- Consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question; and
 - That making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well).
45. Responsibility for obtaining a licence lies with the person who has control of or manages the HMO, however, the local housing authority has a duty to maintain a register of licences that are in force (Section 232(1) Housing Act 2004).
46. Each licence relates to one HMO only and is granted for such period specified in the licence which can be up to five years unless revoked. There is an obligation on the local housing authority to review them “from time to time” (Section 60 Housing Act 2004).
47. Licences do not automatically transfer on sale or death of landlord (Section 68 Housing Act 2004).
48. Any / all enforcement action take regards unlicensed HMO’s / non-compliance with HMO conditions must be in accordance with the Council’s relevant enforcement policy.
49. Any decision taken by the Council which is not compliant with the correct procedure and / or relevant council policies may be unlawful, and lead to legal challenge and / or reputational and financial risk to the Council.

Property

50. None

Public Health

51. We know that there is a strong link between housing and health with poor living conditions having a harmful impact on physical and mental health. It is important that the council uses every means at its disposal to improve the quality of HMO accommodation and so the public health recommendation is to support option 2 as set out in the report.

Risk Management

52. The statutory process to designate an Additional Licensing scheme is being followed to ensure full compliance, including the implementation of a 10 week consultation. The consultation will be designed to ensure our

compliance with legislation and statutory guidance, minimising the risk of legal challenge.

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Director of Public Health

Chief Officer Responsible for the report:

Report Approved

Date 3rd March 2021

Tracey Carter
Interim Director of Place

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

All

For further information please contact the author of the report

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Considering the case for additional licencing of houses in multiple occupation

Housing standards and adaptations
Housing Services
City of York Council

December 2020

Contents:	Page
1. Executive summary	4
2. Introduction	5
3. Licensing of Houses in Multiple Occupation	
3.1 What is a HMO?	6
3.2 Mandatory licensing	7
3.3 Additional licensing	7
4. Supporting information	
4.1 National context	9
4.2 Local context and strategic links	9
4.3 Demographics	11
4.4 Housing in York	11
4.5 HMOs in York - Number and distribution	12
4.6 Property conditions	14
4.7 Energy performance of HMOs	16
4.8 Housing Health and Safety Rating System	17
4.9 Enforcement of HMOs	18
4.10 Impact of Covid-19	20
4.11 HMO licencing conditions	22
4.12 Environmental complaints data	23
4.13 HMO case studies	27
5. Consultation	30
6. Option appraisal and the benefits of additional licensing	
6.1 Option appraisal	31
6.2 Benefits of additional licencing	32
7. Impact of licensing	35
8. Conclusion	37

- Figure 1. Housing affordability ratio in York
- Figure 2. Distribution of HMOs in York hotspot density
- Figure 3. Distribution of licenced HMOs hotspot density
- Figure 4. Dwelling age by ward
- Figure 5. Rate of pre 1919 private sector housing by ward
- Figure 6. Percentage of private sector housing with HHSRS hazards
- Figure 7. Estimated number of HHSRS category 1 hazards by tenure
- Figure 8. HMO inspection data for second half of 2018
- Figure 9. HMO inspection data for second half of 2019
- Figure 10. HMO inspection data for first half of 2020
- Figure 11. HMO renewals data for second half of 2019
- Figure 12. HMO renewals data for first half of 2020
- Figure 13. ASB complaints hotspot density
- Figure 14. Noise complaints hotspot density
- Figure 15. Waste complaints hotspot density

- Table 1. HMOs by ward
- Table 2. EPC rating by ward
- Table 3. EPC data for licenced and un-licenced HMOs
- Table 4. Conditions imposed on licenced HMOs in first six months of licencing
- Table 5. ASB complaints by ward
- Table 6. Noise complaints by ward
- Table 7. Waste complaints by ward
- Table 8. Private rented sector rents 2014-2018
- Table 9. Comparison of rents in areas with and without licences
- Table 10. PRS rents during 2017-18
- Table 11. Percentage of private sector rent increases 2017-2018

1. EXECUTIVE SUMMARY

York is well known nationally and internationally as a great place to live, work and visit. However, the city is also well known for its high housing costs. Partly due to the problems associated with a lack of affordable housing supply many people look to the city's private rented sector (PRS) to meet their housing needs. Whilst overall standards in the PRS are good, the sector displays some of the worst conditions.

Houses in multiple occupation (HMOs) are a significant sub-sector of the private rental market. Ongoing pressures within the housing market mean that for many, including a rising proportion of families, the only chance of a decent home is in a properly managed and well regulated, licensed HMO.

The provision of good quality housing for York residents is a key priority. The Council Plan 2019-23, York Health and Wellbeing Strategy 2017-22 and the York and North Yorkshire Housing Strategy 2015-2021 all call for more decent, energy efficient and safe homes that have a positive impact on people's health and wellbeing.

The mandatory licensing of larger HMOs in York has been effective in regulating and improving the standard of accommodation offered to let within this sector. Licensing has encouraged a positive interaction with landlords and allowed for any problems presented by each house to be managed on an individual basis through a bespoke set of licence conditions. With over 3,000¹ HMOs in the city only one third are currently regulated through mandatory licencing.

Data shows that HMOs are more typically found in areas closer to the city centre and the two major university complexes, such as Hull Road ward, Guildhall ward, Fishergate ward, Clifton, Heworth ward, Micklegate ward, Osbaldwick and Derwent ward and Fulford and Heslington ward. Many of these areas have high numbers of older properties where poor conditions are more prevalent. Analysis of energy performance certificate data shows a strong correlation between HMO density and lower EPC ratings. Likewise, analysis of environmental complaints data shows some correlation between high HMO areas and ASB, noise and waste complaints, though the link could also be due to these areas being typically more densely populated and towards the urban core where such complaints are more prevalent.

Additional licensing targeted at wards with the highest number and concentrations of HMOs in the city would allow for the positive effects of licencing to be extended and for the benefits to be available to all.

Alternatives to extending HMO licencing have been considered but in each case the weaknesses are deemed to outweigh the strengths with none of the alternatives giving a long-term solution to problems within the HMO sector. The benefits of additional licencing to the council include a consistent approach to HMOs in York, improved links with landlords and pro-active and pre-emptive involvement with the sector that minimises reactive work. A case

¹ Number of private sector HMOs excluding University owned and privately owned halls of residence, which are regulated by Approved Codes of Practices

study from the midlands area² has shown that the costs associated with licencing have little if any direct impact on rents.

The council believes that licencing all HMOs in targeted areas is essential for bringing about improvements particularly in relation to property condition and energy efficiency in York's HMO rental stock.

2. Introduction

Access to decent affordable housing is essential to support good health and wellbeing and a good quality of life. Overall, housing standards in York are high - the physical condition of the city's housing stock is generally good across all sectors and energy efficiency levels are above the national average.

However, this overall positive picture masks disparities both between and within sectors that give rise to some concern. On the whole we find some of the worst conditions within the PRS, which includes a significant proportion of houses in multiple occupation.

Local authorities have an obligation under the Housing Act 2004 to keep housing conditions in their area under review. This includes all tenures of housing, not just stock that may be owned by the local authority.

The council has developed a number of policies and strategies to further its overall approach to property conditions. An assessment of poor housing conditions completed in 2015 forms an important contribution to the full evidence base which underpins these policies and strategies towards improving housing standards.

Councils have an obligation to enforce certain statutory minimum standards in housing and have powers that they can use to do this, while further non-mandatory powers are available to the Authority under the Housing Act 2004.

In line with our strategic ambitions to improve people's quality of life, we are focussed on utilising what tools and resources we have to tackle poor housing standards in York. To this end, this report explores the case for introducing additional licencing of HMOs in the PRS, where we know some of the worst housing standards can be found.

The York and North Yorkshire Housing Strategy recognises that, amongst other things, there are limited affordable housing options available in the city making it clear that the PRS will need to play a greater role in meeting housing needs going forward.

Landlord licencing is part of a wider set of measures to enable landlords in York to provide good quality housing within their communities and additional licencing can help alleviate the poor housing conditions and management in the HMO sector by setting and maintaining minimum standards across the city in the most vulnerable sector of York's private rental market.

² Coventry case study outlined in section 6 of this report

Ensuring standards are maintained delivers a wide range of positive outcomes not just for individuals but for society as a whole including:

- Fewer homes that pose a risk to health and wellbeing
- Improved outcomes for families and young people
- More independence for older or vulnerable households
- Lower carbon emissions, improved energy efficiency and reduced fuel poverty
- Less anti-social behaviour
- Neighbourhoods that are more cohesive, attractive and economically vibrant

Additional licensing would require all private landlords with new HMOs to apply for a licence for each property and meet certain property and management standards before they can be let to tenants. Existing HMOs would be given set periods, outlined in our implementation policy to comply with certain conditions where they related to structural work.

3. Licensing of Houses in Multiple Occupation

The Housing Act 2004 has given councils the power to introduce additional licensing of HMOs, those which fall outside of the mandatory HMO licensing definition to improve conditions for tenants and the local community in certain circumstances.

3.1 What is an HMO?

A HMO is defined in Sections 254 and 257 of the Housing Act 2004. A HMO can be a building or part of a building if it is:

- Occupied by persons who form more than one household, and where those persons share (or lack) one or more basic amenities, such as a WC, personal washing and cooking facilities.
- A converted building containing one or more units of accommodation that do not consist entirely of self-contained flats. (There is no requirement that the occupiers share facilities)
- A converted building consisting entirely of self-contained flats, where the building work undertaken in connection with the conversion did not comply with the 1991 Building Regulations and more than one third of the flats are occupied under short tenancies.

The HMO must be occupied by more than one household:

- As their only or main residence;
- As a refuge by persons escaping domestic violence; or
- During term time by students.

In all cases:

- Occupation of the living accommodation must be the only use of that accommodation; and
- Rents are payable or other considerations are provided.

Under the Housing Act 2004, a household comprises:

- A single person;
- Co-habiting couples (whether or not of the opposite sex); or
- A family (including foster children and children being cared for) and current domestic employees.

Bed and breakfast and hostel accommodation occupied by individuals as their main and permanent address are also considered to be an HMO.

Certain types of buildings will not be HMOs for the purpose of the Housing Act. They are:

- Buildings, or parts of buildings, occupied by no more than two households, each of which comprise a single person only (for example, two person house or flat shares);
- Buildings occupied by a resident landlord with up to two tenants;
- Buildings managed or owned by a public sector body, such as the police, local authority, registered social landlords, fire and rescue authority and the NHS;
- Buildings occupied by religious communities;
- Student halls of residence where the education establishment has signed up to an Approved Code of Practice; and
- Buildings occupied entirely by freeholders or long leaseholders.

3.2 Mandatory licensing

Under the Housing Act 2004 certain types of HMO were defined as licensable. For these HMOs there was an obligation on the landlord to apply to the local authority, where the HMO is located, for a licence. Local authorities, therefore, must be in a position to manage the application for licences. Originally, licensable HMOs were those comprising three or more storeys with five or more residents living as two or more households that share some facilities. From 1 October 2018 the definition of a mandatory licensable HMO changed and the rule regarding 3 or more storeys was removed. All properties that meet the following criteria are therefore require a mandatory HMO licence:

- It is occupied by five or more persons; Is occupied by persons living in two or more separate households; and meets
- The standard test under section 254(2) of the Act;
- The self-contained flat test under section 254(3) of the Act but is not a purpose-built flat situated in a block comprising three or more self-contained flats; or the converted building test under section 254(4) of the Act.

The total number of licensable HMOs of this nature within York using this definition is estimated to be 1,050. The council currently has issued 1030 licenses for mandatory HMOs and 14 new applications waiting to be determined. Figure 9 below provides the profile of licensed HMOs across the city.

Despite this intervention by the Government there will still be an estimated 2,000 HMOs in York that will not be subject to licensing provisions.

3.3 Additional licensing

In April 2015 the Secretary of State for Communities and Local Government gave Local Authorities general approval regarding the approval steps for additional and selective licensing designations in England.

When considering the introduction of an Additional licensing Scheme councils must proceed through the statutory process as laid out in Section 56 and 57 and the guidance issued under the Housing Act 2004: Licensing of Houses in Multiple Occupation and Selective Licensing of Other Residential Accommodation (England) General Approval 2015.

Section 56 of the Act places requirements upon councils when considering a designation for additional licensing of HMOs, in that councils must:

- Consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public;
- Take reasonable steps to consult with persons who are likely to be affected and consider any representations made in accordance with the consultation and not withdrawn; and
- Have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area (these codes relate to University managed accommodation).

Section 57 provides further considerations for councils in that they should ensure that:

- Exercising the designation is consistent with the authority's overall housing strategy;
- Seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the PRS as regards combining licensing with other action taken by them or others; and
- Consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question; and
- That making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well).

The General Approval provides the condition that any consultation period for the proposed designation should not be less than 10 weeks.

The guidance for the general approval also provides examples of properties being managed "sufficiently ineffectively" including:

- Those whose external condition and curtilage (including yards and gardens) adversely impact upon the general character and amenity of the area in which they are located;
- Those whose internal condition, such as poor amenities, overcrowding etc. adversely impact upon the health, safety and welfare of the occupiers and the landlords of these properties are failing to take appropriate steps to address the issues;

- Those where there is a significant and persistent problem of anti-social behaviour affecting other residents and/or the local community and the landlords of the HMOs are not taking reasonable and lawful steps to eliminate or reduce the problems; and
- Those where the lack of management or poor management skills or practices are otherwise adversely impacting upon the welfare, health and safety of residents and/or impacting upon the wider community.

Under section 60(2) of the Act the time must be no later than five years after the date on which the designation comes into force.

4. Supporting information

4.1 National context

The Office of National Statistics (ONS) projects there will be a population increase in the UK of 11 million people over the next two decades. The English Housing Survey (EHS) 2018/19 reported that the PRS accounts for 4.6 million or 19.9% of all households, representing a doubling in proportion since the 1990s.

A large proportion of the growth has come from families with children, who now make up nearly a third of private renting households nationally. Almost half of renters are aged 35 and over and nearly a third of renters expect to be renting for the rest of their lives. Only 6% of renters say it is their preferred choice of housing.

Generally speaking, property conditions in the private rented sector are worse than any other tenure. A third of privately rented homes do not meet the government's Decent Homes Standard, while around one in 7 contain a hazard posing a serious danger to the health and safety of renters, much higher than rates in the owner occupied and social rented sectors.

Between 1998/99 and 2018/19, the proportion of private renters living in overcrowded accommodation increased from 3% to 6%. This compares to 1% of owner occupiers and 8% of social renters.

In 2018/19, the average (mean) rent (excluding services but including Housing Benefit) for households in the social sector was £102 compared with £200 per week in the PRS, a difference of £98 per week.

4.2 Local context - Strategic links

The Council Plan 2019-23 sets out the council's overall strategic approach to services in York. With a clear vision to *"improve peoples' quality of life"*, the council aims to deliver across eight objectives:

- Create a cleaner and greener city
- Well paid jobs and an inclusive economy
- Getting around sustainably
- Good health and wellbeing
- Safe communities and culture for all

- Create homes and world class infrastructure
- A better start for children and young people
- An open and effective council

The York Health and Wellbeing Strategy 2017-22 recognises that creating health, wealth and happiness requires more than simply managing people's health problems. The health and wealth being of people can be improved if people have jobs, good housing and are connected to families and communities.

The York and North Yorkshire Housing Strategy 2015-21 vision is to "*enable more new homes and for all housing to be of a quality, type and size which meets the needs of our communities and supports economic growth.*" Beneath this vision are number of key priorities, the most notable being:

- Increase the supply of good quality housing across all tenures and locations
- Ensure the housing stock reflects local needs
- Ensure new homes are of good design and environmental quality regardless of tenure
- Make best use of our existing stock and ensure it is a decent quality.
- Ensure all homes have a positive impact on health and wellbeing and are affordable to run

York private sector housing strategy 2016-21 sets out five strategic objectives designed to improve the condition and management of owner-occupied and PRS homes: These include:

- Encourage and support owner occupiers to maintain safe homes, free from Cat 1 hazards
- Encourage, support and regulate private landlords and agents to provide safe and well managed properties, free from Cat 1 hazards. Inform and support tenants about what they can expect
- Maximise use of the existing housing stock to increase the supply of decent affordable homes
- Enable more sustainable homes by increasing energy efficiency and reducing fuel poverty

The strategy states that investing in our homes and ensuring standards are maintained delivers a wide range of positive outcomes not just for us personally but for the city as a whole including:

- Fewer homes that pose a risk to health and well being
- Improved outcomes for families and young people
- Lower carbon emissions improved energy efficiency and reduced fuel poverty
- More independence for older or vulnerable households
- Less anti-social behaviour relating to derelict or nuisance properties
- Less poverty and communities that are more cohesive, attractive and economically vibrant

The council's Housing Standards and Adaptations team (the team) play a key role in regulating the private housing sector through education, persuasion and enforcement activities. The team are responsible for ensuring properties and landlords in the PRS meet minimum legal requirements.

The service has been working with landlords to improve conditions within the HMO stock of the city through the national mandatory HMO licensing scheme as well as statutory regulatory functions relating to maintaining minimum standards in properties in the rented sector.

A variety of interventions have been used in York to tackle problems in the HMO stock in the city. These range from providing advice and support to landlords and tenants through to the use of legislative powers to raise standards within HMOs.

The primary driver for all of the work carried out by the team is the protection of the health, safety and welfare of residents living in HMO's whether it is acting in an advisory role or regulatory role through enforcement. Where serious breaches occur legal action has been taken which has led to convictions and formal action. The outcome of this work is a healthier and safer environment in which people live.

The team works with a range of internal services including Housing options, Planning and Community Safety. The team contribute to the council's corporate objectives and there are also strong links with external agencies including in particular North Yorkshire Police and Fire and Rescue services, HMRC and UK Border Agency.

The relationship with private landlords and letting agents within the city and other stakeholders has developed over the years and events are held to inform landlords and agents of key issues that may affect them. The service also meets with letting agents, college domestic bursars and other strategic partners on a regular basis. Since 2016 it has been a legal requirement for all licence holders to hold a recognised training qualification as a condition of HMO licensing. Following receipt of a successful bid to the MHCLG the team is now able to offer online training to all landlords.

Despite the above many landlords remain disengaged until formal action is pursued by the council.

4.3 Demographics

York's population increased from 190,800 in 2008 to almost 210,000 in 2018, a rise of over 10%. Almost 1 in 4 (23%) of all residents in York are aged 18-29, a much higher proportion than many other cities. Since 2001 the proportion of people in this age group rose by over 30%. Like the national picture, younger households are more likely to rent privately than older households; in 2017 those in the 25 to 34 years age group in York's PRS represented the largest group (35%).

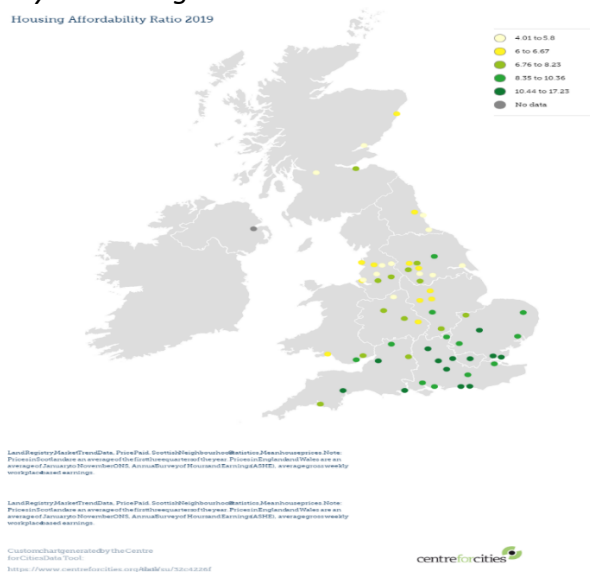
A significant factor in York's relatively young age profile is the presence of two large universities which together host around 22,000 students each year. Whilst both universities seek to offer purpose built student accommodation, this is not yet sufficient to meet all needs so many look instead to York's PRS.

4.4 Housing in York

Around 85% of the 89,590³ households in York are in the private sector, either owner-occupied (68% - 60,999 households) or privately rented (17.5% - 15,671 households). Virtually all the rest (15% - 13,439 households) are let as either social or ‘affordable’ rent by the council or registered social landlords (RSLs).

There are significant pressures within York’s housing market as demand outstrips supply. For many of the past 10 years the supply of new homes has fallen short of identified need. A significant minority of households face a worsening of affordability as the cost of home ownership and private rents rise faster than local incomes. In 2019 Centre for Cities⁴ found that York’s housing affordability ratio stood at 9.05.

Fig 1. Housing affordability to earnings ratio



High housing costs have placed additional pressure on social and affordable rented accommodation let by the council and local RSLs. There are currently around 1,500 households on the council’s housing waiting list hoping to secure one of the small number of social and affordable rented homes that become available each year. A shortage of affordable accommodation pushes further demand pressures onto the PRS, including HMOs.

PRS accommodation meets a diverse range of needs. It provides a flexible option for those who do not wish to buy, face barriers to buying or are saving for a deposit. It offers a range of shared accommodation for smaller households and is increasingly used by a growing number of families. With rising costs and limited social rented homes the sector looks set to remain an important source of housing for the foreseeable future.

In line with national trends, the PRS in York has seen considerable overall growth over the past 20 years. In 2001 the sector was reported to be around 10% of total stock and this has increased to 17.5%.⁵

³ ONS estimate 2018

⁴ Centre for Cities – Cities Index 2020

⁵ ONS estimate 2018

4.5 HMOs in York - Number and distribution

Data shows there are currently 3,076 (19% of PRS) HMOs in York, not including university halls of residence, of which 1,029 are licenced. The data and hotspot density map below clearly shows a larger concentrations of HMOs in certain wards focussed within close proximity of the city centre and the two major university complexes.

Wards with the highest **number** of HMOs (i.e. over 100) include Hull Road, Guildhall, Fishergate, Heworth, Micklegate, Clifton, and Osbaldwick and Derwent.

Wards with the highest **concentrations** of HMOs (i.e. over 10%) include Hull Road, Guildhall, Fishergate and Fulford and Heslington.

Table 1. HMOs by ward

HMOs by ward					
Ward	HMOs	Licenced HMOs	Proportion of HMOs which are licenced	Number of Households (2011 Population Census)	Proportion of Households which are HMOs
Hull Road	746	335	44.91%	3984	18.72%
Guildhall	665	201	30.23%	4329	15.36%
Fishergate	559	122	21.82%	3945	14.17%
Heworth	321	136	42.37%	5785	5.55%
Micklegate	210	39	18.57%	6133	3.42%
Clifton	161	48	29.81%	5652	2.85%
Osbaldwick & Derwent	114	51	44.74%	3025	3.77%
Fulford & Heslington	78	29	37.18%	661	11.80%
Holgate	70	19	27.14%	5930	1.18%
Westfield	31	5	16.13%	6004	0.52%
Huntington and New Earswick	29	4	13.79%	5429	0.53%
Dringhouses and Woodthorpe	26	9	34.62%	4843	0.54%
Acomb	22	8	36.36%	3520	0.63%
Rawcliffe and Clifton Without	21	4	19.05%	5583	0.38%
Heworth Without	10	4	40.00%	1687	0.59%
Haxby and Wigginton	6	1	16.67%	5270	0.11%
Strensall	3	0	0.00%	3198	0.09%
Rural West York	2	0	0.00%	4218	0.05%
Bishopthorpe	1	0	0.00%	1736	0.06%
Wheldrake	1	0	0.00%	1620	0.06%
	3076	1015			

Fig 2. Distribution of HMOs - Hotspot Density

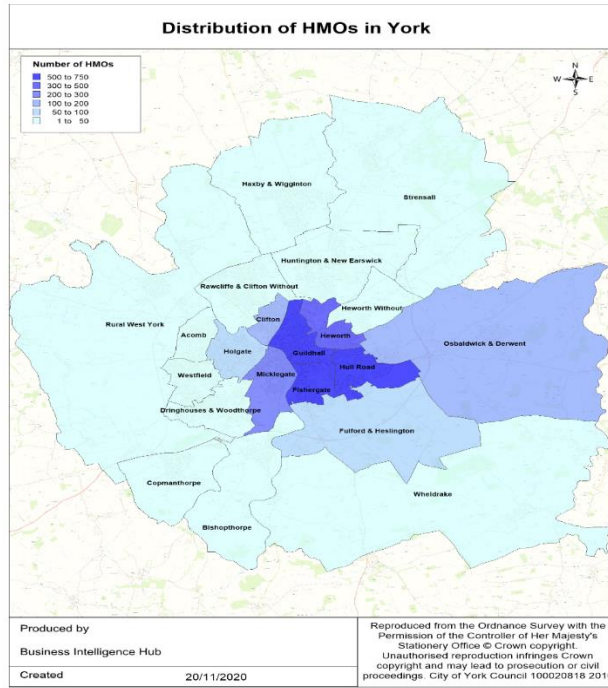
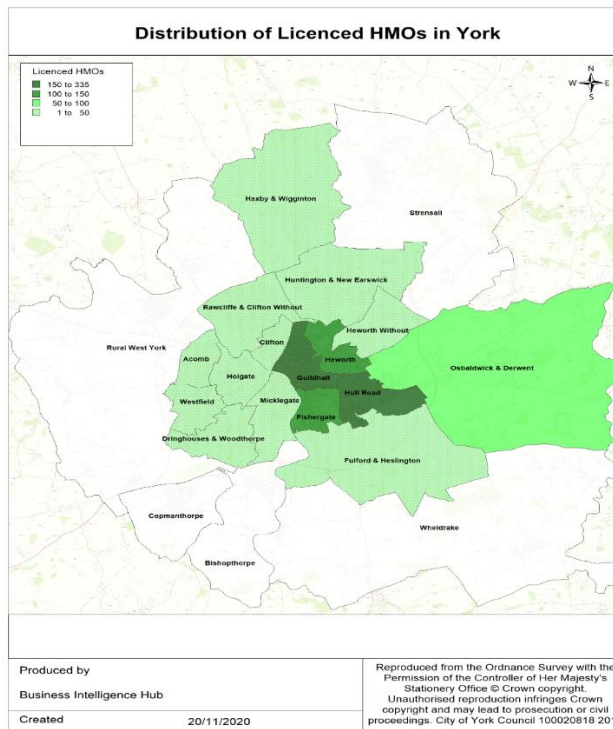


Fig 3. Distribution of licenced HMOs – Hotspot density



Planning policy in the form of an Article 4 Directive has been developed by the council to create and sustain ‘mixed and balanced communities’, by encouraging the spread of sustainable and viable options for accommodation across the city. Notwithstanding, it is clear from the data above that the city does have several areas where HMOs within the PRS are substantial in number.

The council must consider if a significant proportion of the HMOs in the area are being managed sufficiently ineffectively as to give rise to, or be likely to give rise to, one or more particular problems either for those occupying the HMOs or for members of the public.

4.6 Property conditions

Information concerning the HMO stock in the city has historically been built up from operational records, however, landlords and agents are most reticent to provide the council with data unless specifically required to do so. Additional licensing would enable the collection of more detailed and accurate information about the HMO stock. This is one of the less apparent benefits of licensing.

The figures below provide relevant information regarding the stock and conditions in the PRS as reported in the 2015 assessment of housing conditions.

As previously described, MHCLG guidance provides examples of properties being managed “*sufficiently ineffectively*” and includes;

- those where the external condition and curtilage (including yards and gardens) adversely impacts upon the general character and amenity of the area in which they are located; and
- where the internal condition, such as poor amenities, overcrowding etc. adversely impact upon the health, safety and welfare of the occupiers; and
- where landlords of these properties are failing to take appropriate steps to address the issues.

It is well reported that poor housing conditions, including overcrowding and homelessness, are associated with property age and the effect of such conditions have a direct impact on health including in particular, cardiovascular diseases, respiratory conditions and mental health problems.

The age of dwellings in the PRS is therefore an important consideration as there is a direct correlation between property age and conditions - the worse conditions are generally present in older stock types. Figure 4 shows the dwelling age profile by ward which provides a means of identifying areas with properties of certain ages; for example, Guildhall, Micklegate, Clifton, Fishergate wards exhibit above average concentrations of pre-1919 and private-rented properties; sectors known to be problematic in condition terms.

Fig 4. Dwelling age by ward

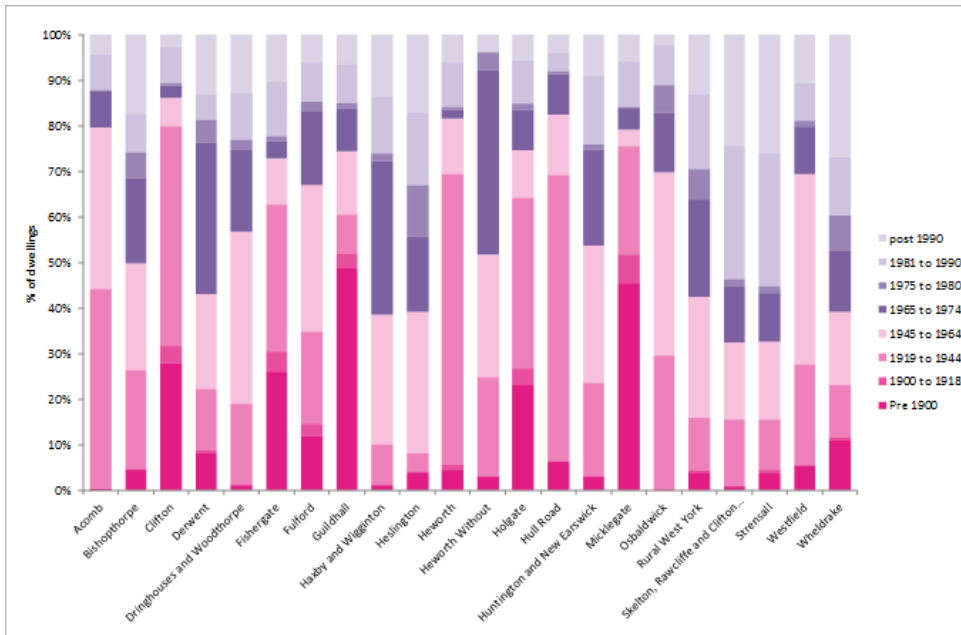
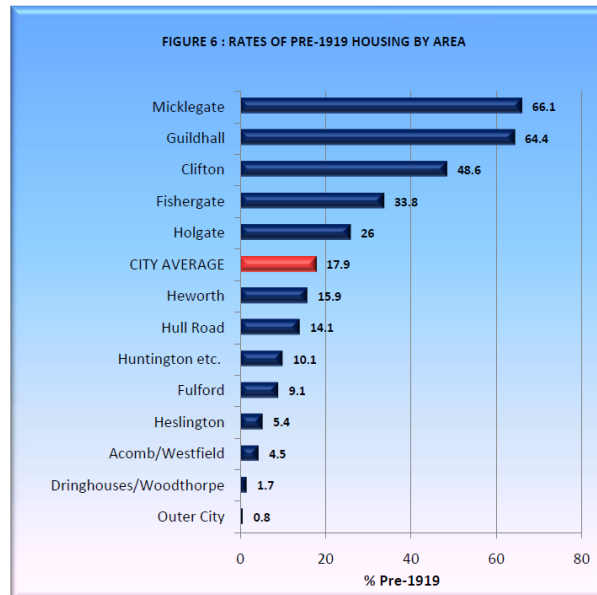


Fig 5. Rates of pre-1919 housing by ward



4.7 Energy Performance of HMOs

Analysis of Energy Performance Certificate (EPC) data shown below appears to show a strong correlation between wards with higher numbers of HMOs and prevalence of lower ratings (i.e. below D) both for licenced and un-licenced HMOs.

Table 2. EPC ratings by ward – licenced and un-licenced HMOs

EPC Ratings by Ward 2020 (wards with 100 or more HMOs in red)

	Licensed								No EPC	Unlicensed								No EPC
	A	B	C	D	E	F	G	Expired		A	B	C	D	E	F	G	Expired	
Acomb		1	1	5	1							7	2	2			2	
Bishopthorpe													1				1	
Clifton			10	29	7	1		3	1			2	25	65	13		9	1
Copmanthorpe																		
Dringhouses & Woodthorpe			7	2				0					5	8	2		1	2
Fishergate		1	23	82	14			14	2			7	128	233	35	1	44	2
Fulford & Heslington			15	11	3			1				1	13	24	4	1	3	
Guildhall		2	45	112	37			15	5			61	160	159	45	6	83	5
Haxby & Wigginton				1								1	2	1	1			
Heworth		5	59	59	11			3	2			1	5	60	87	16	1	23
Heworth Without			1	3								1		3	2			
Holgate			6	9	1	1		1	1			2	23	22	2	1	10	1
Hull Road		5	199	122	9			13				1	6	124	198	53	2	53
Huntington & New Earswick			1	2	1			0				2	7	11			3	
Micklegate			4	24	8			3	3			12	47	78	25		1	34
Osbalwick & Derwent		1	30	20				1				8	27	21	6		9	
Rawcliffe & Clifton Without			1	2	1							1	4	7	2		1	3
Rural West York														1				
Strensall													1	1	1			
Westfield			1	2		1	1	1					6	14	2	1	5	
Wheldrake															1			
Total	0	15	403	485	93	3	1	55	14	3	108	642	935	210	13	6	284	14

Table 3. EPC data for licenced and un-licenced HMOs in York

EPC data for licenced and un-licenced HMOs			
EPC Rating (incl. expired EPCs)	Unlicensed	Licensed	Total HMOs
A	3		3
B	108	16	124
C	642	395	1037
D	935	476	1411
E	210	97	307
F	13	4	17
G	6	3	9
No EPC	136	18	154
Ambiguous Address	9	6	15
Total	2062	1015	3077
% of properties with no EPC	6.60%	1.77%	5.00%
% of properties with F or G rating	0.92%	0.69%	0.84%
% of properties with expired EPC	13.77%	9.26%	12.28%

4.8 Housing health and safety rating system (HHSRS)

The HHSRS provides the minimum standard for housing, in that a property should be free from a Category 1 hazard. There are 29 criteria for assessing hazards in a property and typically hazards arise from faults or deficiencies in the dwelling which could cause harm.

In short, a dwelling should be able to supply the basic needs for the everyday life of the range of households who could normally be expected to live in a dwelling of that size and type. The

dwelling should not contain any deficiency that might give rise to a hazard which interferes with, or puts at risk, the health or safety, or even the lives, of the occupants.

The council is under a duty to take action in the case of Category 1 hazards and if necessary it may carry out any necessary remedial work and reclaim the costs. The council has a power (discretion) to take action in the case of all Category 2 hazards (i.e. those which carry lower risks).

Figure 6 below shows the number of hazards, grouped into major hazard categories, in York compared to England as a whole, across the private sector housing stock (owner occupied and privately rented)⁶. Compared to England, York has a similar level of dwellings with category 1 hazards, although there are higher rates of falls on stairs. Around 15% of all private dwellings in York have a category 1 hazard.

There are an estimated 12,920 category 1 hazards in York’s private sector stock, of which over 4,194 (32%) are within the privately rented sector.

Fig 6. Percentage of private sector stock with HHSRS hazards

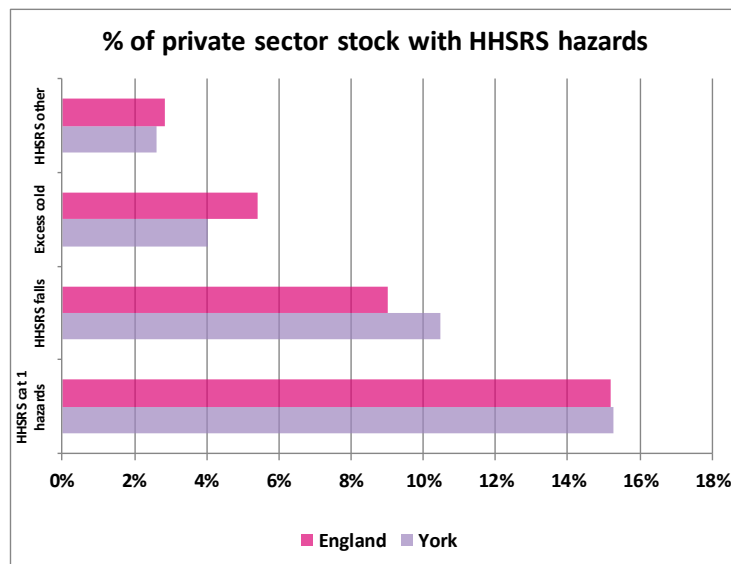
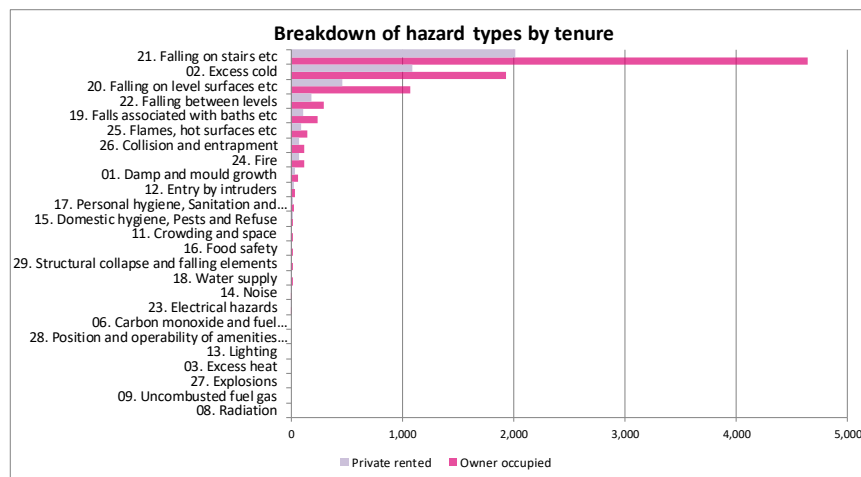


Fig 7. Estimated number of category 1 hazards in York by tenure

⁶ BRE Health Impacts and Costs of Poor Housing in York 2015



The two main hazards in the private rented sector are falls on stairs (2,015 hazards) and excess cold (1,088 hazards).

4.9 Enforcement of HMOs

The reason why landlords of HMOs have a tougher regime to deal with is because of all of the problems that can arise in this type of accommodation. Although there are many well managed and trouble free HMOs, generally most are at the lower end of the scale. Tenants, especially those renting a room in a shared house, are often unable to afford anything more. Frequently they will be on housing benefit and because they are unrelated but living in close proximity, studies have shown that there are far more likely to be problems with HMOs.

The council has always taken a positive approach in dealing with concerns about HMOs and concentrates on four main areas of enforcement:

- Unlicensed HMOs
- Non-compliance of licence conditions
- Management
- Health and Safety

Under the Housing Act 2004 the council is responsible for administering the mandatory licensing scheme described earlier in this report. Where the council suspects there is an unlicensed HMO it has powers to inspect without providing any notice to the occupants or the owner. Once a property has been found to be operating without a licence the council will instigate a formal investigation and decide, based on a range of risk factors, what course of action is appropriate.

In cases of poor management the council has powers under the Management of Houses in Multiple Occupation (England) Regulations 2006. The general principle of the regulations is to protect the health, safety and welfare of occupants by requiring landlords and managers of HMOs to comply with certain duties.

Effective management procedures should take account of the characteristics of the residents, including age, vulnerability, disabilities or dependencies. It may be necessary to make special

provision for individuals such as providing written information in large print or in another language.

Effective management also relies in part on residents being fully aware of their responsibilities. They should be made aware that they are either required by regulation or by the terms of the tenancy agreement not to act in a way that obstructs the manager, or causes nuisance or annoyance to neighbours, and also be made aware of the consequences if they do not comply with this.

HHSRS applies to HMOs as any other housing accommodation and the council is required to keep property conditions 'under review'. The application of HHSRS in HMOs is a reactive approach as the council relies upon residents and tenants to complain so that it is aware of issues.

In the case of licensed HMOs the council is required to carry out a HHSRS inspection once every five years. This is very much reactive. More recently with austerity, resources have resulted in reactive services taking priority.

During the period 1 October 2018 to 30 September 2020 the council's housing standards team received 872 service requests including empty property enquiries. Of these, 698 related to private sector housing conditions and tenancy relations. 156 of these were dealt with by the technical support team relating to HMO general advice including advice on the HMO licencing process. 542 were passed to the HMO enforcement team of which 63 related to tenancy advice matters and 415 related to housing conditions such as damp and mould, overcrowding and lack of gas safety certificates. 64 requests related to investigations into potential un-licensed HMOs

The council adopts a robust approach to taking enforcement and has a mechanism to resolve issues either through legal action, which may result in the landlord/licence holder or manager being prosecuted, or through further licensing controls such as revoking a licence and restricting their ability to run HMOs.

Where necessary and appropriate the council will pursue formal action against landlords and agents.

The council also adopts informal measures such as re-inspections, which carry a higher charge for licence renewals or require landlords to employ the services of a competent and professional agent. This is dependent upon a number of factors but in general terms consideration is given to the following:

- The gravity of the offence alleged;
- The complexity of what is in issue;
- The general record and approach of the person responsible;
- The severity of the consequences for the defendant and others affected; and
- Whether it is in the best interests of the public to deter others from similar failures.

In some cases the breaches found do not always warrant formal action so the council will adopt an informal approach and provide the landlord with a warning or caution. If a landlord

fails to heed these warnings about problems then the council has applied enforcement and prosecuted where the problem is serious enough and it would be in the public interest to take such action.

4.10 Impact of COVID-19

The restrictions/changes caused by the Pandemic have been significant in a number of ways including tenants initially being restricted to their homes and using them for the first time as their work/office space; landlords/agents were unable to respond to complaints about repairs during the full lockdown or as lockdown was eased due to the availability of furlough arrangements by their contractors and initially the reduction in the number of proactive inspections carried out by officers compared to the same period last year.

Government guidance issued early on the Pandemic changed the council’s approach to tackling issues advising to take a more informal approach to resolve issues found. Although this increased the workload of officers as it meant that time periods to ensure compliance were reviewed and extended both for licensing conditions and for notices, it enabled officers to still concentrate on the worst conditions in the poorest sector.

Going forward we understand that there are likely to be serious delays in the court system due to the backlog of cases. It is even more important that during this period that there is a mechanism such as Additional HMO licensing that seeks to bring up to standard the poorest properties by identifying the properties/landlords and working with the sector to ensure compliance.

Fig 8. HMO inspection data for the second half of 2018 following the implementation of the extension HMO licensing

Inspections	Category 1 Hazards	Category 2 Hazards
117 inspections 16 rooms found to be mis-measured	4 category 1 Hazards 1 lack of natural lighting 3 excess cold 1 suspended Prohibition Notice	86 Category 2 Hazards 74 Fire safety 8 Fall Hazards 2 Structural collapse 1 Crowding and Space 1 Collision and Entrapment 18 Hazard Awareness Notices

Fig 9. HMO inspection data for the second half of 2019

HMO inspection figures for the second half of 2019

Inspections	Category 1 Hazards	Category 2 Hazards
141 inspections 3 rooms found to be mis-measured and licence conditions varied 34 properties were found to be meet standards	8 in total 7 Excess cold resulting in 6 Hazard Awareness Notices 1 Letter/Email 1 Hazard removed before action taken 1 Crowding and space resulting in Suspended Prohibition Order	123 in total 99 Fire Safety 68 Hazard Awareness Notices 7 Hazard Information Sheets 24 letters/emails 15 Fall Hazards 9 HAN 6 HIS 4 Flames, Hot surfaces 4 HANS 3 Damp and Mould 2 HANS 1 letter/email 2 Lighting 2 HANS

Fig 10. HMO inspection data for the first half of 2020

HMO inspection figures for the first half of 2020

Inspections	Category 1 Hazards	Category 2 Hazards
41 Inspections 14 properties were up to standard Management issues in two properties dealt with by email	2 in total 1 fall hazards 1 Letter/Email 1 Fire safety issue 1 hazard Awareness Notice	30 in total 25 Fire Safety 4 Hazard Awareness Notices 1 Hazard Information Sheets 20 letters/emails 4 Fall Hazards 2 HAN 2 letters/emails 1 Damp and Mould 1 HANS 1 letter/email

Fig 11. HMO renewals inspection data for the second half of 2019

HMO Renewals inspection figures for the second half of 2019

Inspections	Category 1 Hazards	Category 2 Hazards
22 inspections 3 rooms found to be mis-measured and licence conditions varied 11 properties were found to meet standards	2 in total 1 Hazards of Fire Letter Crowding and Space Suspended Prohibition Order	11 in total 7 Hazards relating to Fire 3 Hazard Awareness Notices 2 Hazard information sheets 2 hazards of Falls 2 letters/emails 1 hazard of Excess Cold Letter 1 hazard of Damp and Mould Letter/email

Fig 12. HMO renewals inspection data for the first half of 2020

HMO Renewals inspection figures for the first half of 2020

Inspections	Category 1 Hazards	Category 2 Hazards
27 inspections 19 properties were found to meet standards Management Issues <u>Fire</u> 1 Letter/emails <u>General Management</u> 3 Letters/emails	None	5 in total 2 Hazards relating to Fire 2 Letters/emails 3 Hazards of Falls 3 letters/emails

4.11 HMO Licence Conditions

The following table outlines the type and number of conditions imposed on HMOs that were licensed during the first six months of licensing after the 1st October 2018.

All HMOs are issued with standard licence conditions but where the licence holder, or property or management fails to meet a required standard then a specific licence condition is imposed. The table shows the number of HMOs that failed to meet the standards in 2018. The licence holders have all been issued with conditions to ensure that these matters have been resolved. It is expected that should additional HMO licensing is extended to other HMOs then similar levels of issues will be found.

Table 4. Type and number of conditions imposed on licenced HMOs in first six months of licencing.

Standard licence conditions	New HMOs and existing HMOs that have been renewed
The number of properties failing the room size and a condition imposed. NB this could relate to more than one room in the property	58
The number of properties failing to meet the required level of kitchen facilities for the number of occupants and households	192
The number of properties failing to meet the required level of bathroom facilities for the number of occupants and households	12
The number of properties failing to meet the required level of toilet facilities for the number of occupants and households	82

The number of properties failing to provide the level of controllable heating facilities for the number of occupants and households	25
The number of properties failing to meet the required minimum energy efficiency levels and licence conditions imposed	78
The number of properties failing to meet the required level of carbon monoxide detection in the house	205
The number of licence holders who fail to meet the required level of training by attending and passing a recognised training course	312
Total	609

4.12 Environmental complaints data

Analysis of complaints data gives insights into potential correlations between anti-social behaviour, noise and waste complaints and areas with higher numbers and concentrations of HMOs.

There appears to be some correlation between anti-social behaviour complaints and areas with higher numbers of HMOs, though these areas are typically within or adjacent to the urban core where ASB may more typically be found and reported. There appears to be no correlation with ASB and HMOs in Osbaldwick and Derwent ward.

Likewise, there appears to be some correlation between HMO prevalent areas and noise complaints, with five of seven areas with the most HMOs appearing towards the top of the list. Again though this may not be evidence of a direct causal link as areas with far fewer HMOs also feature in the top 10 wards. The concentration of noise complaints is within or adjacent to the urban core where housing is more densely situated.

Waste complaints are also concentrated within or towards the urban core where wards with the greatest number of HMOs are found, though again some of this could be related to littering and commercial operations within or towards the city centre.

Table 5. Anti-social behaviour complaints by ward Dec 2019 – Oct 2020

Number of Anti-Social Behaviour Complaints by Ward - 16th December 2019 to 16th October 2020	
Ward (those with more than 100 HMOs shown in red)	Number of Complaints
Guildhall Ward	58
Westfield Ward	34
Micklegate Ward	21
Holgate Ward	20
Clifton Ward	9

Acomb Ward	7
Heworth Ward	6
Fishergate Ward	5
Haxby & Wigginton Ward	4
Hull Road Ward	4
Huntington & New Earswick Ward	4
Dringhouses & Woodthorpe Ward	3
Strensall Ward	3
Rawcliffe & Clifton Without Ward	2
Rural West York Ward	1
Bishopthorpe Ward	0
Copmanthorpe Ward	0
Fulford & Heslington Ward	0
Heworth Without Ward	0
Osbaldwick & Derwent Ward	0
Wheldrake Ward	0
Total	181

Fig 13. Antisocial behaviour – Hotspot density

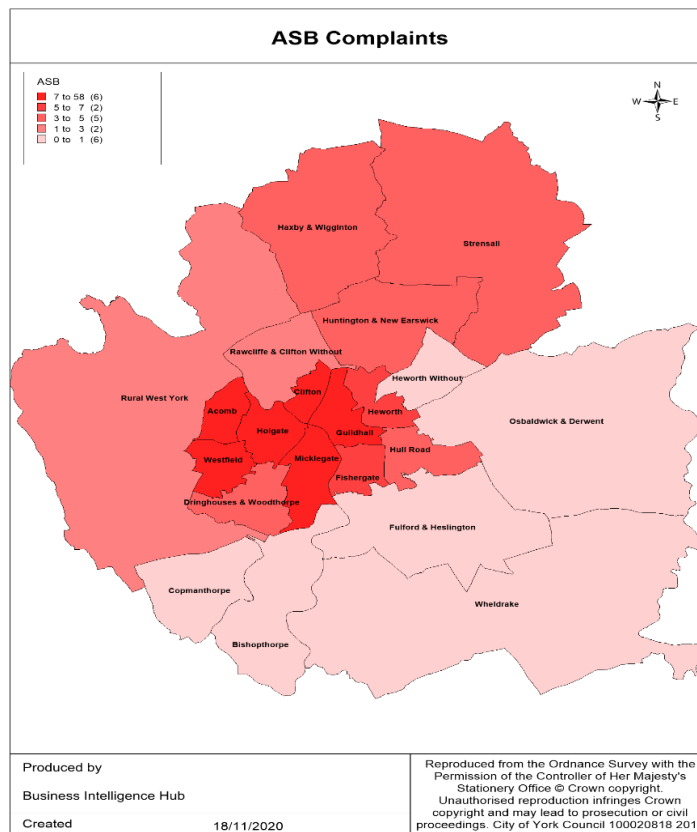


Table 6. Noise complaints by ward

Noise Complaints by Ward - 16th December 2019 to 16th October 2020	
Ward (those with more than 100 HMOs shown in red)	Number of Complaints
Westfield Ward	350

Guildhall Ward	294
Heworth Ward	294
Holgate Ward	159
Micklegate Ward	148
Hull Road Ward	122
Clifton Ward	114
Rawcliffe & Clifton Without Ward	93
Acomb Ward	88
Fishergate Ward	75
Huntington & New Earswick Ward	63
Dringhouses & Woodthorpe Ward	43
Osballdwick & Derwent Ward	31
Heworth Without Ward	30
Haxby & Wigginton Ward	27
Strensall Ward	19
Bishopthorpe Ward	15
Rural West York Ward	15
Fulford & Heslington Ward	14
Wheldrake Ward	12
Copmanthorpe Ward	4
Grand Total	2010

Fig 14. Noise complaints – Hotspot density

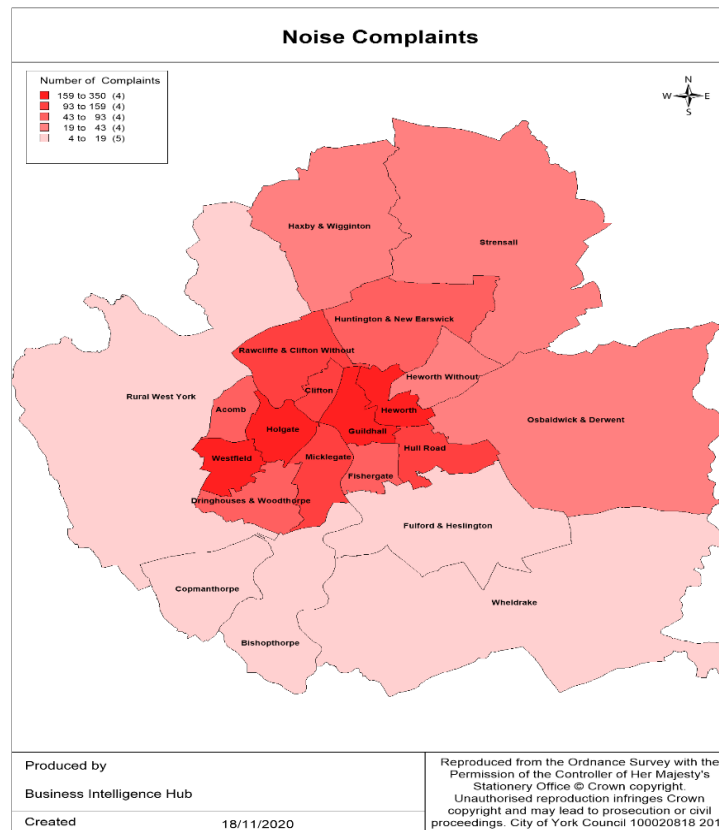


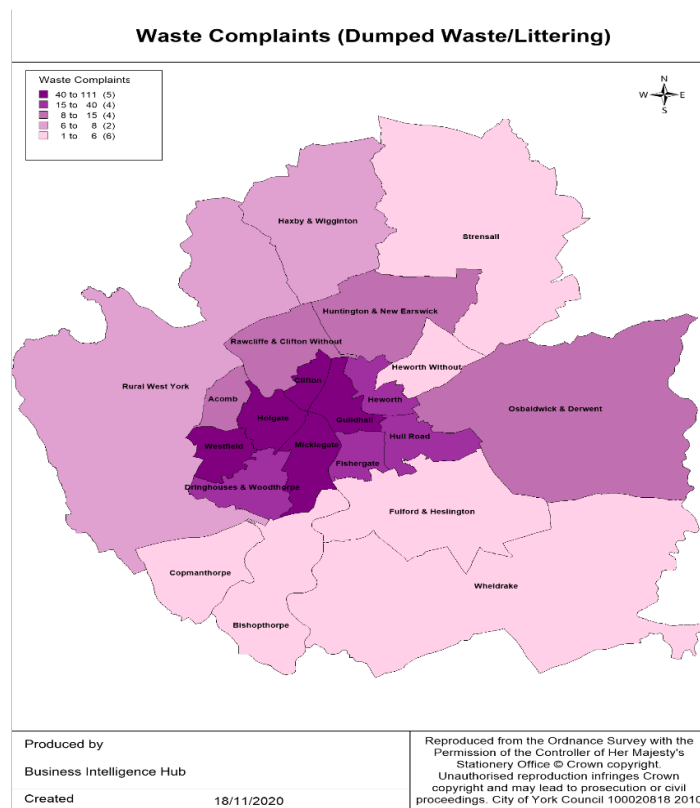
Table 7. Waste complaints by ward

Waste Complaints by Ward - 16th December 2019 to 16th October 2020

Ward (those with more than 100 HMOs shown in red)	Number of Complaints
Guildhall Ward	111
Micklegate Ward	85
Holgate Ward	75
Clifton Ward	63
Westfield Ward	40
Fishergate Ward	26
Heworth Ward	26
Hull Road Ward	19
Dringhouses & Woodthorpe Ward	15
Rawcliffe & Clifton Without Ward	14
Huntington & New Earswick Ward	10
Osbaldwick & Derwent Ward	9
Acomb Ward	8
Rural West York Ward	7
Haxby & Wigginton Ward	6
Copmanthorpe Ward	5
Strensall Ward	5
Bishopthorpe Ward	4
Fulford & Heslington Ward	4
Heworth Without Ward	3
Wheldrake Ward	1
Grand Total	536

* includes Littering and Dumped Waste

Fig 15. Waste complaints – Hotspot density



4.13 HMO Case studies

The English Housing Survey (EHS), which is an annual survey conducted to “*determine people's housing circumstances and the condition and energy efficiency of housing*” Department for Communities and Local Government (2014) *English Housing Survey – Headline report* DCLG February 2015, reported that HMOs are often old, solid wall properties with low levels of insulation and sometimes expensive electric heating systems and.... “*Section 257 HMOs pose particular problems because they are by definition older, poorly converted properties*”.

The evidence and experience over the years, in York, is that some of the worst conditions are present in HMOs. The case studies below highlight what we have uncovered in recent years:

Guildhall Ward

Property A was a converted mid terrace house situated on a main road, which is occupied by five student tenants. The ground floor comprises two bedrooms, a kitchen/lounge area and a separate WC. Bedroom 2 was in the middle of the house and sandwiched between bedroom 1, the communal kitchen/lounge area and the hallway. As a result of this, the bedroom had no outside window and no natural light or fresh ventilation. It did have a UPVC internal window which opens into the communal kitchen/lounge area, giving no privacy or any fresh air. In addition this window was also a fire hazard as it did not give a 30 minute fire resistance and was adjacent and looked into a communal kitchen.

The above hazards were scored under the HHSRS system for lighting and fire hazards, lighting scored a band C Cat 1 hazard, fire scored band F, Cat 2 hazard. A suspended prohibition notice was served

Clifton Ward

Property B was a converted mid terrace property occupied by 5 tenants who were not a cohesive group. The ground floor comprised two bedrooms, kitchen and bathroom. There were signs of damp in the area between the kitchen and bathroom. The front bedroom showed signs of damp to the front walls, there was no Thermostatic Radiator Valve (TRV) on the radiator and the door was an old Pine door.

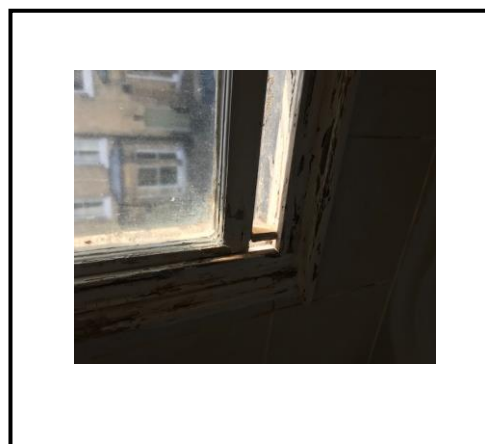
The second bedroom was tenanted by a male who was away for long periods of time, the bed was positioned in the middle of the room, the door which was old Pine door and was badly damaged. Upstairs in the property there were three further bedrooms, a bathroom and separate WC.

The smallest bedroom at the rear of the property was too small to be used. The front bedroom also showed signs of damp to the front wall and the door on middle bedroom also showed signs of traumatic damage and was an old Pine door.

The separate toilet was very small, cold, with no wash basin and the suspended ceiling was missing. The upstairs bathroom was at the front of the property and when the shower curtain was pulled back from the window area, the state of the wooden sash window was revealed, the bottom wooden frame was hanging off at a 45 degree angle and appeared to be only held in place in one corner, the glass had no support and the condition of the rest of the frame was extremely poor and required immediate repair. This would not have been found had the shower curtain not been moved. On inspection it was found that the property requires updating, redecoration and repair in several places. Notice was served on the landlord.

Heworth Ward

During an inspection of property C, in addition to fire safety issues, we noted potential structural movement with numerous external and internal cracks in the walls around the ground floor extension housing the shower room and bedroom 2 of the property. We asked to be provided with a structural engineers report to inform of any works which need to be carried out. It found that the extension was suffering from structural movement and that although the structure was safe, further works were necessary within the next 6 – 12 months to limit the risk of further damage. The landlord confirmed that they would be undertaking the recommended remedial work in the report within the timescale stated.



Fishergate Ward

Property D was a 1960s open plan house with limited fire safety measures. Means of escape straight down an open plan staircase linking the first floor landing and the open plan lounge.

Deficiencies found:

- Lack of general 30 min separation
- No interlinked detection
- Ceiling breach in kitchen
- Lack of low level full length railing

Action required:

- Escape windows to four of the six bedrooms
- Fire doors throughout to include removal of an ornate glass pane between the lounge and the kitchen
- Thumb turn on FEP in rear yard as GF bedroom means of escape was to the small enclosed rear yard
- Interlinked detection
- Full length railing to be fitted to reduce the gap at floor level

A Hazard Awareness Notice was served.

Property E was a large detached property of 23 lets with 35 occupants. The lets comprised of flats, bedsits and bedrooms. The property had three shared kitchens but no communal living accommodation. On inspection the property was found to be run down. One of the bedroom lets was found to be under the 6.51m² of useable floor space. Also two bedrooms were over the 6.51m² rule but well under 10m² of useable floor space. Six other bedrooms which were all over the 6.51m² rule were looked at due to the lack of a communal living space. Using old guidelines and liaising with other local authorities, we worked out that due to the lack of this communal living space one person should have 10m² of useable floor space, 2 persons should have 15m² of useable floor space and a kitchen area should be at least 3m².

From the initial inspection we had initially found that three of the bedrooms should not have any people using them, one as mentioned was under the 6.51m² useable floor space rule.

We measured the six rooms in question in the presence of the HMO Licence applicants. We found after measuring these rooms a further two rooms were under the 10m² of useable floor space. So in total five letting units were not to be used.

HMO licence conditions were imposed outlining how many people could live in each of the units in the property, that 5 of these units could not be let under the current set-up at the address. We talked with the owners of the property and they are now in the process of converting a large bedroom near one of the large kitchens, to make a large kitchen diner/ living area, to service the needs of the residents in the rooms that were deemed to be unusable. We have stipulated what should be in the new area, i.e. comfortable seating, table and chairs etc.

Hull Road Ward

Property F was a two storey HMO with six bedrooms. One bedroom was below 6.51m² (not occupied)

Deficiencies found included:

- Lack of fire detection and fire doors
- Built in appliances damaged and broken but not replaced by agent
- Furniture in poor condition and not compliance with The Furniture and Furnishings (Fire Safety) Regulations 1988.
- External communal area (rear garden) overgrown and poorly maintained
- Lack of refuse receptacles – Agent advising tenants it's their responsibility to supply
- Leak to WC and bath (two separate rooms) which had cause water ingress to floor boards and damages floor covering (ongoing and not addressed by Agent)

Conservatory to the rear had rotten windows causing water seepage and infestation of wood lice (potential Excess cold) unable to heat due to drafts around windows.

A Hazard Awareness Notice was served for fire safety and management regulations breaches served for failure to maintain property.

5. Consultation

There is a statutory requirement to consult for a minimum period of 10 weeks on any proposals to designate an area subject to Additional Licensing. The results of the consultation will be considered as part of the development of the proposed structure of any additional licensing scheme.

The consultation will need to demonstrate that it has satisfied the legal requirement to take reasonable steps to consult with those people who may be affected by the designations. This includes neighbouring areas outside of the identified areas.

Subject to Covid restrictions during the consultation period a plan will be produced setting out how the Council will meet these requirements, in summary this will include the following.

- Online questionnaire tailored to gauge cross section of views on the proposals
- Focus groups with key stakeholder groups, Universities and Student bodies
- Residents and other key organisations such as the Police
- Drop in sessions in various parts of the City
- E-communications through social media and the Council's website
- Workshops with Landlords and Agents to present the proposals.

6. Option appraisal and the benefits of additional licencing

6.1 Option appraisal

As part of the Option Appraisal process the council must consider;

- whether there are other courses of action available to them that might provide an effective method of dealing with the problem or problems in question;
- that making the designation will significantly assist them to achieve the objective; and
- that making the designation will significantly assist them to deal with the problem or problems in question

Alternative approaches to extending HMO licensing have been considered and evaluated against the strengths of additional licensing. Each approach is a valuable tool for dealing with the problems in the HMO stock. However in each case the weaknesses outweigh the strengths.

The options considered include possible interventions for tackling substandard and 'problematic' smaller HMOs in the city as set out below:

Do nothing further:

The Council has already intervened by introducing an Article 4 Directive to manage the numbers of HMOs across the city. By doing nothing more would leave the local housing market to be the driver for landlords carrying out improvements to their properties.

The council would be limited to a basic complaint response service with action by other departments and agencies on a largely ad hoc basis. The option is reactive and relies on the housing market as a driver for landlord-initiated housing improvement across the board. All council services would continue to use their existing enforcement powers.

Informal area action (Proactive inspection programme):

This would be delivered through a non-statutory Action Area, considering parts of the city where there were concentration of poorly managed or maintained properties. The driver for the housing improvement would come from a combination of council activity from different services focussing work in the area and landlord activity (including peer pressure)

Voluntary accreditation:

The council initially supported the Universities in running a Voluntary Code of Practice for landlords to sign up to a set of standards up until 2012. However there were serious weaknesses with the scheme in that there was no supporting inspection programme to ensure that the standards that landlords were signed up were being adhered to. In 2012 with the Universities supporting this scheme brought this to a close and was replaced by the council run voluntary accreditation scheme. This was initially successful, however with the extension of mandatory HMO licensing to HMOs irrespective of the number of storeys the number of landlords dwindled to a level which made it unsustainable and this was brought to a close in 2018.

Targeted use of Interim Management Orders (IMOs) and Final Management Orders (FMOs).

The Housing Act 2004 gives local authorities powers to use Management Orders for talking comprehensive and serious management failures.

City-wide additional licensing scheme.

Licensing would be extended to all HMOs in the city (in all wards) and would include all smaller multi-occupied properties not currently subjected to Mandatory HMO Licensing irrespective of the evidence relating to housing conditions and the impact that HMOs are having on their residents.

Area-based additional licensing scheme.

Licensing would be introduced in selected wards in the city where there is the highest number and concentration of HMOs and where evidence demonstrates there is the greatest need.

In general, approaches other than additional licencing are judged to have the following limitations:

- Most other schemes are expensive and would require funds being taken from the Council Tax. This seems unfair when many of the problems are due to poor management practices by landlords or agents operating in a buoyant market place. Additional licensing would be self-financing with the fee covering the cost of licensing; the fee will be paid by the applicants and not by the wider community.
- The use of IMOs on individual properties does not appear to give value for money, as the amount of resources being put into one property will mean that other properties cannot be tackled. It is clear from our experience that if this were to be the only sanction available then operating more than a few IMOs at a time would not be feasible given the lack of funding. This approach can also be seen to be heavy handed and can cause problems for the Council when attempting to work with and engage with landlords.
- None of the proposals give a long-term solution to the problems within the HMO sector,

Other schemes will not give the council detailed and accurate information concerning the HMO stock. This is essential in order to undertake meaningful prioritisation and work planning. Such information is not only used in the area of Regulatory Services but is also used and required by colleagues in other services.

6.2 Benefits of additional licensing

We know from experience that there will be a small, and probably vocal, minority of landlords who will never see the overall value of Additional licensing of HMOs. They take an essentially narrow, self-interested view. Their interest is focused on financial returns; their criticism of any form of licensing is couched in terms of 'unnecessary financial burden' and 'pointless bureaucratic interference'.

On the other hand, the majority point-of-view takes a wider perspective on the provision of stock for the housing rental market. This group includes, most landlords and agents.

While the general public may not be directly involved in paying or receiving rent, they also experience the impact that HMOs have on the social and political economy of York. The view that HMO Licensing is instrumental in the improvement of facilities, management and safety in the housing rental market is echoed by a broad cross-section of the city. Licensing is seen as one strand in preventing the long-term decline in the amenity of the urban environment.

They recognise that wider licensing removes the inequalities caused by partial regulation and spreads costs and obligations in a fairer way. They recognise that it creates a common footing and can help agents. Provided that it is properly run, they see it as helping the market function effectively.

Benefit: Consistent approach to HMOs in York

Additional licensing will extend and continue the process of upgrading of HMO rental stock already begun by the Mandatory scheme. Additional licensing will add a significant portion of the York HMO market to the list of those houses where the council currently is involved with licensing.

This will mean that such houses will be subject to the same evaluation and improvement regime as the larger houses already covered by the national scheme. York has in the order of 2,000 HMOs occupied by less than five occupants. They deserve to be afforded the same protection as people in licensed HMOs. Without additional licensing there is significant and growing disparity in York's HMO market.

The inclusion of all multi occupied houses as licensable HMOs will enable York to develop a consistent approach to the whole of the HMO rental market. When there is a critical mass of houses subject to the same requirements, other houses (whether licensable or not) will be obliged to comply with that standard by market pressures. A house presented for rent without offering those facilities is unlikely to be attractive tenants.

Benefit: Appreciation of property values

York has a buoyant housing market and this being the case means that there will be a financial benefit to individual landlords in the longer term as accommodation standards are raised across the HMO sector. The benefit will be apparent in the capital appreciation of the property value. The heavy usage that multiple households inflict on the fabric of a building usually causes a far more rapid decline than does that of a single family.

Where there are heavy concentrations of HMOs, as is the case in York, it can lead to a general reduction in the amenity of whole suburbs and the relative loss of value of specific properties. A bespoke agreement between landlord and local housing authority as a result of licensing ensures that standards are maintained and

improvements encouraged. In turn, this means that neighbourhoods will not deteriorate and thus property values are enhanced.

Benefit: Links with landlords

The formation of a formal but direct and individual link with the council, which the Licence Conditions afford, also allows for a beneficial flow of information between the authority and landlords. Critically the licensing condition which requires a licence holder to hold a recognised training qualification ensures that all licence holders have an understanding of the laws which relate to operating a HMO. This proactive approach will support not only raising physical standards but also improve management of the properties. Landlords and Agents can also sign up to receive news and ideas relevant to the development of the market sector. They can also provide accurate data on which council can make informed decisions on issues which impact on both landlords and tenants.

The creation of a dynamic partnership between the landlord and council is an underrated benefit of Licensing. There are other, ancillary benefits for landlords through additional licensing.

Benefit: A recognised group of landlords

Landlords, once subject to licensing, become part of a specific group recognised in law and by government policy. This has implications for their ability to organise themselves to influence HMO related decisions. Recognition as a licensed landlord will have several flow-on benefits.

It may have the benefit of providing for simpler justification to lending institutions when it comes to securing finance if the local housing authority requires specific work to be done.

Agents and letting organisations such as student housing departments are more likely to accept landlords if their *bona fides* is supported by being licensed. Licensing brings its own degree of reliability and assurance to the relationship between landlord and agent.

That benefit is reinforced by the fact that licensing requires landlords to keep their letting arrangements (either privately or through an agent) on a more business-like footing. A licensed landlord is obliged to do things formally, like provide written terms of occupancy rather than *ad hoc* verbal arrangements that too often result in disputed interpretations of the agreement.

Benefit: pro-active involvement eliminates reactive work

Licensing also provides a consequential benefit in that it eliminates or mitigates many of the issues that generate tensions between landlords and tenants. Licensing is a means of pre-empting problems (for example, damp or ventilation issues leading to

poor living conditions) before they become matters of contention and stress that the landlord would otherwise have to manage. Licensing will go a long way to ensure there are fewer hassles for a landlord from, for example, anxious parents of students who rent a house. It will at least, provide a recognised mechanism for resolving any disputes without the cumbersome mechanisms of prosecution.

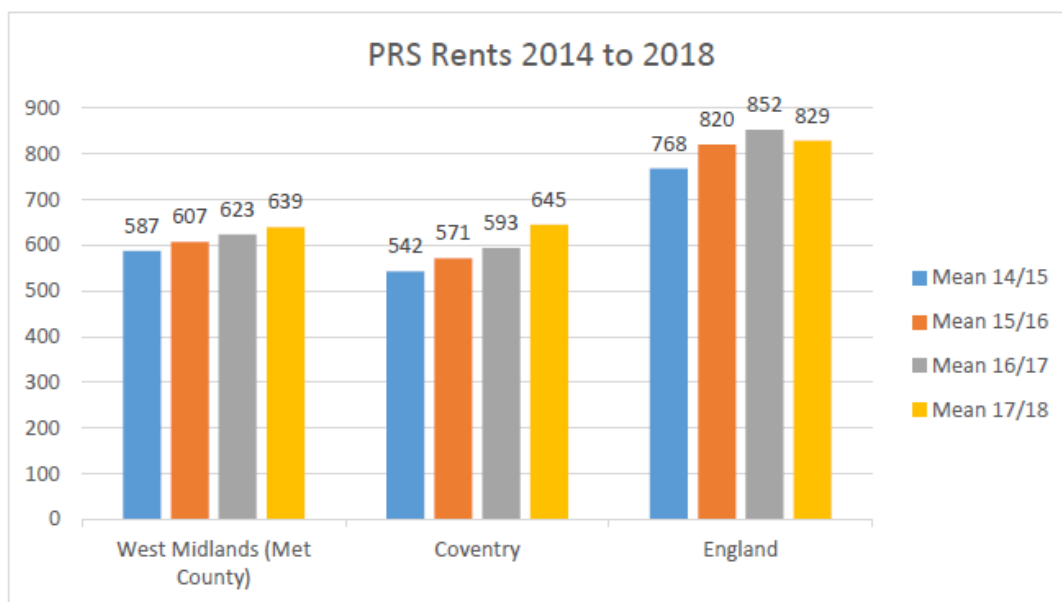
The council already deals with much of this work but in different capacities. The work is normally in response to a service request. Reacting to something after damage has been done is usually a negative and inefficient way of resolving an issue. Additional licensing will allow for positive, pro-active and efficient involvement, and should eliminate many problems before they occur.

7. Impact of licensing

One of the biggest criticisms of licensing schemes is that the cost associated with the licensing fee will be passed onto tenants by an increase in rent. In 2018/19 City of Coventry Council conducted research into this area and made a comparison of rents from 2014- 2018 between areas in England that had discretionary licensing schemes and those that did not, in order to establish if there was any evidence to show that discretionary licensing increases rent.

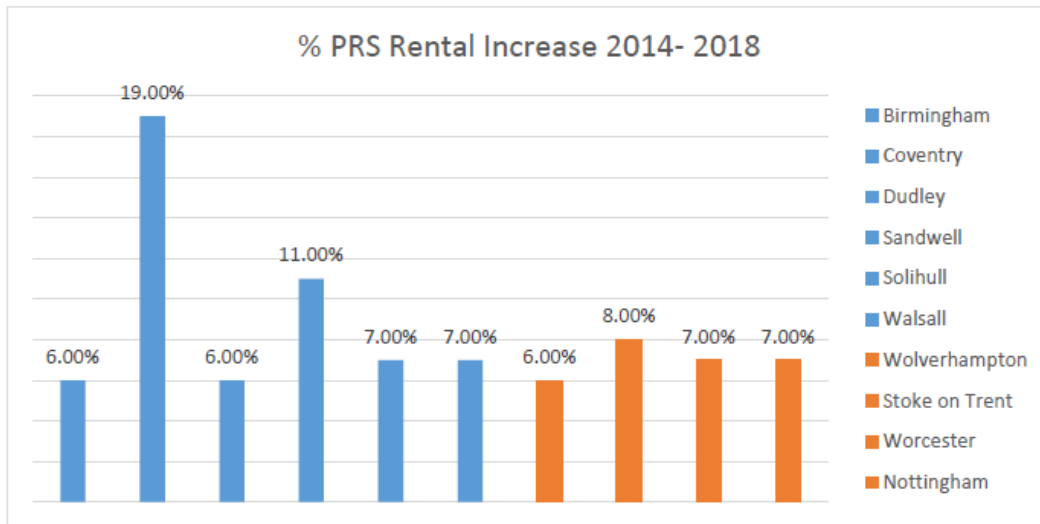
The research showed that rental values had increased in Coventry, on average by 19% between 2015 and 2018 compared to 11% in the West Midlands and 8% in England over the same period.

Table 8. PRS rents between 2014 and 2018



The summary of overall rents was used to conduct the comparison of rents in areas with and without discretionary licensing schemes in other areas across the West Midlands region and England. The comparison can be seen in Figure 23 below.

Table 9. Comparison of rents in areas with and without licensing



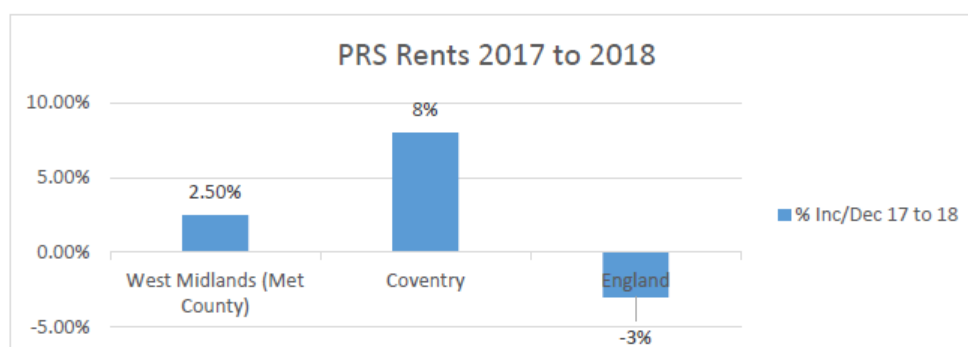
As can be seen from Table 9 above, rental increases have occurred across all authority areas, with the most significant in Coventry (19%) and Sandwell (11%). Both of these areas do not currently operate discretionary licensing schemes.

It is also notable that those areas with discretionary licensing schemes (Wolverhampton, Stoke on Trent, Worcester and Nottingham) experienced rent increases below the average levels in the West Midlands and, in a few instances (Wolverhampton, Worcester and Nottingham) below those reported across England during the same period.

The Office for National Statistics (ONS) recently reported that private rental prices paid by tenants in Great Britain rose by 0.9% in the 12 months to July 2018, down from 1.0% in the 12 months to June 2018.

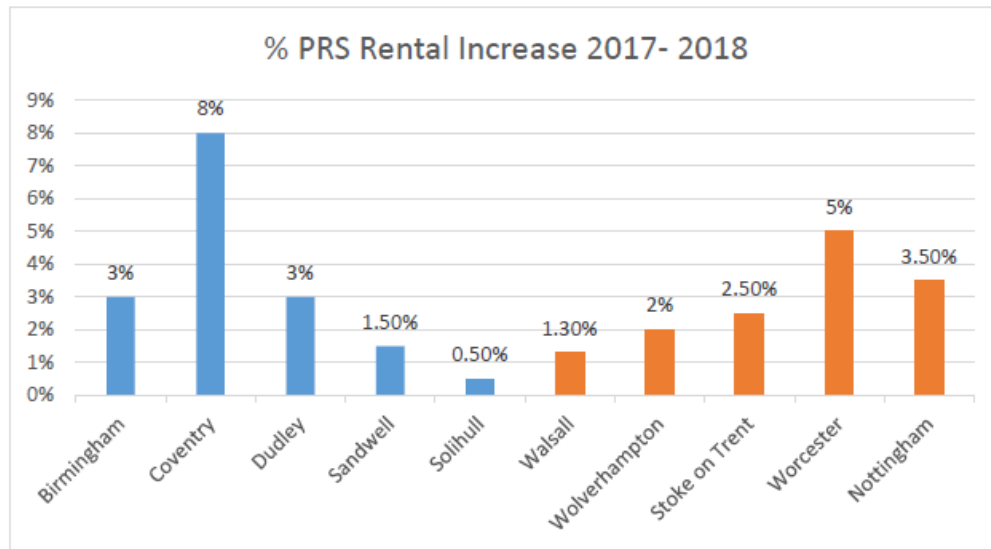
Data available for the period from 1st April 2017 to 31st March 2018 shows that there was an 8% increase in average rents in Coventry compared to 2.5% in the West Midlands and a 3% decrease across England. Figure 24 provides the breakdown for each category reported.

Table 10. PRS rents during 2017 to 2018



Further analysis of data for this period shows that the average rent increases across the West Midlands were relatively consistent and well above the average for England. Coventry and Worcester experienced the highest increases with 8% and 5% respectively. Overall the greatest increases occurred in areas which do not have discretionary licensing schemes in operation.

Table 11. Percentage of PRS rent increase during 2017-18



Despite the perception that licensing increase rents it is apparent that there is very little evidence to suggest that discretionary licensing schemes are directly responsible for rental increases. Where there has been an increase in rent it is more likely associated with supply and demand and not as a direct result of the introduction of discretionary licensing schemes.

This situation is likely to worsen as a result of other pressures, for example plans introduced by the Government to remove the higher rate of tax relief on buy to let mortgage interest rate payments will force landlords to '*lift rents higher*' and pass the cost of the Government's actions onto tenants.

The CML has reported that activity in the buy-to-let market is set to drop as a result of the recent tax crackdowns on buy-to-let regulations and these are expected to lead to a further 'professionalisation' in the sector, while some amateur landlords could see their properties become less profitable.

It is likely that rents in York will continue to rise as a direct result of these market pressures and by a lack of housing supply generated by fewer buy-to-let properties but not as a direct result of the introduction of discretionary licensing schemes.

8. Conclusion

Additional licensing is a viable solution for York, particularly to address poor property conditions and energy efficiency in the HMO sector. This report states the reasoning and evidence collated by City of York Council required to proceed with a formal consultation on the proposal to declare York or certain wards of the city as an area for additional licensing.

The scheme would cover all HMOs in York or certain parts of York, irrespective of the number of storeys that are occupied by less than five unrelated persons and all s.257 HMOs (buildings converted into self-contained flats) where the building is wholly occupied by tenants.

The buoyant housing market in York continues to do well with the numbers of HMOs rising each year. Landlords who have chosen to evade controls have operated without regulation for many years, which has resulted in HMOs often being let out in an unsafe manner.

The mixture of property types in the PRS in York coupled with the strong student market means that a high number of HMOs fall outside mandatory licensing. Such properties are next door to, or across the street or around the corner from those that are licensable.

The occupants of licenced properties benefit from the controls on the quality and management of licensed properties. Un-licenced properties may come to the council's notice from service requests from tenants or, more often, from worried parents but many unsatisfactory houses are never reported so standards are not enforced and the quality of the rental stock does not improve.

City of York Council has embraced mandatory HMO licensing which has proved to be a valuable tool in improving poor conditions and management practices in HMOs across the city. The extension of the mandatory scheme to cover more HMOs can only add to this improvement.

The preferred stance of the council is that licensing should apply to *all* HMOs in an agreed area in the same way, for example that licensing applies to *all* taxis. The new powers therefore would give the council the opportunity to make this a reality.

With the introduction of additional licensing controls applied to the whole of the HMO sector either across the city or within certain target wards, the council will be able to take a more proactive approach to dealing with the sector.

The council wants to continue to develop its links and working relationship with landlords and agents in the city, which have been greatly enhanced by mandatory licensing and it will continue to investigate other interventions that could complement additional licensing.

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The 'Better Decision Making' tool has been designed to help you consider the impact of your proposal on the health and wellbeing of communities, the environment, and local economy. It draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services by considering the equalities and human rights implications of the decisions we make. The purpose of this tool is to avoid decisions being made in isolation, and to encourage evidence-based decision making that carefully balances social, economic and environmental factors, helping us to become a more responsive and resilient organisation.

The Better Decision Making tool should be used when proposing new projects, services, policies or strategies, or significant amendments to them. The tool should be completed at the earliest opportunity, ideally when you are just beginning to develop a proposal. However, it can be completed at any stage of the decision-making process. If the tool is completed just prior to the Executive, it can still help to guide future courses of action as the proposal is implemented.

The Better Decision Making tool must be attached as an annex to Executive reports. A brief summary of your findings should be reported in the One Planet Council / Equalities section of the report itself.

Guidance to help you complete the assessment can be obtained by hovering over the relevant question.

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

Introduction

Service submitting the proposal:	Housing Services
Name of person completing the assessment:	Ruth Abbott
Job title:	Housing Standards and Adaptations Manager
Directorate:	Economy & Place
Date Completed:	26th February 2021
Date Approved (form to be checked by head of service):	26th February 2021

Section 1: What is the proposal?

1.1	Name of the service, project, programme, policy or strategy being assessed? Statutory consultation on additional licensing for Houses in Multiple Occupation (HMO)
1.2	What are the main aims of the proposal? To seek approval to carry out the statutory 10 week and comply with the Housing Act 2004 before making a decision to designate an area of the city subject to an Additional HMO licensing Scheme
1.3	What are the key outcomes? To ensure that we have fulfilled the statutory requirements by taking reasonable steps to consult persons who are likely to be affected by the designation; and considering any representations made in accordance with the consultation. A further report will be brought back to the Executive regarding the outcome of the consultations

Section 2: Evidence

2.1	What data / evidence is available to support the proposal and understand its likely impact? (e.g. hate crime figures, obesity levels, recycling statistics) We have provided a report which provides anonymised data using a range of sources, the Building Research Establishment – The condition of private housing in York – BRE Integrated Dwelling Level Housing Stock Modelling and Database Dec 2015, Planning data regarding the numbers and distribution of Housing, Office for National Statistics (ONS), Energy Performance Certificate data and complaints data, the current licensing and inspection programme.
2.2	What public / stakeholder consultation has been undertaken and what were the findings? We will carrying out a consultation exercise which will seek to include • Online questionnaire tailored to gauge a cross section of views on the proposals from our residents promoted through ward and communities groups ; • Online focus groups with key stakeholder groups such as the universities and student bodies; • Other key organisations such as the North Yorkshire Fire and Rescue Service, Police, HMRC, and Border Agency

	Are there any other initiatives that may produce a combined impact with this proposal? (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)
2.3	No

Section 3: Impact on One Planet principles

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

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

Equity and Local Economy

Does your proposal?	Impact	What are the impacts and how do you know?
3.1 Impact positively on the business community in York?	Positive	Raising the standards in the sector occupied by students, young professionals etc will support universities/research led businesses and other businesses attract and retain talent. In addition poor
3.2 Provide additional employment or training opportunities in the city?	Positive	by supporting our universities and other educational institutions attract students
3.3 Help improve the lives of individuals from disadvantaged backgrounds or underrepresented groups?	Positive	Due to the changes in the Local Housing Allowance shared properties are the only source of accommodation which is available for people on low incomes and benefits

Health & Happiness

Does your proposal?	Impact	What are the impacts and how do you know?
3.4 Improve the physical health or emotional wellbeing of residents or staff?	Positive	There is a significant body of evidence that demonstrates the link that poor housing conditions have on the mental and health
3.5 Help reduce health inequalities?	Positive	There is significant body of evidence (Marmot Review) which demonstrates that there is a strong link between a residents health and poor housing, By raising the standard of housing it will have a positive impact on a
3.6 Encourage residents to be more responsible for their own health?	Positive	Additional Licensing will provide information
3.7 Reduce crime or fear of crime?	Positive	Entry by Intruders is one of the 29 HHSRS which is considered by officers as part of the HMO inspection programme
3.8 Help to give children and young people a good start in life?	Positive	A significant proportion of students and young adults under the age of 35 live in HMOs.

Culture & Community

Does your proposal?	Impact	What are the impacts and how do you know?
3.9 Help bring communities together?	Positive	The proposal seeks to consult on improving standards and the management of HMOs through licensing conditions and the subsequent inspection program
3.10 Improve access to services for residents, especially those most in need?	Neutral	
3.11 Improve the cultural offerings of York?	Positive	By having a healthy PRS including HMOs it attracts new residents and visitors to the city
3.12 Encourage residents to be more socially responsible?	Positive	There is a significant body of evidence that improving housing conditions improves neighbourhoods

Zero Carbon and Sustainable Water

Does your proposal?	Impact	What are the impacts and how do you know?
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3.13	Minimise the amount of energy we use and / or reduce the amount of energy we pay for? E.g. through the use of low or zero carbon sources of energy?	Positive	
3.14	Minimise the amount of water we use and/or reduce the amount of water we pay for?	Neutral	No change

Zero Waste

Does your proposal?		Impact	What are the impacts and how do you know?
3.15	Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?	Positive	The proposal seeks to consult on consulting management conditions can be imposed through licensing to ensure waste management policies are adhered to

Sustainable Transport

Does your proposal?		Impact	What are the impacts and how do you know?
3.16	Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?	Neutral	
3.17	Help improve the quality of the air we breathe?	Neutral	

Sustainable Materials

Does your proposal?		Impact	What are the impacts and how do you know?
3.18	Minimise the environmental impact of the goods and services used?	Neutral	

Local and Sustainable Food

Does your proposal?		Impact	What are the impacts and how do you know?
3.19	Maximise opportunities to support local and sustainable food initiatives?	Neutral	

Land Use and Wildlife

Does your proposal?		Impact	What are the impacts and how do you know?
3.20	Maximise opportunities to conserve or enhance the natural environment?	Neutral	
3.21	Improve the quality of the built environment?	Positive	The proposal seeks to consult on improving the physical stanadrds of the properties
3.22	Preserve the character and setting of the historic city of York?	Positive	The proposal seeks to consult on improving the standard of homes many of which are in the older part of the city. Properites which are well managed will help to preserve the character of historic York
3.23	Enable residents to enjoy public spaces?	Positive	The proposal seeks to consult on improving the physical /management standards of properties will have a positive impact on the built environment

3.40	Additional space to comment on the impacts		

Section 4: Impact on Equalities and Human Rights

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

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

Equalities

Will the proposal **adversely impact** upon 'communities of identity'?
Will it **help advance equality** or **foster good relations** between people in 'communities of identity'?

		Impact	What are the impacts and how do you know?
4.1	Age	Positive	there is a significant population of students/young adults whose only source of affordable housing is the shared house in multiple occupation. It is important to ensure that good quality accommodation is provided to ensure the health of the
4.2	Disability	Neutral	
4.3	Gender	Neutral	
4.4	Gender Reassignment	Neutral	
4.5	Marriage and civil partnership	Neutral	
4.6	Pregnancy and maternity	Neutral	
4.7	Race	Neutral	
4.8	Religion or belief	Neutral	
4.9	Sexual orientation	Neutral	
4.10	Carer	Neutral	
4.11	Lowest income groups	Positive	Due to the changes in Local Housing Allowance rates, shared housing is often the only source of accommodation available for people on benefits and low income. It is important that such properties are improved
4.12	Veterans, Armed forces community	Neutral	

Human Rights

Consider how a human rights approach is evident in the proposal

	Impact	What are the impacts and how do you know?
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4.13	Right to education	Positive	Provision good quality accommodation supports a range of students to live in the city
4.14	Right not to be subjected to torture, degrading treatment or punishment	Positive	we are getting increasing number of rererrals from partnering organisations which are linking the occupation of unlicensed HMOs with landlords who are linked to criminal activities including modern slavery and exploitation
4.15	Right to a fair and public hearing	Positive	The introduction of the legislation provides the right of internal rights of appeal and also the right of appeals to first tier tribunals
4.16	Right to respect for private and family life, home and correspondence	Positive	The introduction of licensing will help support tenants to access information and direct support to ensure that they are living in properties which are both of a good physical standard but well managed
4.17	Freedom of expression	Positive	The introduction of licensing will help support tenants to access information and direct support to ensure that they are living in properties which are both of a good physical standard but well managed
4.18	Right not to be subject to discrimination	Neutral	
4.19	Other Rights	Positive	we are getting increasing number of rererrals from partnering organisations which are linking the occupation of unlicensed HMOs with landlords who are linked to criminal activities including modern slavery and exploitation

4.20	Additional space to comment on the impacts		
<p>This is a consultation exercise which seeks to obtain views from those who may be affected by designating an area in the city as requiring an Additional Licensing Scheme. A report will come back to Executive advising them of the outcome of the consultation</p>			

Section 5: Planning for Improvement

5.1	What have you changed in order to improve the impact of the proposal on the One Planet principles? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)
	There is a legal requirement to carry out a statutory consultation before making a decision to designate an area in the city as being suitable for the an Additional Licensing scheme

5.2	What have you changed in order to improve the impact of the proposal on equalities and human rights? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)
	We will endeavour to ensure that we have captured responses from a wide range of residents not just those occupying HMOs as well as businesses landlords. Letting agents Universities and other statutory agencies such as NYFR, Police etc.

5.3	Going forward, what further evidence or consultation is needed to ensure the proposal delivers its intended benefits? e.g. consultation with specific vulnerable groups, additional data)
	We will use the outcome of the consultation to report back to members to make a decision as to whether an area of the city should be subject to Additional Licensing

5.4	Please record any outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal? (Expand / insert more rows if needed)
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Action	Person(s)	Due date
Review resources to carry out consultation	Ruth Abbott	31/03/21
Develop and post online questionnaire	Ruth Abbott/ Ian Cunningham	31/03/21
Analyse online questionnaire	Ruth Abbott/Paul Landais Stamp	31/07/21
Carry out focus groups with a range of interested groups- LLS/letting Agents/NYFR/Police etc.	Ruth Abbott/Julie Hood	30/06/21

In the One Planet / Equalities section of your Executive report, please briefly summarise the changes you have made (or intend to make) in order to improve the social, economic and environmental impact of your proposal.

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Executive**18 March 2021**

Report of the Interim Director of Place

Portfolio of the Executive Member for Finance and Performance

Community Asset Transfer update**Summary**

1. This report seeks approval to grant leases of public open space and buildings to various local community groups and organisations to facilitate community management and responsibility of those assets and save revenue costs to the Council if it were to otherwise manage these areas itself.
2. The assets are;
 - Mayfields North (the land shown edged red on the plan attached at Appendix 1).
 - Mayfields South (the land shown edged red on the plan attached at Appendix 2).
 - Clifton Without (the land shown edged red on the plan attached at Appendix 3).
 - Rowntree Pavilion (the land and building shown edged red on the plan attached at Appendix 4).
 - Rowntree Park Tennis Courts (the land edged in red on the plan attached at Appendix 5).
 - Land at Wetherby Road, Rufforth (the land shown edged red on the plan attached at Appendix 6).
 - The catering, communal dining and community hall facilities at Marjorie Waite Court (see plan attached at Appendix 7).

- Chapmans Pond, Moor Lane (the land edged in red on the attached plan attached at Appendix 8).
 - The Poppleton Centre, Moor Lane/Ousemoor Road, Upper Poppleton (the land edged in red on the plan attached at Appendix 9).
 - The upper floors of Rowntree Lodge, (see plan attached at Appendix 10 which illustrates the footprint of the whole building).
3. The leases are to be offered under the council's Community Asset Transfer policy in respect of the locations as detailed below.
 4. The majority of sites are currently maintained and operated by voluntary and community groups. This has provided financial savings to the council and if they were to return to the council's responsibility would place pressures on the council's budgets particularly within public realm.
 5. All of the properties detailed in this report will
 - remain in council ownership
 - continue to have, and in some cases, increased public access
 - be managed by their local community

Recommendations

6. The Executive is asked to approve;
 - (a) A lease of Mayfields North to The Mayfields Community Trust for 10 years subject to a break clause as set out in paragraph 30 of the report.
 - (b) A lease of Mayfields South to Friends of York Railway Pond and Reserve for 25 years subject to a break clause as set out in paragraph 30 of the report.
 - (c) A lease of Land at Clifton Without to Clifton Without Parish Council for 99 years
 - (d) A lease of Rowntree Pavilion to Rowntree Park Sports Association for 25 years.
 - (e) A lease of Rowntree Tennis Courts to Rowntree Park Tennis Club for 25 years

- (f) A lease of land near Rufforth to Rufforth & Knapton Parish Council for 99 years
- (g) To allocate £80K from the Climate Change capital budget to re-provide the allotments at Rufforth.
- (h) The offering of a 5 year lease (with the option to extend for a further 5 years) of the catering, communal dining and community hall facilities at Marjorie Waite Court to a community operator following a procurement exercise to secure an operator for a community café and the community hall under a concession contract and delegate to the Corporate Director of Economy & Place (in consultation with the Director of Governance or her delegated officers) the authority to take such measures as are necessary to procure, award and enter into the resulting contract.)
- (i) A lease of Chapmans Pond, Moor Lane to Chapmans Pond Community Interest Company for 10 years.
- (j) The offering to the Trustees of Poppleton Community Trust the principle of surrendering their existing lease and granting them a new 99 year lease of the Poppleton Centre.
- (k) To agree in principle a 99 year lease of the upper floors of Rowntree Park Lodge to the Friends of Rowntree Park and to delegate the final decision to grant that lease to the Executive Member for Finance and Performance subject to the agreement of a funded business case at an Executive Member Decision Session in the next 12 months, or at a date agreed by the Executive Member for Finance and Performance.

Reason: To support York communities to access external funding and grants, to develop the facilities in line with local community aspirations and secure their long term sustainable care providing savings to the Council if it were to otherwise operate and manage these facilities itself.

To support the health and wellbeing of people in the local community by providing the use of council assets which can be actively managed and improved by the involvement of the local community.

Background

7. The Corporate Asset Strategy 2020-2025 was reported and ratified by Executive in November 2020. The Strategy includes the following objectives;
 - We will use land and building assets to maximise positive outcomes for our communities
 - Assets should be operated by the community where a community group is best placed to deliver the outcomes.
8. The Council has historically transferred assets to the community where a community group are able to use the asset for improved community or social outcomes and this process is most effective when it is developed in partnership with communities to develop shared visions, collaborative proposals and when we ensure that groups taking on the responsibility for operating assets have the support and capability to do this successfully. Each case is considered on its own merits having regard to the business case and proposals submitted in support of such.
9. The following community asset transfers have taken place since 2017.
 - The bowling greens at West Bank Park, Glen Gardens, and Clarence Gardens have been transferred to the respective clubs on 25 year leases.
 - Scarcroft Bowling Club and the York Railway Institute Bowling Club, Holgate have been transferred on 30 year leases.
 - The Hut, Clarence Gardens has been transferred on a 99 year lease.
 - Tang Hall Community Centre has been transferred on a 30 year lease.
 - Seventeen of the Council's allotments across the authority have been transferred to The Officials of York Allotments Charitable Incorporated Organisation on 7 year leases.
10. All the leases have transferred maintenance and repair responsibilities to the community groups concerned for the duration of the respective leases with associated revenue savings made by the Council, if it were to otherwise retain management and responsibility of the assets.
11. The Community Asset Transfer Policy was adopted by the Council in 2007 in response to the Quirk Review set up by central government in 2006 to investigate future options for the increased community management and ownership of assets, in particular looking at ways to overcome barriers, taking into account the need to manage risk. The

Policy states that qualifying community groups must meet certain criteria, which are set out as follows.

- It must be the intention to open up the asset for the whole community to have access and for a variety of uses and not just be a specialist or single purpose group. There should also be a minimum time (measured in hours per year) when the land and/or building is open to the public
- The community group must show that it is properly constituted and is sustainable in economic and social terms. It needs to show it will have the capacity to manage and run the property that meets the terms of any agreement.
- The aims of the group and its proposed use of the asset must support one or more of the Council's priorities and objectives contained in the Corporate Strategy and match the Council's strategic values.
- Need for the project – including how the needs have been identified, the outcomes for the project and how these outcomes will meet the needs.
- Partnership working – identify the partners, what each will bring to the project, the experience, skills and capacity of the partners to deliver the project.

12. Qualifying groups may be offered a lease for a term of up to 99 years, in order that the tenant can apply for funding to support the use of the asset and any work needed to repair or refresh the property. The lease term is offered on a nil rent basis subject to the following conditions;

- The tenant has full responsibility for repairs and decoration and for payment of all outgoing relating to the premises including insurance business rates and utility costs
- the premises must be open for the public to use for a minimum period each year
- The tenant is restricted from transferring the lease

These conditions are included as specific covenants within the lease granted by the council, as landlord, which also include a community use agreement.

Proposed New Leases

13. This section of the report sets out the background to each of the assets proposed to be the subject of a community lease.

A & B Mayfields North & South

Site History

14. Mayfields open space was created in the 1990's as part of a residential development of old railway sidings off Tadcaster Road. Designed as a continuous green corridor running north - south the land is split by Nelsons Lane. To the north the area was laid out as new meadow grassland with woodland shelter belts. To the south the area centred on the old "Railway" fishing pond surrounded by existing tree stock. Situated between the two is a play area. A site plan for Mayfields North is attached as Appendix 1 and a site plan for Mayfields South is attached as Appendix 2.
15. As part of the development process York Natural Environment Trust (YNET) provided the developer of the land with help and advice on the layout and function of the open space. In late 2012 the Council acquired ownership of the land (title numbers NYK384240 and NYK402542) from the developer pursuant to a S.106 agreement entered into with the developer on 2 June 1997.
16. YNET were of the view (with the exception of the play area which was retained by the Council) that the land (both Mayfields North and Mayfields South) was to be transferred to them in perpetuity rather than be simply managed by them. However, the S.106 Agreement specifically stated that the land would be transferred by the developer "to the Council or to such person or body as the Council may approve".
17. The land was not actively managed by the Council by virtue of the s106 Agreement and in response to this, the Cabinet Member for Transport, Planning and Sustainability approved on 8th March 2012 a process to invite community groups to submit expressions of interest to manage the land.
18. On 19th July 2013 the Cabinet Member for Transport, Planning and Sustainability approved the award of management (initially on short term licence) of: (i) Mayfields North to The Mayfields Community Trust (MCT)

and (ii) Mayfields South to YNET. Consequently eventually on 10th March 2016 respective licences were granted (for 3 years until 10th March 2019) for occupation and management of: (i) Mayfields North to MCT and (ii) Mayfields South to YNET. The short term licences were granted to allow the Council to take a longer term view of how the land would be managed in the future for community purposes. Licence extensions have been granted to both parties to cover the period up to the end of April 2021.

Review process and proposals for future community management

19. During the licence period the Council Officers have made regular site visits and held formal and informal meetings with organisational representatives. Both sites have thrived under community management as can be evidenced by their physical appearance and the amount of volunteer effort that goes into their upkeep.
20. During the course of YNET's management of their part of the site, the fishery of the pond has been managed by a dedicated angling group who over time have become more independent and whilst operating under the YNET umbrella have set themselves up as an independent group - Friends of York Railway Pond and Reserve (FoYRPR)
21. In order to provide certainty over the future management of the sites, in February 2020 three organisations were invited to submit proposals for future management of the site;
 - The Mayfields Community Trust (MCT)
 - York Natural Environment Trust (YNET)
 - Friends of York Railway Pond and Reserve (FOYPR)
22. The parties were asked;
 - What land they wished to manage
 - How long (duration) a lease they would like
 - To provide details of your recent management experience of the site
 - How they would carry out future management – who would be involved, what sort of tasks will be undertaken, how they will judge success; and,
 - to provide details of your governance / constitution and financial standing
 - Within the timetable set detailed submissions were received from both Mayfield Community Trust and Friends of York Railway Pond and Reserve. YNET declined to respond in full rather, instead

restating their position that it was their belief that ownership and all management responsibility should be transferred to YNET.

A. Mayfields North - Proposed lease to The Mayfields Community Trust (MCT)

23. Since taking over formal management of the Mayfields North site in 2015 MCT volunteers have;

- Carried out an extensive maintenance and restoration programme
- Improved public access by improving formal and informal paths and installing benches
- Developed species records for the site
- Obtained grants and in kind support
- Ran a weekly volunteering programme
- Provided public information on the site
- Set up a web site <https://mayfieldcommunitytrust.com>
- Worked with the local community and community groups

24. In response to the submission brief MCT have asked for a 10 year lease of the Mayfields North land they currently occupy/use under licence. Within the submission key elements are:

- A photographic record of the practical work carried out since 2015
- A photographic record of the community involvement since 2015
- Developed a photographic species record for the site
- An updated site management plan 2020 to 2025

25. MCT meet the requirement as a qualifying organisation for a transfer and the application is supported. It is recommend that Mayfields North, as set out in the plan attached at Appendix 1, is leased to MCT for 10 years.

B. Mayfields South - Proposed lease to Friends of York Railway Pond and Reserve (FoYRPR)

26. YNET took over management of the pond in 2015 and an occupational agreement was signed in March 2016. Their volunteers, initially as part of YNET and then since 2018 as FoYRPR have;

- Carried out an extensive maintenance and restoration programme
- Improved public access with restored footpaths and fishing pegs
- Created conservation / wildlife zones on the land and in the pond
- Managed angling on the site and provided a bailiff service

- Obtained grants and in kind support
- Ran a weekly volunteering programme
- Provide public information on the site
- Promote their activities through Facebook
<https://m.facebook.com/pages/Railway-pond/152855831403121>
- Worked with the local community and community groups

27. In response to the submission brief FoYRPR have asked for a 25 year lease of the land currently used/occupied by YNET under licence which is due to expire 30th April 2021. Within the submission key elements are

- A photographic record of the practical work carried out since 2015
- A photographic record of the community involvement since 2015
- Operating guidance for volunteers including bailiffs
- A five year plan 2020 to 2025
- Details of their constitution

28. FoYRPR meet the requirement as a qualifying organisation for a transfer and the application is recommended. It is recommended that Mayfields South as set out in the plan attached at Appendix 2 is leased to FoYRPR for 25 years. This proposed duration is a reflection of the ongoing financial investment and ongoing maintenance and associated capital expenditure needed to keep the pond in a healthy condition.

York Natural Environment Trust (YNET)

29. YNET declined to respond to the submission request, instead, YNET restated that “*they seek legal title to the entire land from Mayfield Grove to Hob Moor*”.

30. Although YNET have written to the Council (in a letter to the Council’s Chief Executive dated 3rd November 2017) seeking that ownership of the land at Mayfields (both North and South) be transferred to them as they claimed this was the agreed intention between the Council and YNET, they have not supplied any clear evidence to support their claim. Further detail, including Legal Services’ assessment as to the risk of any successful claim being brought by YNET, is contained in the Legal Implications in the confidential annex to this report. In order to protect the council’s position it is recommended that a landlord’s break option be inserted within both the North and South leases entitling the council to terminate the lease(s) if the council becomes legally obliged to transfer freehold ownership to, or grant a lease to YNET.

31. In the absence of any future management proposals being submitted it is recommend that no lease be offered to YNET.
- C. Land at Clifton Without – Proposed Lease to Clifton Without Parish Council**
32. The council owns a 1.16 hectare area of roughly triangular shaped open space in Clifton Without adjacent to the Clifton Ings Flood Bank. See Appendix 3 for a location plan. The site was transferred to the council on 28th January 2015 pursuant to a S.106 agreement and it is a legacy of the Clifton Hospital development. Pursuant to the Transfer Deed by which the council acquired this land, it is subject to a restrictive covenant limiting its use to open space and is in Flood Zone 3.
33. The land is of limited recreational value in its present condition consisting of rough grassland which is often subject to unauthorised pony grazing. It is remote from any other council managed open space and represents an ongoing maintenance liability with no immediate prospect of improvement.
34. Since 2016 the council has been in discussion with a number of interested parties about possible use and improvement of site. These are;
- a) The Friends of Rawcliffe Meadows for cattle grazing in times of flooding on the Ings. This facility has since been provided within part of Rawcliffe Country Park (option a);
 - b) Clifton Cricket Club for an additional cricket square. This was discounted some 12 months ago as the land available is too small (cricket outfields are generally some 135m to 150m in diameter). This position has been checked with the club and no progress has been made in securing additional neighbouring land from a private landowner (option b);
 - c) Clifton Without Parish Council for use as local amenity open space. Whilst remote from other public open space the land is connected to the Parish footpath network. Their plans include for improved wildlife habitats, educational and fitness activities (option c);
 - d) The Environment Agency also enquired about using the area as an alternative to the approved alignment of the increased Clifton Ings flood bank and for mitigation tree planting. This idea of realignment has not been progressed and we are advised is no longer on the agenda (Any change in the flood bank location would differ from currently approved plan for the B10 flood cell where work is due start in early 2021.)

Significant tree planting would be incompatible with the use as a cricket field due to the land take but may be compatible with the Parish Council ambitions. The EA would like to plant trees here to offset some tree felling they are doing elsewhere in the city as part of city wide works. (option d)

35. In view of the length of time that this project has been ongoing and the uncertainty of the cricket club timetable it is proposed to lease the site to Clifton Without Parish Council. This would be for 99 years at a peppercorn rent. As and when the cricket club or Environment Agency are in a position to develop their ideas further any joint use would then need to be agreed with the Parish Council.

D. Rowntree Park Pavilion – Proposed Lease to Rowntree Park Sports Association (RPSA)

36. Rowntree Park pavilion was built approximately 40 years ago. It is of brick construction with a tile roof. (See Appendix 4 for the location plan). When the park floods water can reach up to 1.5 metres high inside the building. This causes repeated damage to building and limits its use as all contents are covered by a thin layer of mud once the water is pumped out.
37. Between 1996 and 2013 the building was used for a variety of purposes including for a park attendant who collected fees from the tennis courts, for children's activities organised by the Friends of Rowntree Park, and, to support events in the performance space.
38. In 2013 York Canoe Club (YCC) took over use of the building, using it as storage facility and meeting point for canoeing on the Ouse. The Club have a year to year lease on the building but have stated they will surrender the lease in the event of redevelopment involving them.
39. YCC have operated in the park since 1952 and in the past have used the pavilion for its intended purpose.
40. Rowntree Park Tennis Club (RPTC) (see also section E of this report) have since taking over the running of the courts has seen its membership doubled and a coaching programme and junior section has been established whilst maintaining public access to the facility. With such growth has come the need to have access to the pavilion for coaching, social functions and to provide shelter in the rain. However the current layout and risks posed by flooding mean that the structure is not fit for purpose.

41. Over the last three years the Canoe and Tennis clubs have developed ideas for redevelopment and shared use, forming in 2018 the Rowntree Park Sports Association (RPSA) to develop their proposals further. Their proposals would see the removal of redundant walls on the ground floor to increase storage space and to bring the upper floor (which is above flood levels) into use as social space. Both organisations have the support of their respective governing bodies (The Lawn Tennis Association and British Canoeing), are financially sound and have the potential to access grants and loans to fund the work. They require a lease with a substantial term to access funding from their respective governing bodies who have both indicated their support for the proposal.
42. RPSA meet the requirement as a qualifying organisation for a transfer and the application recommended. Membership of the RPSA is open to other groups and community use of the building will be increased through its redevelopment and extended facilities including new toilet and kitchen provision.
43. The transfer of the building on a 25 year lease will enable the RPSA to access funds for its refurbishment and flood resilience, enabling it to be better used by the community. In taking on the maintenance of the building which would otherwise fall to the Council should the current annual arrangement fall away, the Council's revenue position will be improved.

E. Rowntree Park Tennis Courts – Proposed Lease to Rowntree Park Tennis Club (RPTC)

44. Since 2016 RPTC have managed the six tennis courts in the Park. This includes routine court cleaning, deep cleaning after flooding, provision of nets and taking bookings.
See <https://clubspark.lta.org.uk/RowntreeParkCYC>. Under a long standing agreement RPTC currently pay £1,238 pa for the use of the 2 courts close to the Rowntree Park café, have a short term occupational agreement for use of a small part of a Lodge basement, and were offered a lease for the four courts near the pavilion which was never formalised. Given the proposal involving the Pavilion, it is considered the timing is now right to formalise a longer lease on the courts.
45. Over the course of the last four years RPTC have worked with their Governing Body, The Lawn Tennis Association to develop and grown the club and improve the facilities. This has included the introduction of a web based court booking system, which is open to the public and electronic key code court access gates. Going forward the club are about to resurface the main block of four courts and install new nets at costs of

nearly £40k which is being paid for from a mix of club funds and sports sS106 contributions.

46. In line with the proposed lease of the pavilion to RPSA, (an alliance of to RPTC and YCC), it is proposed to offer a 25 year lease for all six courts (including the 2 currently leased) to RPTC. To match other self-managed sites e.g. bowls, the new agreement is proposed be set at a peppercorn rent. RPTC have confirmed that they no longer need part of the lodge basement and this space will be returned to the council's control.

F. Land at Rufforth – Proposed Lease to Rufforth and Knapton Parish Council

47. From 1923 until December 2018 there were allotments serving Rufforth on land adjoining Wetherby Road to the west of the village (“the Former Allotments Site”). West Riding of Yorkshire County Council had on 31st December 1923 granted a sublease of the Former Allotments Site to an allotment association (known as The Ouseburn Allotments Limited) for a Term of 14 years (less one day) from 6th April 1925. (WRYCC was not the freehold owner of the land – it leased the land from the owner pursuant a headlease). On local government reorganisation in 1996 the council took over the headlease and continued to sublease the land to allotment association.
48. When the councils headlease expired in 2012, the freehold owners of the Former Allotments Site were only prepared to grant the councils a further headlease on a short term basis (as they wished to reserve the ability to potentially develop the land for other uses) and so on 19th November 2012 the freehold owners granted the council a further headlease but only on a yearly tenancy from 6th April 2012 that entitled them to terminate the council headlease (and therefore the allotment associations sublease) by giving the council at least 13 months' notice (provided such notice expired either: (i) on or before 6th April or (ii) on or after 29th September).
49. In November 2017 the freehold owners of the land served notice on the council terminating our headlease with effect from 20th December 2018 and requiring the council to hand back the land to them with vacant possession by 20th December 2018. (Therefore the council had to in turn serve notice on the allotment association terminating their sublease with effect from 19th December 2018.)

50. As a result of the closure, the Allotment Association, Rufforth and Knapton Parish Council and past and present Ward Councillors requested that the City Council seek a replacement site.
51. The Council have historically leased out the Harewood Whin site between Rufforth and Knapton to YorWaste. Whilst the majority of the site is used as a landfill facility, part of the site included a field adjacent to the B1224 which YorWaste sub-let to a local farmer for grazing. Discussions with YorWaste were undertaken in respect of the field (outlined blue on the location plan in Appendix 6) and it was confirmed that YorWaste had no operational need now or in the future for this. The City Council has taken back the site of the field from YorWaste at no charge and it is considered that this could be used (in part) for the provision of a new allotment.
52. Under the 1908 Allotment Act, where an area has a Parish Council, the Parish Council is the defined legal entity required to provide allotments. In view of the previous allotment provision arrangements the City Council has taken the lead on finding and developing the new allotments. Subject to such it is recommended that the council grant Rufforth with Knapton Parish Council (“the Parish Council”) a 99 year headlease of the proposed replacement site at a peppercorn rent for use as allotments (to comply with the Parish Council’s statutory role as sole allotment authority for their Parish) on condition that the Parish Council then sublease the land to Rufforth Allotment Association (RAA) so RAA can develop and manage the land as an allotment site. The Chairman of the Parish Council has advised that the Parish Council would be willing to take responsibility for the control and administration of the new site on such basis.
53. The proposed new allotment (see the indicative plans at Appendix 6) will be of a similar size to the old site and will be laid out with input from the RAA. The proposed site lies in the green belt and planning permission will be required for the scheme. In preparation, the area has been subject to a contaminated land assessment which gave the all clear for food growing. If sheds or greenhouses were required the design would need to include appropriate ventilation due to possible, if unlikely, gas seepage. Site location, access arrangements and site layout have all been discussed over the last 12 months.
54. The scheme consists of two key elements – 1) a new vehicle entrance off Height Lands Lane, this will provide both safe access to the allotments and a new entry point to the wider field, 2) the allotments including water supply, boundary fencing and car parking area. Subject to the lease being approved, the next steps in the project will be to secure planning permission and tender the works. It is proposed that the

Council pay and procure these works. £80k of the budget for the community Forest will be allocated for this additional facility.

55. With the Council now in full control of the field which it took back from Yor Waste, this opens up the prospect of developing the area not required for the proposed allotment, as a wildflower meadow and possibly some limited tree planting. Much of the field is ridge and furrow and is currently grazed. It is proposed to include the remainder of the field in the landscape appraisal for the nearby community Forest to see what is appropriate. Subject to planning permission and the works being tendered satisfactorily within budget, it is recommended that the land designated for the allotments be leased to Rufforth and Knapton Parish Council for 99 years at a peppercorn rent. The new entrance infrastructure would remain in the ownership of the Council. The lease would restrict the use of the land for allotments only.
56. The provision of a new allotment will offer considerable health and wellbeing benefits to people using the facility in the local community. A further report will be brought to Executive in the future which shall detail the benefits of food growth, carbon reduction and the linkages to this provision to the nearby proposed community woodland.

G. Marjorie Waite Court – Proposal to Procure for an Operator and Grant a Lease

57. In August 2017 the Executive agreed that “new, community focused, facilities be provided and integrated into the newly built extension of Marjorie Waite Court as a replacement for the loss of Burton Stone Community Centre.
58. The Marjorie Waite Court extension which is due for completion in July 2021 will feature a 172m² community hall, a full commercial kitchen and a communal dining area. These facilities will help to provide activities for residents and the wider community and help to integrate the two communities.
59. Access to regular hot, affordable meals, and the social benefits of eating together is important for everyone and particularly for our older residents. The provision of a full commercial kitchen provides the opportunity to ensure that hot nutritious meals are available for residents at Marjorie Waite Court.
60. Previous user groups of Burton Stone Community Centre having been relocated and the new 172m² community hall was designed to allow the return of local resident user groups.

61. The design of the new building allows the Council to seek an operator to run the community facilities at a small financial surplus with a focus on reinvestment to seek additional social outcomes for the local community.
62. Engagement with community groups and residents throughout the development of the Marjorie Waite Court extension has shown that there is interest in using the community hall and a demand for hot shared meals.

The Proposal

63. It has always been proposed to seek a community minded operator to run the community facilities as described in the August 2017 report to the Executive. The proposal set out below has been developed to include the catering service at Marjorie Waite Court and link the two services to procure a single operator. The catering service will include hot and cold meal services to residents of Marjorie Waite Court as well as a public facing café to serve those community groups using the community facilities as well as local residents.
64. The procurement scope for this concession contract will include:
 - a. Day-to-day management of the community facility, including online bookings, payment and the development of a programme of activities that provide the local area with a wide range of opportunities
 - b. A regular meals service for residents of Marjorie Waite Court offering nutritious food, taking into consideration specific dietary needs
 - c. A well run public facing café and kitchen that offers food and beverages on a value for money basis
65. The community hall, dining area and commercial kitchen will be leased to the successful bidder for a period of 5 years, with the option to subsequently grant a further lease for a further 5 years if both parties agree. The operator will be required to maintain all areas included in the lease site and contribute to the costs of maintenance of areas of the building shared with the council's housing service. The area to be leased is shown by the red areas in the plan attached at appendix 7, whilst shared areas are shown blue.
66. As part of the procurement the Council will be seeking a creative and innovative bid that can provide a range of wider social benefits for the local residents including but not limited to; a diverse programme of activity that can support local outcomes around health and wellbeing, mental health, education, learning, social isolation, food poverty etc.

Procurement Process

67. In order to inform the procurement documents a soft market testing exercise has been carried out with a number of local community café and community facility providers. They have all expressed an interest in bidding for the opportunity
68. As the Marjorie Waite Court extension is due for completion in July, and will have a short mobilisation period, the procurement timetable has been set to achieve a start on site in early August 2021.

Activity	Date	Progress
Soft Market Testing and consultation.	Nov 2020 to March 2021	Initial engagement completed. Consultation is ongoing.
Development of procurement documents and drafting of lease	Nov 2020 to March 2021	Initial draft documents prepared and reviewed to reflect feedback.
Procurement launched	April to June 2021	
Evaluation of submissions	June 2021	
Appointment of preferred bidder	July 2021	
Launch of community facilities café and meal service.	August 2021	

69. Once procured it is recommended that a 5 year lease (with option to subsequently grant a further lease for a further 5 years by mutual agreement of the Council and the operator/tenant) will be offered to allow the successful bidder to exclusively occupy and manage the areas as set out, as well as setting out the rights to use shared areas. The terms of the lease will be a peppercorn rent for the duration, however the tenant will be obliged to pay a fair and proportionate service charge to cover a share of common costs such as the building service contracts, cleaning and other facility management services. It is envisaged that more than one community group may wish to bid for the service in collaboration with each other. This is encouraged and such collaborative set ups will be considered under the procurement process.

70. The aim of the procurement is to seek a five year concession contract with no revenue support payments from the Council, but allowing the service provider to collect income from the catering and community facilities activities to cover operational running costs. No capital funding is required.
71. The proposal will ensure that the residents of Marjorie Waite Court and the wider community in the area have access to a broad programme of community activities and access to a range of hot and cold food, and the social benefits of both of these.

H. Chapman's Pond – Proposed Lease to the Friends of Chapman's Pond

72. Chapman's Pond, located off Moor Lane in Dringhouses is a flooded gravel pit used for fishing, surrounded by informal grassland and woodland nature areas. Since 2016 the pond and surrounding area (see plan at appendix 8) has been managed by the Friends of Chapman's Pond, on behalf of the council, following a decision by the Executive Member on 23rd September 2016.
73. Prior to that, the Friends of Chapman's Pond supported the Council for well over two decades by carrying grounds maintenance and environment improvements. Between around 2010 and 2015 the lack of day to day management of angling became a problem for the local community - issues such as litter, antisocial behaviour and night fishing promoted calls for more formal arrangements to be put in place. As the council were not able to manage fishing, we wished the Friends to take on this task, and in 2016, were granted the authority to do so.
74. Over the last four years the Friends have:
 - Developed and introduced fishing rules based on best practice from the Angling Trust <https://anglingtrust.net/>
 - Provided a bailiff service under the guidance of the Angling Trust
 - Secured grants from both the Environment Agency £5k for environmental improvements and Angling Trust
 - Received Ward funding
 - Updated the five year management plan
75. Whilst a formal licence has never been entered into, the Friends, now wish to set up as a Community Interest Company and have requested

that this be formalised under a 10 year lease at a peppercorn rent in order to formalise and continue their work.

I. The Poppleton Centre – Proposal to Renew/ Extend Lease to the Trustees of the Poppleton Community Trust

76. The property is comprised of a Community Hall, a bowling green, tennis courts and a playing field (see plan in Appendix 9). The Trustees of the Poppleton Community Trust (PCT) currently occupy the premises on a 99 year lease with effect from 1st September 1987 between Harrogate Borough Council and the Trustees of Poppleton Sports and Social Club. The City of York Council (CYC) and the Trustees of PCT are both successor organisations to the original parties. The Trustees pay a current rental of £2,100 per annum and repair and maintenance liabilities are split between the two parties.
77. Discussions have been ongoing over the past year, between the PCT and the Council's Operations Manager Public Realm about a possible Community Asset Transfer. Recently, the Trustees have made a grant application to the Lottery for various improvements to the premises, but have been turned down on the basis that the parties named on the existing lease did not match the PCT as applicant.
78. The PCT are now considering proceeding with a community asset transfer lease, subject to agreement over some outstanding grounds maintenance issues.
79. Although the granting of a community asset transfer will mean a loss of rental, currently £2,100 per annum, this will be compensated for by the Council no longer having to incur revenue costs in complying with their maintenance obligations.
80. The PCT meet all the criteria for a community asset transfer and have run a successful community facility since the original lease was granted back in 1987. It is, therefore, recommended that the Trustees of PCT are offered a 99 year lease at a peppercorn rental.

J. Rowntree Park Lodge – Proposal to Offer the Principle of a Lease to the Friends of Rowntree Park

81. Rowntree Park Lodge comprises of a former park keeper's accommodation and is situated above the Park Reading café. The property has been empty since 2017 when the park maintenance arrangements were centralised and the former resident park keeper retired.

82. The future of the property was reported to Executive in January 2018 and February 2019 with a number of options considered for the property. Having considered these in January 2018 Executive approved the conversion of the property for use as a holiday let subject to the publication of a notice notifying that the council intended to dispose of public open space. (As the property is located within the Rowntree Park open space it was considered that the Lodge itself also constituted open space). The report outlined the business case for the conversion and set out the income which could be yielded from the holiday let.
83. Costs for the refurbishment of the Lodge were significant given the complexities of the project and the need to close the café if the upper floors were fully utilised given the presence of asbestos between the floors. Total conversion costs were estimated at £392k which included £132k of costs associated with the removal of asbestos and works to the roof. Despite the costs, given the perceived demand for a holiday let in this location it was considered that after allowing for annual funding of the work costs, a profit of £25k pa could be derived, which was intended to be provided towards the running of the Park.
84. The February 2019 Executive considered a revised business case for the conversion. That report outlined a number of objections from the public to the proposal but at that point no viable alternative had been identified. The Executive noted the objections but still recommended that the scheme should proceed.
85. Rowntree Park was gifted to the Council in 1919 by Joseph Rowntree (Nestle being their successors in title). The Lodge (and Park) is subject to various encumbrances/third party rights including a covenant contained in Conveyances dating from 1919 which prohibits the land from being used for purpose other than a public park, public pleasure ground, public playing fields or other like purposes of public recreation. In addition Rowntree Park is subject to a covenant that no buildings within the land may be used for the sale or distribution of alcohol, nor used for betting and gaming. It is considered that Nestle are the current beneficiary of the covenants. Whilst we had originally been advised by Nestle's agents that they would have no objections to the conversion of the Lodge, we were subsequently advised after the February decision that they would no longer be supportive having been contacted by some of the objectors to the scheme.
86. Officers were also contacted by the Friends of Rowntree Park who advised they would like to work up a business plan to put the property into a community use. In consultation with the Executive Member for Finance and Performance it was agreed that, given the renewed

interest from the local community and the difficulties with the Nestle situation, that we would await the business plan from the Park Friends before moving forwards to any scheme.

87. The Friends of Rowntree Park (which is registered as a Charitable Incorporated Organisation) have been in existence for nearly 30 years and have been supportive and underpinned many of the recent developments in the park including the Heritage Lottery Fund restoration 2000, Green Flag submissions, running events and educational activities, whilst more latterly taking on gardening duties. They have worked alongside the development of the Explore Reading café. They are keen to expand their interest into managing the upper floors of the Lodge as a development of their current remit, providing them with a base within the park.
88. A business plan has now recently been received from the Park Friends. The business plan sets out a proposal to convert the upper floor rooms which form the Lodge into a number of studios which can be utilised to run various community activities and be available to hire for voluntary organisations, community groups and individuals. The Friends also undertook their own survey of what people in the area would like to see for the future of the Lodge and they advise of the 582 surveyed, 88% wish to see it used as a community facility. The use of the upper floors is not without its challenges however. In order to provide suitable public access the Friends consider that a lift is required. This would have an impact on the Reading café space at ground floor level (which is leased to York Explore). The works would require statutory consent and along with the proposed conversion works, is costly.
89. The business plan considers, as an estimate, that c.£440K is needed to convert the accommodation for community use and provide suitable access to the upper floors. In order to raise this money the community group requires the prospect of a lease in order to maximise its chances to secure grant funding. It was previously considered that the costs of removing the asbestos plus the associated costs of the café closure for the period of the works and repairs to the roof would amount to c.£130K. It is proposed that the costs of these works would be borne by the council to ensure that the building was handed over to the Friends in a suitable state of repair and that the Friends would raise and pay for the remainder of the works which is likely to amount to c.£300K. The costs to the Council will be contained within current budgetary approvals.
90. The business plan also sets out that the Friends of Rowntree Park will manage and maintain the upper floors of the Lodge which will

reduce the council's liabilities for such. The Friends consider that income from the use of the refurbished accommodation will provide a sustainable future for the facility to allow for running costs and maintenance. It does however mean that additional income generated from a holiday let will not be available to fund broader improvements to the park.

91. It is recommended thus, that the Friends of Rowntree Park be offered the principle of a lease of the upper floors of the Lodge for a term of 99 years at a peppercorn rental subject to;
 - Them being able to secure funding and having a scheme which is capable of being implemented (given the need to obtain planning and statutory approvals); and,
 - Them being able to discuss further and negotiate an agreement with York Explore, who have a lease on the reading café space and ensure that the plans would not adversely impact them.
92. The future of the Lodge has been uncertain since 2017 and it is important that the building is brought back into use as soon as possible in order to protect the fabric of the building. It is therefore proposed that the Friends of Rowntree Park be given a 12 month window to develop their proposal, identify funding and secure the relevant permissions to undertake the works.
93. In granting a potential lease to the Friends of Rowntree Park, this will bring the upper floors of the Lodge into use for the benefit of the community. It is recommended that in 12 month's time a report be taken to the Executive Member for Finance and Performance, which will provide evidence of the progress that the Friends of Rowntree Park have made in providing a scheme which could be implemented whilst demonstrating that they have secured the necessary finance. Should these details be considered sufficient, then Executive are asked to delegate the Decision to grant a lease in return for legal commitments to deliver the proposed scheme to the Executive Member for Finance and Performance. The lease would provide for controls and assurance as to the scope and nature of the works permitted. Should the Executive Member consider that the 12 month timescale should be extended then Executive are also asked to delegate this authority to them.
94. It is also recommended that discussions be held with Nestle to ascertain whether they would provide their support for the FRP proposal or the holiday let proposal for the upper floors, in the event that the Friends of the Park were unable to deliver a funded and permissioned scheme.

Consultation

95. In each case consultation and input has taken place at various times with
- The applicants to assist in the development of their plans
 - Interested 3rd parties
 - Council officers
 - Ward members

Loss of Open Space

96. Under the Local Government Act 1972 the granting of a lease of public open space land/property is considered to be a 'disposal' and Section 123 of that Act prohibits local authorities from "disposing" of "open space" unless they have first advertised the proposed disposal in a local newspaper for two consecutive weeks and consider any objections received.
97. In this context, disposal does not mean the sale of the property rather its leasing to/ use by a 3rd party with ownership remaining with the Council. See also Legal Implications section of this report.

Council Plan

98. This proposal supports and contributes to the following Council Plan priorities:
- good health and wellbeing
 - a better start for children and young people
 - a greener and cleaner city
 - safe communities and culture for all

Implications

Financial.

Capital

99. The report highlights £80K investment required to re-provide the allotments at Rufforth. Given its proximity to the land purchased for

the Northern Forest and additional sustainability benefits of allotment provision it is proposed to be funded from the newly combined Climate Change capital budget. The budget for these schemes totals £600k and this allocation can be contained within that budget.

100. The overall cost of converting the upper floors of Rowntree Park Lodge (see section J) is estimated to cost a minimum of £440k of which £300k is expected to be provided by Friends of Rowntree Park. The council's contribution (£140k) can be funded from the council's Asbestos budget (£75k) and the balance from the council's Asset Maintenance budget (£65k).

Revenue

101. Many of the sites listed above have financial liabilities whereby the council either currently maintains or would be required to maintain. The value of these varies depending on the level of resource employed at each individual site. It is estimated that were the council to take on the liabilities for all the sites it would require additional staff resource to undertake grounds maintenance / gardening duties as well as cash collection and administrative duties around tennis courts and angling licences. It is unlikely that any income levels achieved would fully cover the staffing costs. The table below provides details of some of the additional costs that would potentially occur at the individual sites although many of the additional costs would in reality be absorbed into the Public Realm team's budget and would result in their limited resources being stretched across a wider area.

Site		Current expenditure / income	Example future costs if retained by the council	
			Day to day	Capital
a	Mayfield North	£600 pa	Grounds maintenance	
b	Mayfield South	2 x life buoys / Nil	Management of fishing, taking fees, bailiff service	Investment in paths and fishing pegs
c	Land at Clifton Ings	Minor weed control / Nil	Yes	Site security
d	Rowntree Pavilion	Emergency Repairs / Nil	Building repairs	Structural repairs
e	Rowntree tennis courts	Nil / £1,238 pa	Management of tennis, taking	Replacement court surfaces,

			bookings, court cleaning	boundary fences
f	Land at Rufforth for allotments	Nil	Grounds maintenance and management of tenancies	Replacement boundary fencing, paths
g	Marjorie Waite Court	One year start up revenue budget for the community hall (approx £5k) available to support the successful bidder. No on-going operational budgets in housing or communities.	On-going staffing, building and operational costs. Service charges for all shared area would be met by tenants of MWC.	Housing would be required to meet all shared area maintenance costs. With the directorate of People finding all costs related to the community
h	Chapmans Pond	Minor assistance with grass cutting / Nil	Management of fishing, taking fees, bailiff service	Investment in paths and fishing pegs
i	Poppleton Community Centre	Grass cutting and hedge maintenance / £2,000 pa	Grass cutting and hedge maintenance	None
j	Rowntree Lodge (upper floors)	Emergency Repairs / Nil	Building repairs	Long term care

Human Resources (HR)

102. There are no HR implications.

Legal

General

103. The Council has the power to dispose of land (by sale or lease) for less than open market value/best consideration without needing specific consent from the Secretary of State for Housing,

Communities and Local Government under Section 123 of the Local Government Act 1972 provided that the Council is satisfied that:

- (i) the purpose of the disposal will facilitate the improvement of the economic, environmental or social well-being of the Council's area
and
- (ii) the difference between the price/rent being obtained by the Council and open market value/best consideration is less than £2 Million

104. It is considered that some of the areas of land/property referred to in this report are 'open space' because they are already used by the public for recreation or were used/held by the Council for purposes ancillary to public recreational use of adjoining land). To ensure compliance with Section 123 of the LGA 1972, before any leases of any of the properties are granted by the Council as detailed within this report (save the proposed replacement allotment site in Rufforth and the property at Marjorie Waite Court site which are not considered open space under the Section 123 definition) the Council should:

- (a) publish notices in relation to each property in two consecutive editions of a local newspaper advertising its intention to grant a lease
and
- (b) consider any comments/objections received in response to the notices.

105. It is considered that a S.123 Notice for Rowntree Park would be published only once the Friends of Rowntree Park were able to demonstrate they have a scheme which is capable of being implemented as detailed earlier in the report.

106. The Council should also ensure that it continues to comply with any outstanding obligations under any Section 106 Agreements relating to any of these sites (including any provisions regarding the use of any commuted sums or maintenance contribution monies paid to the Council under any such Agreements) and that the proposed leases oblige the prospective tenants to comply with any such provisions in turn.

107. In line with the Council's policy and usual practice regarding community asset leases, it is recommended that all of the proposed leases referred to in this Report contain provisions:

- (i) excluding the relevant lease from the security of tenure/statutory renewal provisions of the Landlord and Tenant Act 1954
- (ii) entitling the Council/landlord to either:
 - (a) terminate the relevant lease; or
 - (b) increase the yearly rent from a peppercorn/nil rent to full open market rent (reviewed every 5 years thereafter),
in the event of any of the following circumstances occurring:
 - (A) The demised land not being used solely for community purposes
 - (B) The tenant assigns or sublets all or any part of the demised land (except and for and excluding any assignment with the consent of the Council/landlord to another community group)
 - (C) Any change in the aims, purpose or status of the tenant as a provider of community facilities

Proposed lease of the Lodge at Rowntree Park to Friends of Rowntree Park (FoRP)

108. Unless Nestle are willing to release the restrictive covenants affecting Rowntree Park so far as they relate to the Lodge, the Council should seek to ensure that FoRP's proposed use does not breach those covenants and seek an indemnity from FoRP in respect of any breach(es) of the covenants by them.

Proposed lease of land at Wetherby Road, Rufforth for use as an allotment site

109. The lease should be granted by CYC to the Parish Council (rather than directly by CYC to the Rufforth Allotments Association). The Local Govt Act 1972 (Schedule 29 Paragraph 9(1)) expressly prohibits a district/unitary Council from exercising functions under the Allotment Acts 1908 to 1950 in relation to any area for which there is a Parish Council. Section 23 of the Small Holdings and Allotments Act 1908, states that where there is a Parish Council for an area, then the S.23 duty to 'provide a sufficient number of allotments' for the area falls on the Parish Council rather than the Council.

Proposals regarding the areas of land at Mayfields North and Mayfields South

110. The legal implications in relation to the proposals for the areas of land at Mayfields North and Mayfields South are contained in the confidential annex to this report.

Proposal to procure and operator and grant a lease at Marjorie Waite Court

111. The type of contract described – one in which the service provider will collect income from the catering and community facilities activities to cover operational running costs – means this is a services concession contract. Therefore, the Council's Contract Procedure Rules along with the Concession Contracts Regulations 2016 (as appropriate) will need to be applied when conducting the procurement process.

112. **Crime and Disorder:** Keeping the facilities and land in good condition prevents deterioration of the asset and increases use which in turn create a greater sense of security.

113. **Information Technology (IT)** - None.

114. **Property** See main body of the report.

115. **Public Health** – “Access to open spaces ... has direct and indirect impacts on people's physical and mental health, but can also enable people to build social capital” (Kings Fund)

116. **Planning (Conservation and Design)** – None at this stage, some projects will need planning permission as they progress

Risk Management

117. In compliance with the Council's risk management strategy, the risks associated with the projects are:

- Financial – if the facilities and land remain in day to day council care then there will be ongoing maintenance obligations
- Reputational – if the facilities and land remain underutilised and visibly deteriorates, it will detract from the wider open space experience.

- Operational – if any of the proposed lease holders ceased to exist then another operator would need to be found or the facilities and land would revert back to Council management.

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Chief Officer Responsible for the report:
Tracey Carter
Interim Director of Place

Report **Date**
Approved

Specialist Implications Officer(s) List information for all

Legal

Gerard Allen
Senior Solicitor (Property)
Tel No. 01904 552004

Finance

Patrick Looker
Finance Manager
Tel No 01904 551633

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

For further information please contact the authors of the report

Background Papers:

19th July 2013 Cabinet Member for Transport, Planning and Sustainability –
Future Management Arrangements for Land at Mayfield Grove York

29th January 2016 Decision Session - Executive Member for Culture, Leisure and Communities Review of Management of Rowntree Park tennis courts

23rd September 2016 Decision Session - Executive Member for Culture, Leisure and Communities Review of the Management of Chapmans Pond

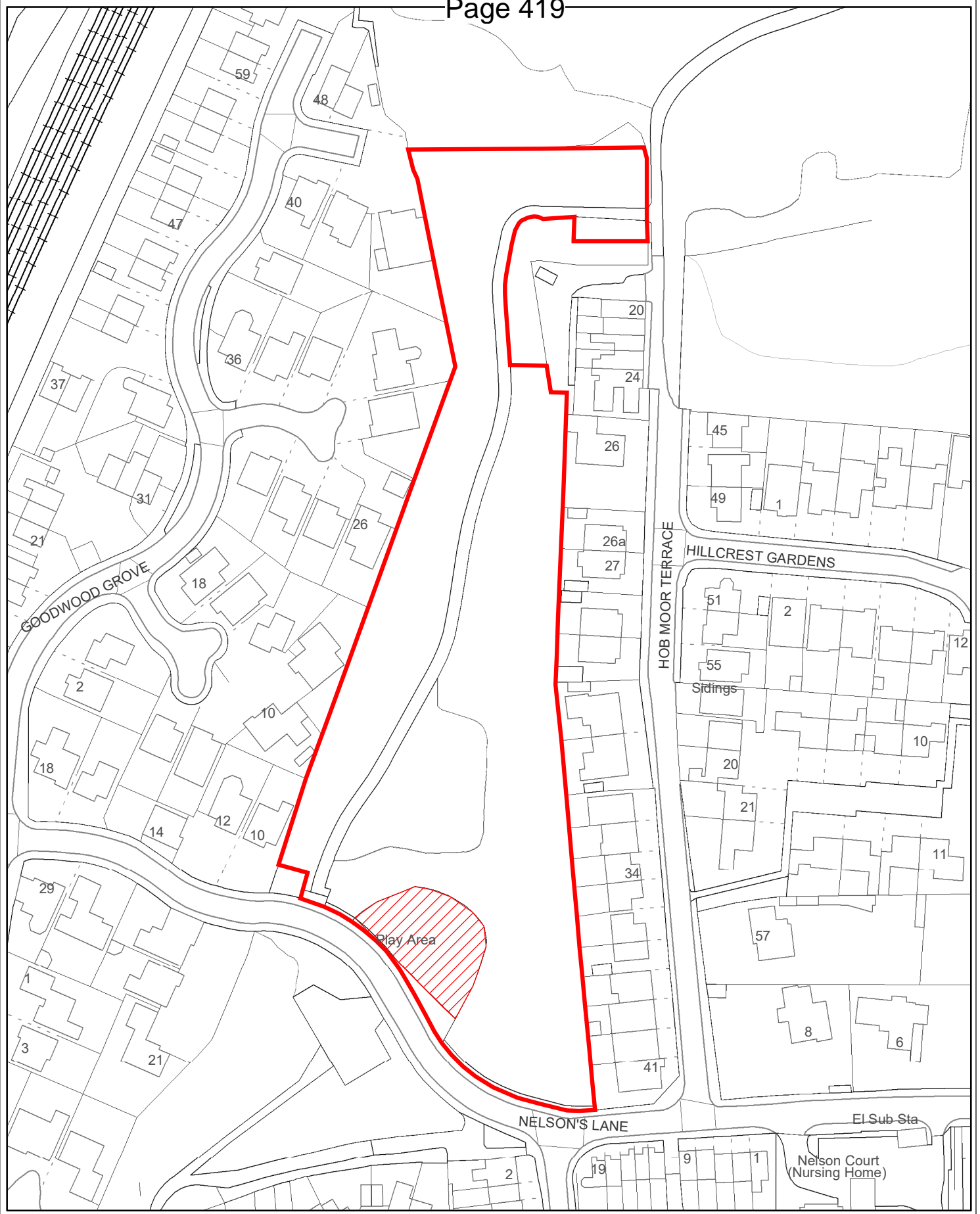
Appendices –

- 1- Plan of Mayfields North
- 2- Plan of Mayfields South
- 3- Plans of Land at Clifton Without
- 4- Plan of Rowntree Park Pavilion
- 5- Plan of Rowntree Park Tennis Courts
- 6- Plans of Land at Wetherby Road, Rufforth
- 7- Plans of Marjorie Waite Court
- 8- Plan of Chapmans Pond
- 9- Plan of Poppleton Centre
- 10- Plan of Rowntree Park Lodge, Rowntree Park

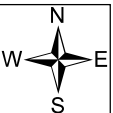
11- **Confidential** annex – legal advice on Mayfields

List of Abbreviations Used in this Report:

CATs - Community Asset Transfers
FoYRPR - Friends of York Railway Pond and Reserve
MCT - Mayfield Community Trust
YNET - York Natural Environment Trust
RAA – Rufforth Allotment Association
RPTC – Rowntree park tennis Club
RPSA – Rowntree Park Sports Association
WTYCC – West Riding of Yorkshire County Council
YCC - York Canoe Club



Mayfields North



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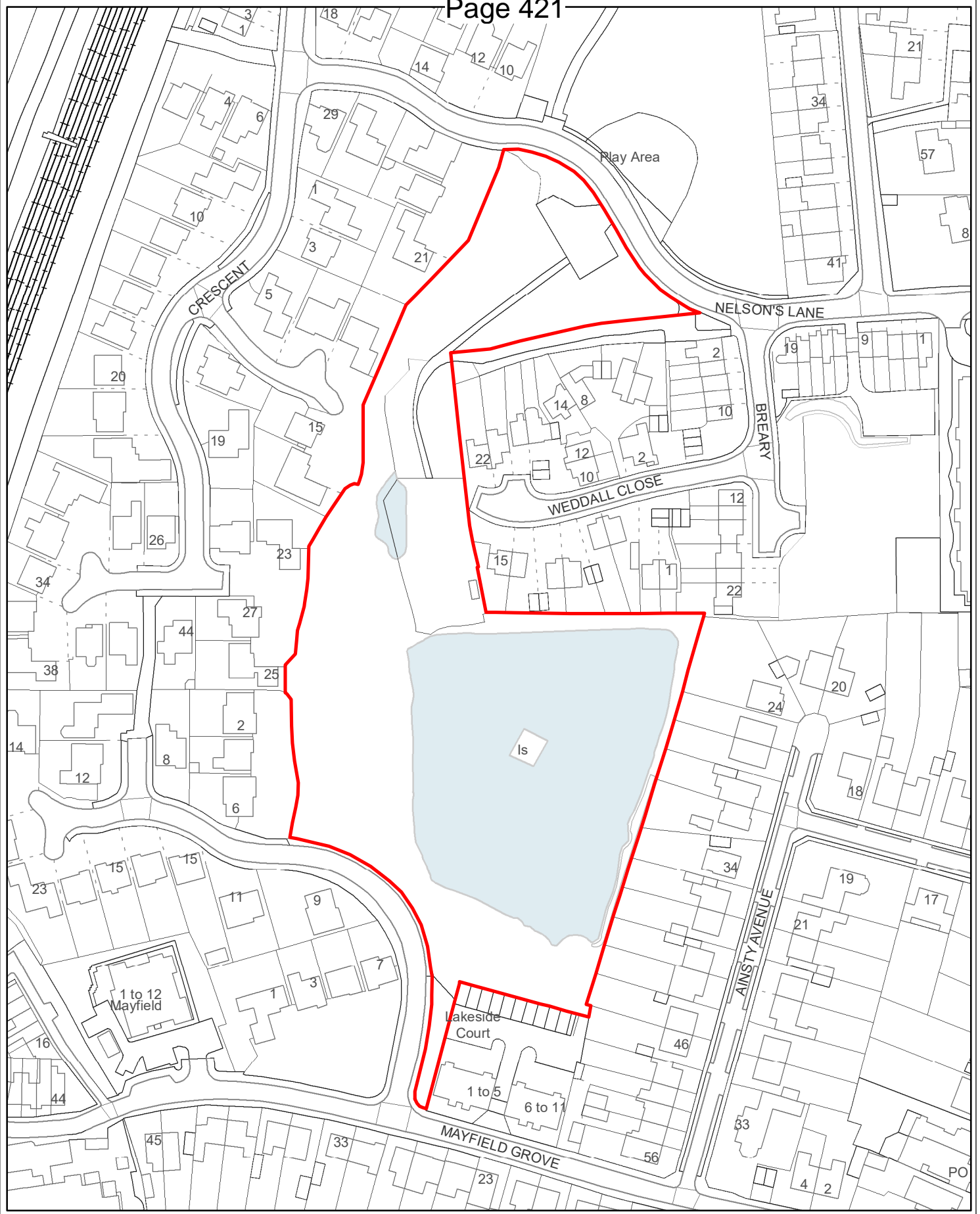
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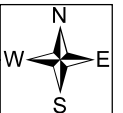
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Mayfields South



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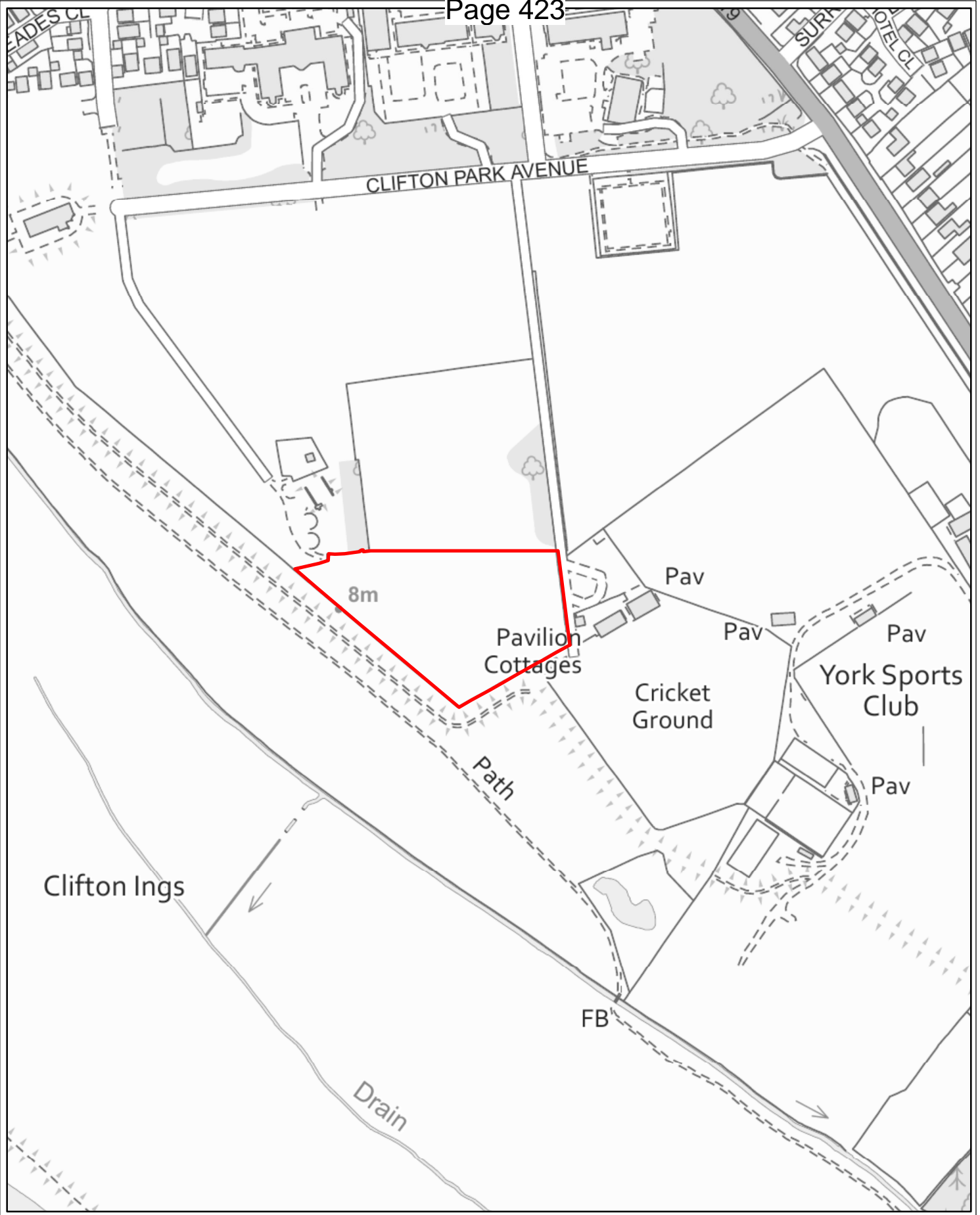
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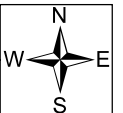
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Clifton Without Land



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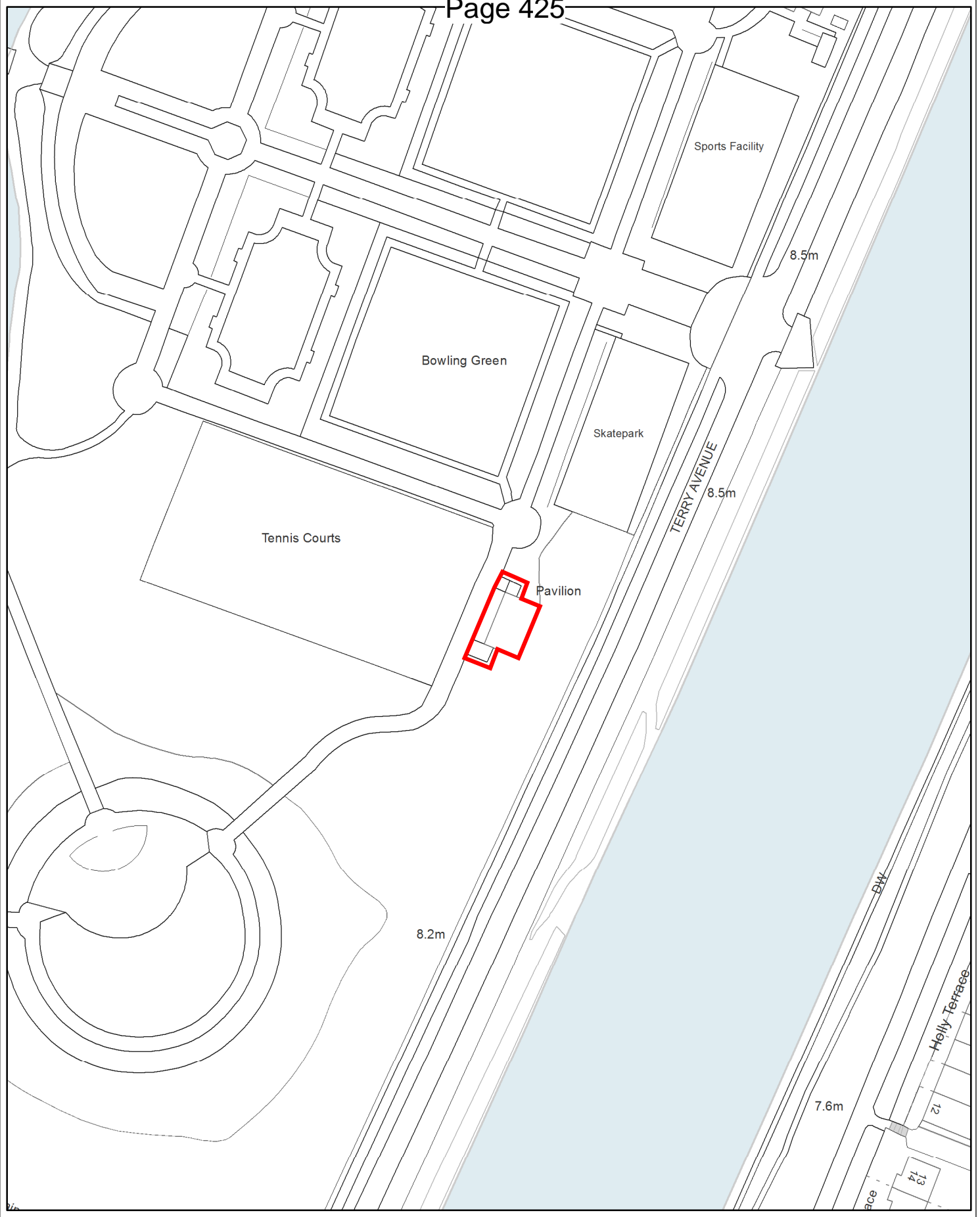
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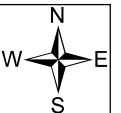
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Rowntree Pavillion



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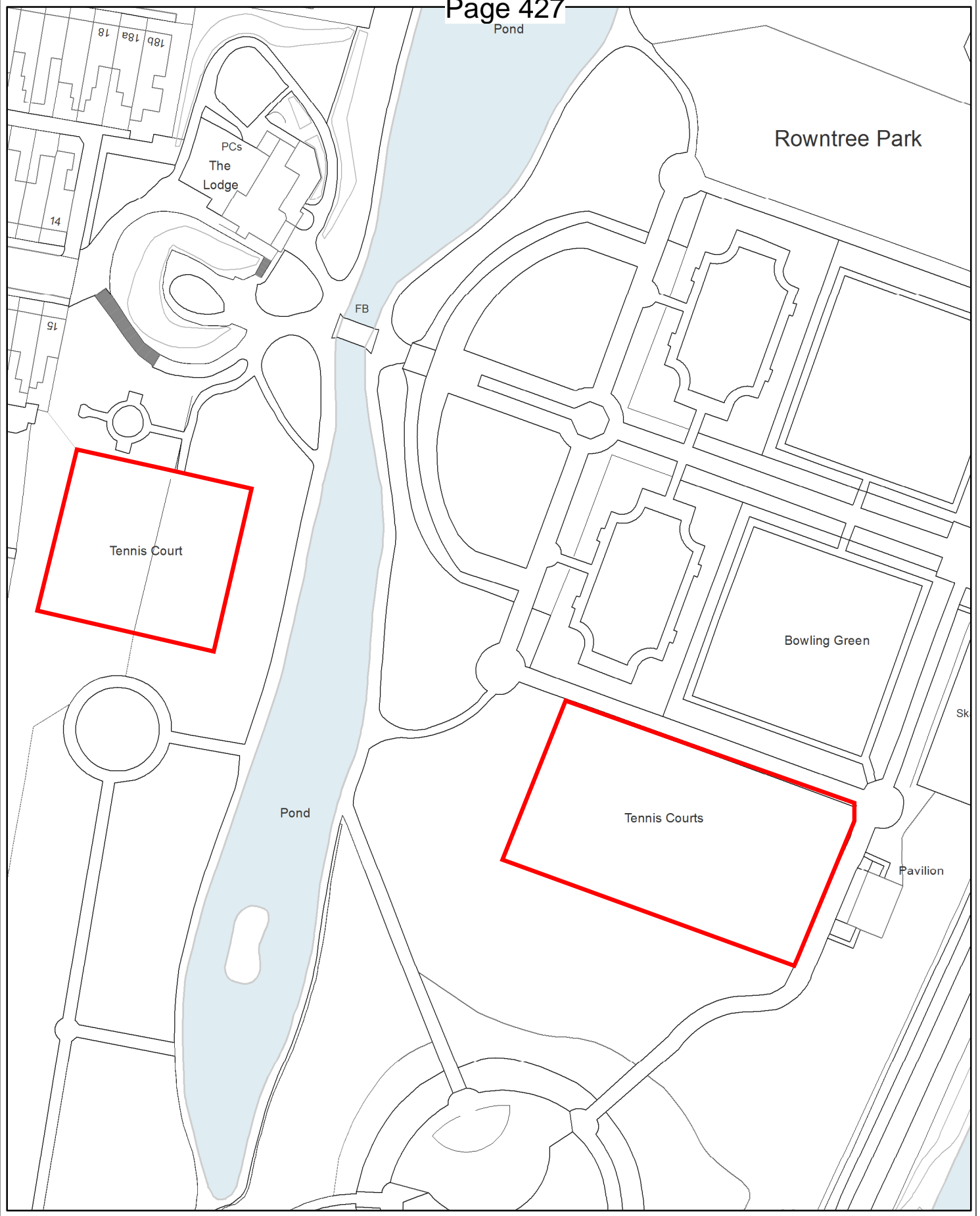
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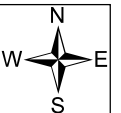
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Rowntrees Park Tennis Courts



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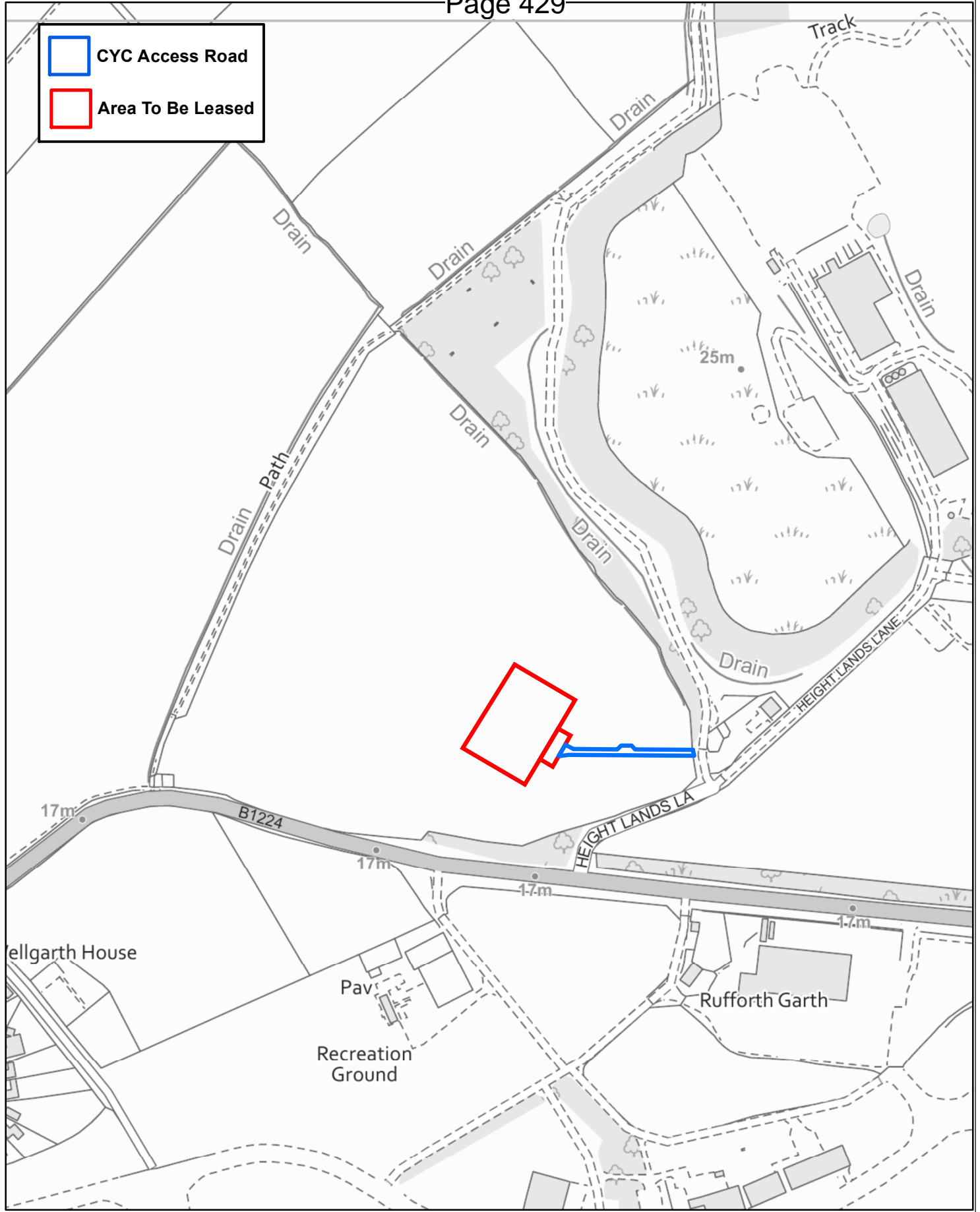
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 CYC Access Road

 Area To Be Leased



Harewood Whin Proposed Rufforth Allotment Site



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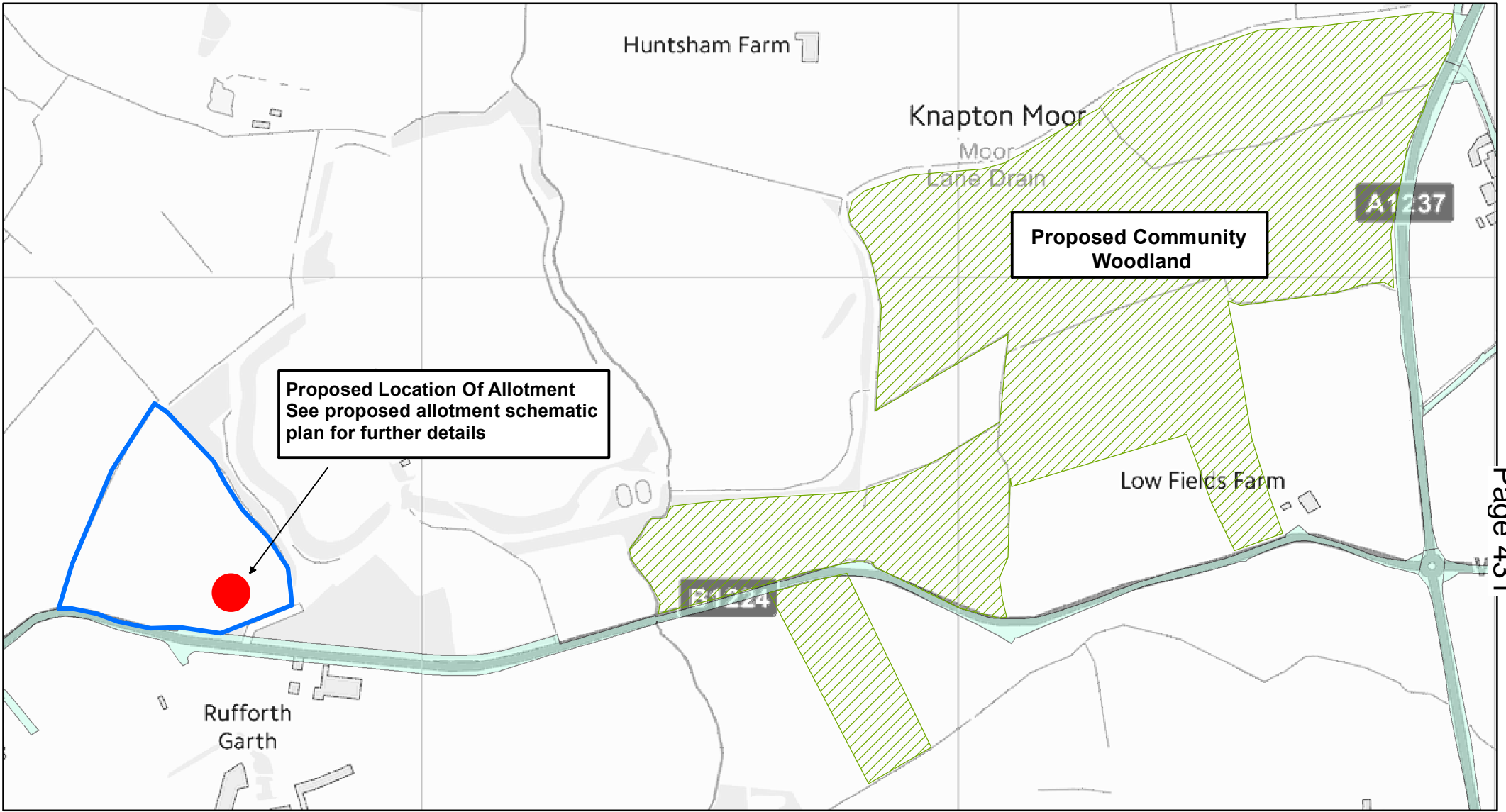
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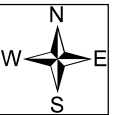
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Rufforth Allotment Site



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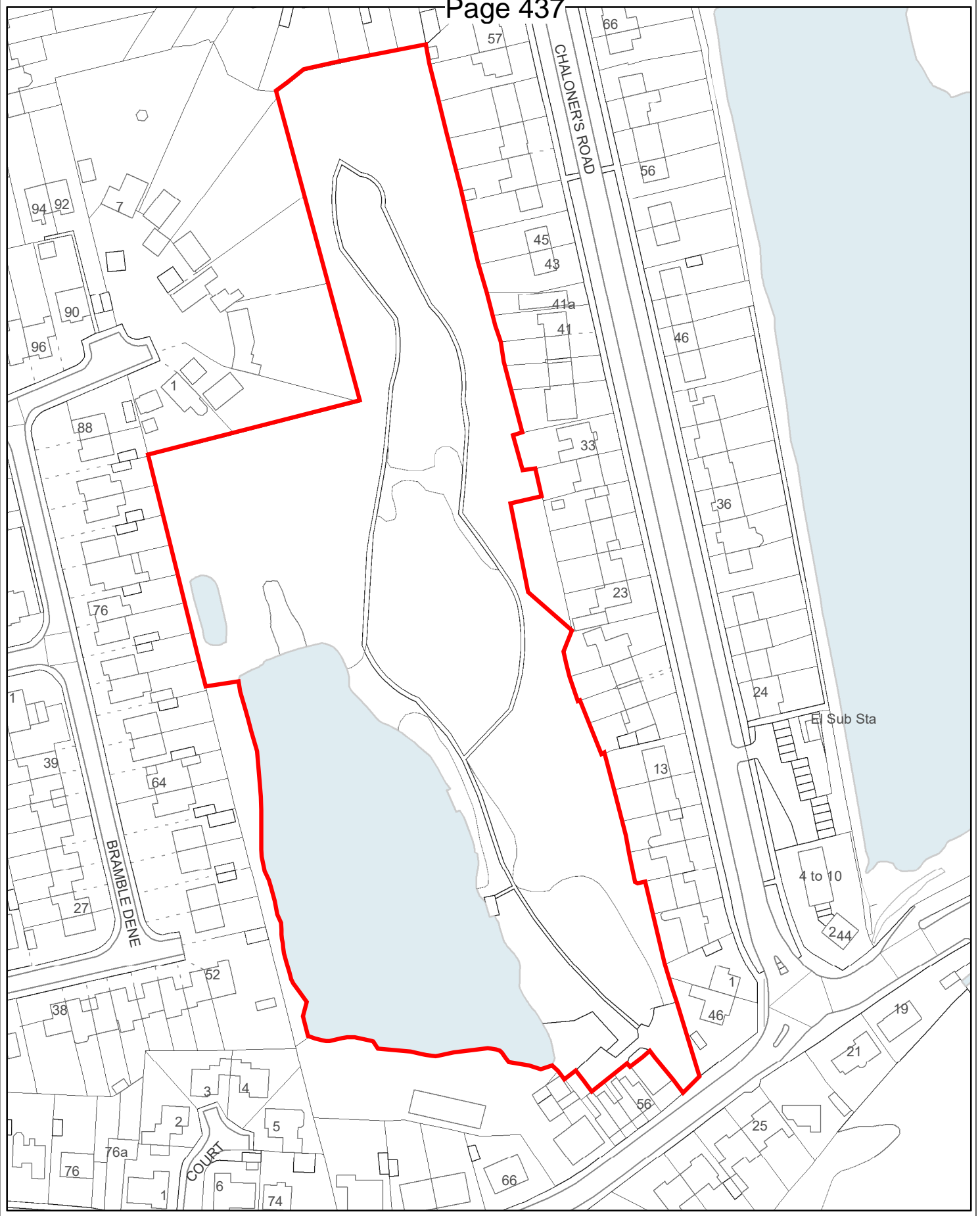
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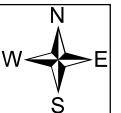
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Chapmans Pond



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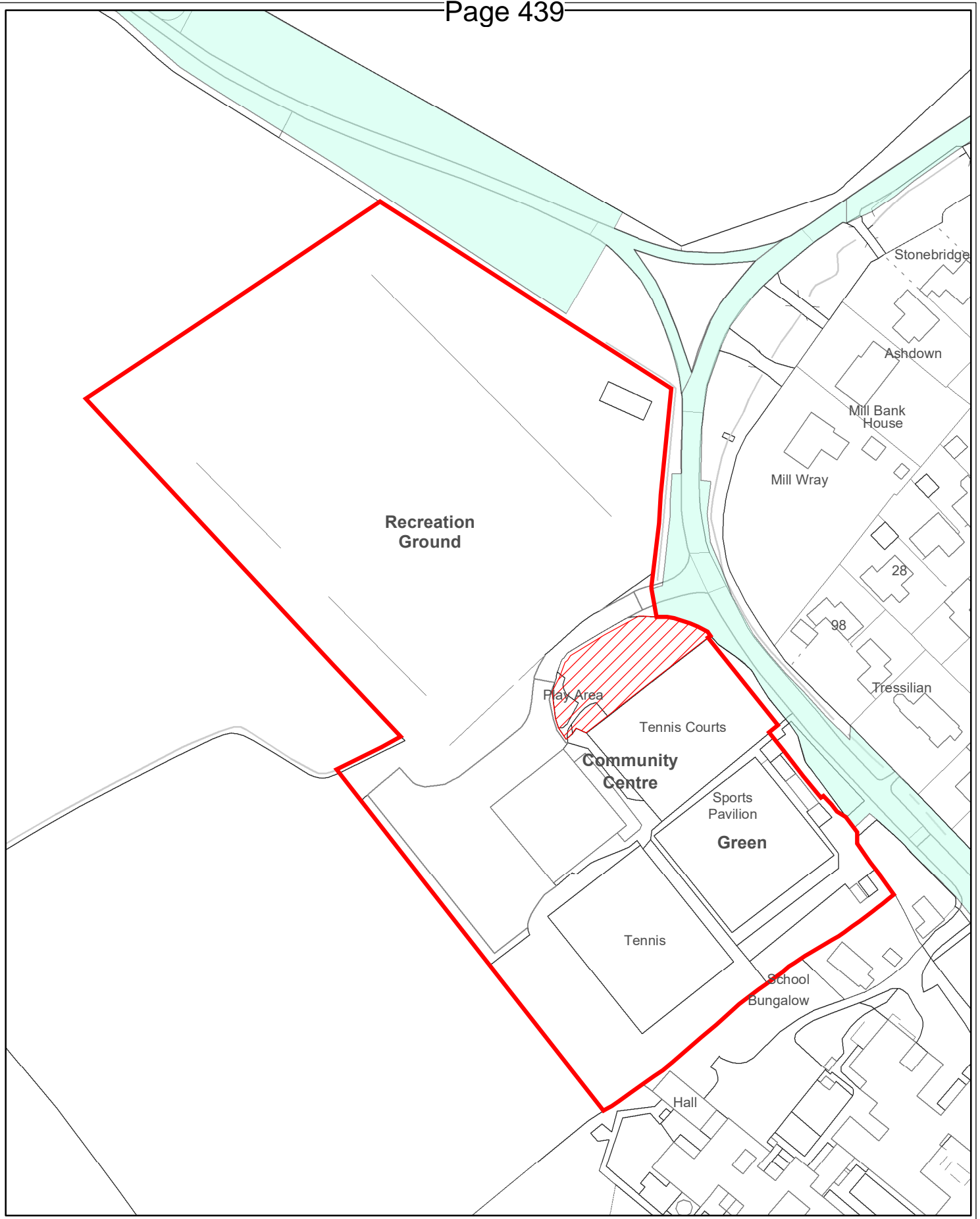
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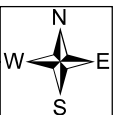
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Main Street/ Ousemoor Lane Recreation Ground



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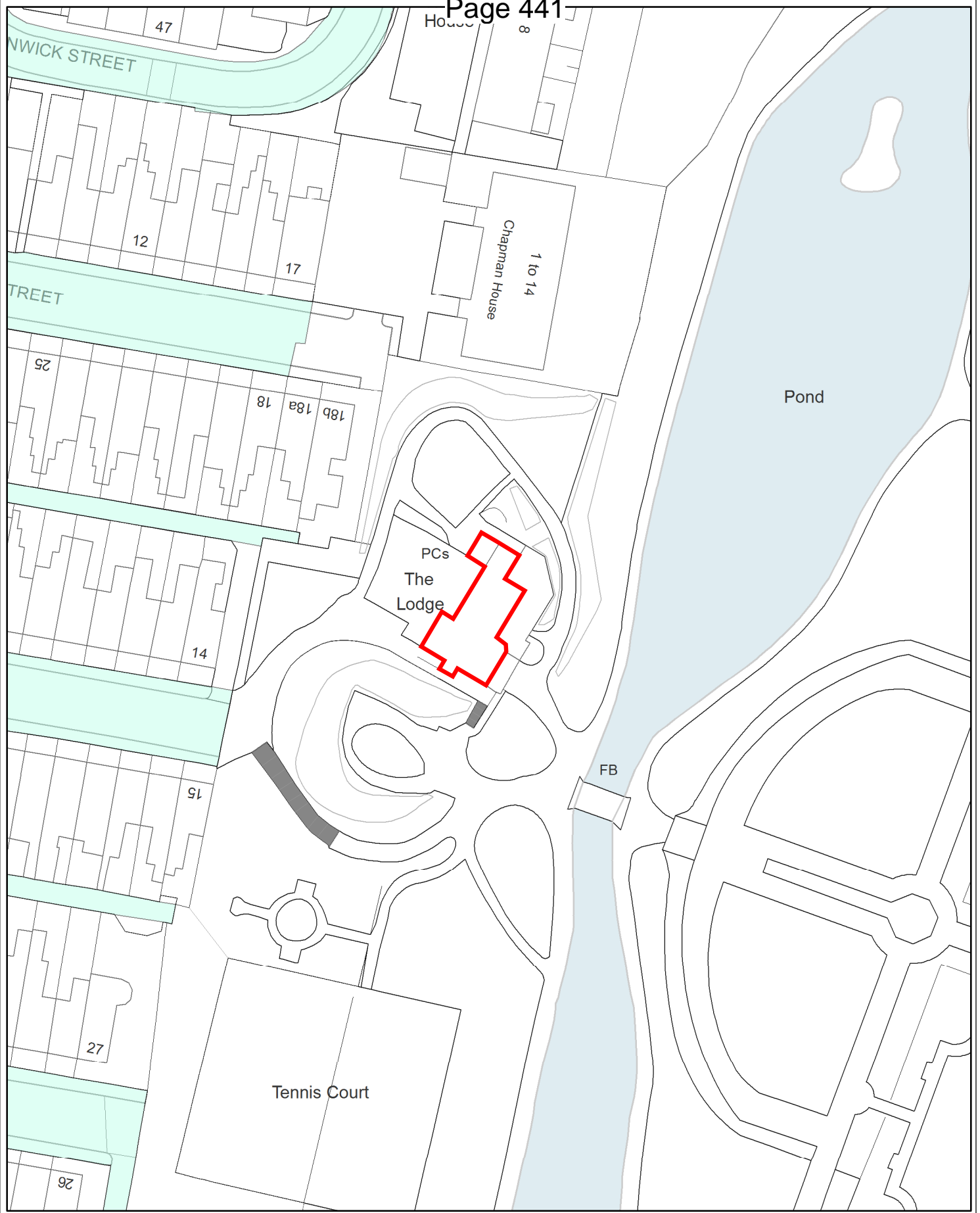
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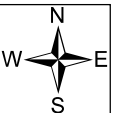
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Rowntree Lodge



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