

Report to City of York Council

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Inspectors appointed by the Secretary of State

Date: 14 February 2025

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the City of York Local Plan

The Plan was submitted for examination on 25 May 2018

The examination hearings were held in five separate phases between December 2019 and July 2024

File Ref: PINS/C2741/429/6

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Abbreviations used in this Report

DIO	Defence Infrastructure Organisation
EA	The Environment Agency
ELR	The City of York Economic Land Review 2016
The Framework	National Planning Policy Framework of March 2012
GTAA	Gypsy and Traveller Accommodation Assessment
HE	Historic England
HMO	House in Multiple Occupation
LHNA	Local Housing Needs Assessment
MoD	Ministry of Defence
OAHN	Objectively Assessed Housing Need
PBSA	Purpose Built Student Accommodation
PPG	Planning Practice Guidance (pre 2018 Framework)
PPTS	Planning Policy for Traveller Sites
The Plan	The City of York Local Plan (the Plan under examination)
RSS	The Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 of 2008
TER	Target Emissions Rate
SAP	Standard Assessment Procedure
SHMA	Strategic Housing Market Assessment
SAC	Special Area of Conservation
SINC	Site of Importance for Nature Conservation
SSSI	Site of Special Scientific Interest
WFD	Water Framework Directive
WMS	Written Ministerial Statement

Non-Technical Summary

This report concludes that the City of York Local Plan provides an appropriate basis for the planning of the city and its hinterland, provided that some main modifications are made to it. City of York Council has specifically requested that we recommend any MMs necessary to enable the Plan to be adopted.

Over the course of five sets of hearings, the Council prepared schedules of the proposed main modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. These main modifications were subject to public consultation over the required statutory periods. We have recommended their inclusion in the Plan after considering the various sustainability appraisals and habitats regulations assessments and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- A series of modifications to deal with the potential impact of development on Strensall Common SAC;
- Further modifications to recalibrate the approach of the Plan to the University of York and its future expansion;
- Modifications designed to address the potential impact of student housing on the supply of affordable housing;
- Amendments to simplify the approach of the Plan to development in the Green Belt;
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy; and
- Adjustments to the policies designating Green Belt on the Policies Map to confirm the boundaries.

Introduction

1. This report contains our assessment of the City of York Local Plan (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. Paragraph 182 of the National Planning Policy Framework of March 2012 (the Framework) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. A revised Framework was published in July 2018 and further revised in February 2019, July 2021, December 2023, and December 2024. It includes a transitional arrangement in paragraph 220 of the July 2021 Framework which indicates that, for the purpose of examining this Plan, the policies in the 2012 Framework will apply. Similarly, where the Planning Practice Guidance (PPG) has been updated to reflect the revised Framework, the previous versions of the PPG apply for the purposes of this examination under the transitional arrangement. Therefore, unless stated otherwise, references in this report are to the 2012 Framework and the versions of the PPG which were extant prior to the publication of the 2018 Framework. Those same transitional arrangements have persisted in subsequent iterations of the Framework.
3. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The City of York Local Plan, submitted in May 2018, has been the basis for the examination. It is the same document that was published for consultation before submission.

Main Modifications

4. In accordance with section 20(7C) of the 2004 Act the Council requested that we should recommend any main modifications [MMs] necessary to rectify matters that make the Plan unsound and /or not legally compliant and thus incapable of being adopted. Our report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **[MM1.1 MM2.1]** and so forth and are set out in full in the separate Appendix to this report. To be clear, this report uses the final consolidated list of MMs of September 2024 that was added to the examination website on 16 October 2024¹.
5. During and following the examination hearings, the Council prepared various schedules of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The final group of MMs following Phase 5 was subject to public consultation for the required six weeks

¹ EX/CYC/141

between July and September 2024. We have taken account of the consultation responses to all the public consultations in coming to our conclusions in this report and in this light, we have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessments that have been undertaken. Where necessary we have highlighted these amendments in the report.

Policies Map

6. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan, including, for reasons that will become clear, various Green Belt boundaries. When submitting a local plan for examination, the Council is required to provide a submission policies map. In this case, the submission policies map comprises the set of plans identified as Policies Map (North), Policies Map (South), and Policies Map (City Centre Inset)².
7. The policies map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies maps. Moreover, as indicated below, some relatively minor adjustments are needed to the proposed Green Belt boundaries.
8. These further changes to the policies map were published for consultation alongside the MMs. In this report we identify any amendments that are needed to those further changes, in the light of further reflections on our part, and the consultation responses.
9. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the component parts of the Policies Map, to include all the changes proposed and published alongside the MMs, alongside the relatively minor, but necessary, adjustments referred to in this report.

Context of the Plan

10. The City of York has not had a plan designed to deal with its particular needs, and future development, in place since 1956, which, in planning terms, is a very, very long time ago. In that time, development in the historic centre seems to have been managed relatively well, most likely because of strong statutory

² CD004a, CD004b and CD004c respectively

protections. However, there are examples of development on the fringes of the city where expansion has taken place in a manner that has made the lack of a strategic overview apparent.

11. Moreover, there is evidence that this lack of a plan has led to difficulties with economic expansion, most notably in relation to the University of York, and the housing market, in terms of the affordability of general housing, and the lack of affordable housing. There has been a situation in relation to the definition of Green Belt boundaries that has not been altogether helpful in this regard.
12. This Plan looks to provide that strategic overview by allowing for the economy of the city to grow, and by providing for the new housing that is needed, in ways that best protects the historic character of the city itself, and its setting in the landscape. Importantly too and following on from the saved policies of the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 (RSS) of 2008, it seeks to define detailed Green Belt boundaries for the first time.

Public Sector Equality Duty

13. We have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included our consideration of several matters during the examination including provision in the Plan for Gypsies and Travellers, Travelling Showpeople, and the elderly. We deal with these matters in much more detail below.

Assessment of Duty to Co-operate

14. Section 20(5)(c) of the 2004 Act requires that we consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
15. During the preparation of the Plan, a number of strategic, cross-boundary issues were identified including the extent of the housing market area; the scale of housing growth; the functional economic area; the scale of employment growth; retail growth; leisure; transport; waste and minerals; renewable energy; flood risk and river corridors; green infrastructure; Gypsies, Travellers and Travelling Showpeople; education establishments; the approach to the Green Belt; the historic environment; and climate change.
16. The Council has a longstanding record of co-operation and joint working with neighbouring and statutory authorities and the Council's approach to the Plan has continued in that positive vein. The Council's Statement to Demonstrate

Compliance³ shows how the Council has worked together with these authorities in producing the Plan.

17. The outcomes of this joint working have been summarised⁴ and it is evident that they have been properly taken into account in the preparation of the Plan. In simple terms, the Council has agreed to meet its own needs, in terms of housing and employment, and other similar matters and there are no significant cross-boundary issues that remain unresolved.
18. As such, we are satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

19. The Plan has been prepared in accordance with the Council's Local Development Scheme.
20. Consultation on the Plan and the various sets of MMs was carried out in compliance with the Council's Statement of Community Involvement.
21. The Council carried out a sustainability appraisal of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under regulation 19. The sustainability appraisal was updated to assess the various sets of main modifications in a way that we have found to be adequate.
22. The Habitats Regulations Appropriate Assessment sets out that the Plan may have some negative impact which requires mitigation. This mitigation has been secured through the Plan as modified. The Habitats Regulations Assessment (HRA) has been updated at various stages of the process⁵, in response to new information coming forward, and the various groups of main modifications.
23. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
24. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area

³ CD020

⁴ EX/CYC/7a, EX/CYC/23, EX/CYC38, EX/CYC/64, and EX/CYC/140

⁵ EX/CYC/14c, EX/CYC/45, EX/CYC/45a, EX/CYC/128d, EX/CYC/128e, and EX/CYC/139

contribute to the mitigation of, and adaptation to, climate change. We address these matters in some detail below.

25. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations. For reasons that are covered in detail below, we are satisfied that as modified, the Plan will be in general conformity with the RSS of 2008, and as a result, s.24(1) of the 2004 Act.

Assessment of Soundness

Main Issues

26. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, we have identified 24 (twenty-four) main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Do the ‘Vision and Development Principles’ behind the Plan give it an effective basis?

27. Section 1 of the Plan sets out the general background to it. Section 2 then goes on to talk about the ‘vision’ and general principles underpinning the Plan. It is worth quoting that ‘vision’ in full: *York aspires to be a city whose special qualities and distinctiveness are recognised worldwide. The Local Plan aims to deliver sustainable patterns and forms of development to support this ambition and the delivery of the city’s economic, environmental, and social objectives. This will include ensuring that the city’s place making and spatial planning policies reflect its heritage and contemporary culture, contributing to the economic and social welfare of the community whilst conserving and enhancing its unique historic, cultural and natural environmental assets.* It continues: *The plan will ensure that the vision and outcomes are delivered in a sustainable way that recognises the challenges of climate change, protects residents from environmental impacts and promotes social, economic and cultural wellbeing.*
28. In simple terms, the Council, through the Plan, is seeking to create a prosperous city for all, provide good quality homes and opportunities, protect the environment, and ensure efficient and affordable transport links. That approach of generating economic growth while protecting the built and natural environment is in very clear accord with that of the Framework and cannot reasonably be criticised. The question, as ever, is how that overarching ‘vision’ copes when it runs into the realities involved in balancing those potentially conflicting ambitions.

29. Before addressing specific points relating to those potential conflicts, Section 2 of the Plan does contain some general strategic policies. Policy DP1: York Sub-Area lists the various aspects of the Council's vision in detailed terms and functions as a scene-setter for the rest of the Plan. Policy DP2 then sets out what the Plan considers to be sustainable development⁶ with the expectation that development will create a prosperous city for all; provide good quality homes and opportunities; conserve and enhance the environment; and ensure efficient and affordable transport links.
30. Policy DP2 itself explains how development is expected to contribute to sustainable development through measures that will be taken under each of those headings. As drafted, criterion iii reads 'Development will help conserve and enhance the environment through' before setting out a list of ways in which these aims are to be achieved. One of these relates to water quality in rivers and the approach to ground water. Discussions with the Environment Agency (EA)⁷ showed up a need for the policy to properly reflect the requirements of the Water Framework Directive (WFD) so that reference is made to the water environment rather than individual rivers, ensuring that there is no deterioration in status of any surface or ground water body, and making positive progress towards achieving 'good' status or higher in surface and groundwater bodies in line with the WFD.
31. Moreover, a new bullet point needs to be added under this heading to make plain that development will be expected to mitigate and adapt to climate change through designing new communities and buildings, transport networks, and services that support communities to be energy and resource efficient and reduce carbon emissions. This is required to make explicit the Plan's contribution to mitigating and adapting to climate change, in accordance with s.19(1A) of the Planning and Compulsory Purchase Act 2004.
32. Main modifications **[MM2.2 MM2.3 MM2.4]** are necessary to effect these changes and to bring the policy and the explanatory text into line with national policy.
33. Policy DP3 then deals with what it terms 'Sustainable Communities' and provides an all-encompassing summary of the approach the Council will take to new development, and the various allocated sites in particular. After that, the Plan as submitted includes Policy DP4: Approach to Development Management. This policy reproduces the presumption in favour of sustainable development included in the Framework. However, this approach has now been superseded and paragraph 11 of the latest version of the Framework, with its associated footnotes, has a rather different approach. Notwithstanding the transitional arrangements, that I have referred to above, it is plain that Policy

⁶ And to be clear this is sustainable development as envisaged by the Plan and is nothing to do with the presumption in favour of sustainable development in paragraph 14 of the Framework

⁷ Which culminated in a SOCG – EX/SoCG/4

DP4 as drafted is not consistent with national policy as it stands. This would also be likely to give rise to effectiveness issues because consideration of any planning application would need to take into account the latest version of the Framework as a material consideration rather than a previous iteration.

34. Against this difficult background, it is plain that the best approach for the Plan to take is to delete Policy DP4 and the supporting text in their entirety. That is the neatest way to ensure that the Plan will operate in an effective way. A main modification **[MM2.5]** is required to achieve that.
35. There is one final point under this heading. As drafted, paragraph 2.5 of the explanatory text to Policy DP4, in dealing with the provision of good quality homes and opportunities, refers to the original figure of 867 dwellings per annum as the Plan's housing target. Reflecting new evidence, that we cover later in this report, this figure was modified downwards, and so the text needs to be corrected through a main modification **[MM2.1]** to refer to a minimum annual net provision of 822 dwellings over the Plan period to 2032/33.

Conclusion

36. With the main modifications outlined above, we are content that the 'Vision and Development Principles' behind the Plan give it an effective basis.

Issue 2: Are the economic projections, and the Objectively Assessed Housing Need (OAHN) that flows from them, justified?

37. Policy SS1: Delivering Sustainable Growth for York, that we deal with in detail below, seeks to provide sufficient land to accommodate an annual provision of around 650 new jobs. This figure was established in the City of York Economic Land Review 2016 (ELR)⁸ and reflects the Council's growth ambitions outlined in the City of York Economic Development Strategy⁹ and the York & North Yorkshire Local Enterprise Partnership.
38. The figure of 650 new jobs annually has been derived from economic forecasts using the 'Oxford Economic Model'. Amongst other things, the ELR considers three scenarios. Scenario 2 was considered by the Council to best reflect the Council's economic strategy for the city and in particular the desire to drive up the skills of the workforce. This scenario forecast that 11050 jobs would be created which is the equivalent of 650 per year between 2014 and 2031.
39. An analysis of other models suggests that this figure is ambitious. The York Economic Outlook (2019)¹⁰ identifies a baseline forecast of 450 jobs per year

⁸ SD064

⁹ SD070

¹⁰ EX/CYC/29

between 2017 and 2038. An alternative, 're-profiled' scenario forecasts 510 between the same dates, with higher growth in earlier years. Analysis of the 'Oxford Economic Model' undertaken by the Council in relation to the emerging Economic Development Strategy, based on data for October 2021, produced baseline forecasts of 479 jobs per year between 2017 and 2038.

40. All that said, we see no good reason to fault the Council's ambitious approach. Paragraph 154 of the Framework explicitly says that Plans should be aspirational, but realistic. Moreover, against the background of paragraph 18 which says that the Government is committed to securing economic growth in order to create jobs and prosperity, paragraph 20 of the Framework says that to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business, and support an economy fit for the 21st Century. These wider ambitions apply with as much force, if not more, today.
41. Of course, the Council could have planned for a lower rate of job creation, but that might well have been criticised for displaying a lack of ambition. We see nothing wrong, in principle, with the ambition the Council has displayed in terms of economic projections. On top of that, the methodology that underpins the figure of 650 jobs per year is sufficiently robust, and appropriate in the context of the Council's ambitious approach.
42. This figure of 650 jobs per year is then used to inform the calculation of the Objectively Assessed Housing Need (OAHN). The OAHN that has been arrived at is an economic-led housing need with the economic growth the Council is driving for, being the biggest influence on the provision of new dwellings over the Plan period. The Council considers this to be the most appropriate approach.
43. We accord with that view – if an ambitious approach to economic growth and job creation in York is to be followed, and we have found nothing to fault in that approach, then that ambition has to be carried through into housing. If it is not, then all the economic growth and job creation will produce is more pressure on the York housing market, and more in-commuting, with attendant problems in relation to traffic and congestion.
44. As originally submitted, Policy SS1 referred to a minimum annual provision of 867 dwellings over the Plan period to 2032/33 and beyond to 2037/38. However, the Housing Needs Update (HNU) Report 2019¹¹ indicated that this figure should be 790 dwellings per year. The HNU 2020¹² revised this figure to

¹¹ EX/CYC/9

¹² EX/CYC/43a

779 but the Council did not regard that as a meaningful change and chose not to revise the figure further. We agree with that assessment.

45. It is fair to say that the Council could have taken a different approach to their OAHN, based on population projections, or even the 'Standard Method', but the Council's evidence shows that these approaches would have produced an OAHN lower than that derived from an economics-led calculation. That would not accord with the Council's laudable economic ambitions and would likely lead to the problems with the housing market, and in-commuting, set out above.
46. There is another point too and that relates to the provision of affordable housing. We deal with this in detail below but it is clear that there has been a major shortfall in provision over a considerable period of time. The only way this shortfall can be addressed, and progress made on this important matter is if the provision of general housing is maximised. To our minds, setting the OAHN lower is untenable in that context.
47. With all that in mind, we are content that this base figure of 790 dwellings a year has been justified. To that figure needs to be added 32 dwellings a year to cater for the shortfall between 2012 and 2017. Added together, these produce the OAHN of 822 dwellings per year that, as we set out below, Policy SS1 proceeds upon.

Conclusion

48. On that overall basis, we conclude that the economic projections, and the OAHN that flows from them, have been justified.

Issue 3: Does that OAHN translate into a housing requirement that is justified?

49. Policy SS1: Delivering Sustainable Growth translates this OAHN into a housing requirement over the Plan period. This policy deals with a number of other matters too, which we deal with below, but it is where the housing requirement enshrined in the Plan is set out.
50. Policy SS1 in the Plan as drafted talked of a minimum annual provision of 867 over the Plan period to 2032/33 and post the Plan period to 2038. As set out above, that figure has been changed to 822 dwellings a year and the policy needs to reflect that. Moreover, the policy needs to make it plain that the Plan seeks to deliver a minimum *average* annual *net* provision of 822 homes over the Plan period that will support an overall housing requirement of 13,152 new homes (being 822 homes per year for 16 years).

Conclusion

51. On that basis, the housing requirement set out in Policy SS1 reflects the OAHN and is justified in the light of the constraints that we refer to below.

Issue 4: Is the Spatial Strategy of the Plan justified?

52. Given our conclusions above, the question then, is whether the Spatial Strategy can accommodate the economic and housing growth proposed in an acceptable way? Based on the figures for economic development, and the housing requirement that flows from them, Section 3 of the Plan deals with the way these are to be accommodated in and around the city. Essentially, the Spatial Strategy followed by the Plan is a product of the Heritage Topic Paper (2014)¹³ and born of the need to safeguard a number of key contributors to the character and setting of York as an historic city. These include the compact nature of the city, and its perception as a freestanding settlement, set in a rural hinterland from which there are important views into the city, and with satellite settlements distributed around it. Preservation of the setting and special character of York is the key purpose of the York Green Belt, a matter that we address further below.
53. The overriding function of the Spatial Strategy is to locate the housing and economic development the city aspires to deliver, that we have covered above, without unacceptably undermining those key contributors to the character and setting of York as an historic city. To achieve that, put very simply, the Council has sought to focus development on the main urban area of York, with a tight Green Belt boundary to prevent the city leaking out into the surrounding countryside. The housing and economic development that cannot be accommodated in the main urban areas, or adjacent to them in urban extensions, is then proposed to be provided as 'satellites', inset from the Green Belt, following the historic settlement pattern, and the hierarchy therein.
54. Policy SS1: Delivering Sustainable Growth for York sets out the ways in which the city expects to meet its commitment in terms of economic growth and the resulting housing requirement, during the Plan period, and the spatial principles that will be applied in order to achieve that in a sustainable¹⁴ way. There are a number of shortfalls in the policy as originally drafted.
55. First of all, it is necessary for the policy itself to refer directly to the Plan period as 2017-2032/33 rather than leave the reader to find it elsewhere. Further, the policy as drafted makes no direct reference to the Green Belt. An insertion is necessary to make the point that the Plan allocates sufficient land to meet development needs for 5 years beyond the Plan period (2038) in order to

¹³ SD103

¹⁴ We use the word, as does the policy, in the 'dictionary' sense; it is not a reference to the way the word is used in the Framework or its successor documents.

ensure that the Green Belt boundaries set within the Plan will not need to be revisited for a very long time.

56. The first part of the policy deals with the 'spatial drivers'. The first is the pursuit of economic growth which, as we have dealt with above, is then used as the basis for the housing figures. The Plan provides sufficient land to accommodate an annual provision of 650 new jobs a year and ensure that York fulfils its role as a key regional economic driver. This figure of 650 new jobs a year remained intact through the examination but, for various reasons that we have covered above, the housing figure changed. As set out above, the housing requirement in the Plan was adjusted through the examination and ended up seeking to deliver a minimum *average* annual *net* provision of 822 homes over the Plan period that will support an overall housing requirement of 13,152 new homes.
57. Further, in dealing with the approach the Plan takes to housing, Policy SS1 as drafted, makes no reference to provision for Gypsies and Travellers or Travelling Showpeople, or affordable housing. We deal with these specific issues within the Plan later in the report, but these omissions need to be remedied in this policy.
58. After dealing with what the Plan aims to provide, the policy moves on to address the spatial shapers, or principles, that will guide the location of that provision. Not unexpectedly, the first of these relates to the conservation and enhancement of York's historic and natural environment. As drafted, the second refers to the need to ensure access to sustainable modes of transport and a range of services. This does not give a full picture and an addition is required to make plain that development will be directed to the most sustainable, that is, the most accessible, locations.
59. Other shapers relate to the need to prevent unacceptable levels of congestion, pollution and/or air quality, and to ensure flood risk is appropriately managed. These are acceptable as drafted but the approach to previously developed land is not. The policy as submitted says that where viable and deliverable, the re-use of previously developed land will be phased first. That is rather ambiguous and, in any event, the Framework contains no such prioritisation, in terms of phasing, or anything else. That said, it is good planning practice to encourage the efficient development of brownfield land, so the spatial shaper has some relevance. However, it needs to be amended in the policy to simply say that the best use of previously developed land will be prioritised.
60. All this needs to be secured through a main modification **[MM3.1]**. On top of that, the explanatory text needs to be augmented to reflect those significant changes. Firstly, a series of new paragraphs (3.1a, 3.1b, 3.1c, 3.1d and 3.1e) are necessary to provide some additional explanation of the link between spatial drivers and spatial shapers, and to make reference to the overall strategy of the

Plan, with reference to a new Key Diagram. This needs a main modification **[MM3.2]**. The new Key Diagram reflects the changes made to the list of Strategic Sites and specifically, the removal of Strategic Site ST35 for habitats-based reasons – a matter dealt with in detail below. This requires a Main Modification **[MM3.3]** too.

61. Policy SS2 then sets out the role of the Green Belt around York. We have touched on this previously, but we deal with this policy, and the reasons why changes are required to it, under Issue 8 below so there is no need to dwell on it further here.
62. That brings us to Policy SS3 which refers to York City Centre. Not unexpectedly, the policy explains that the city centre is the economic, social, and cultural heart of York and its special qualities and distinctiveness will be protected while it helps to achieve economic and social aspirations of the Plan. It goes on to say that the city centre will be a priority area for a range of employment uses and the principal location for the delivery of economic growth, and associated employment in the tourism, leisure, and cultural sectors. A number of uses that are acceptable in principle in the city centre are then listed in the policy as drafted. However, these pre-date changes in the new classifications of use that came into force in September 2020, during the examination. These need to be updated in order to provide clarity and effectiveness.
63. Three allocated Strategic Sites within the designated city centre (ST32: Hungate, ST20: Castle Gateway, and Elements of ST5: York Central that lie within the city centre) are then referred to. The reference to ST32 suggests that it will bring forward 328 dwellings. This figure has been overtaken by events and in that context, it requires amendment to read 'residential development'. This avoids the figure of 328 acting as a floor, or a ceiling and is necessary for effectiveness.
64. A main modification **[MM3.7]** is necessary to secure these changes.

Conclusion

65. With these changes, we are of the view that the Spatial Strategy of the Plan is justified.

Issue 5: Will the Spatial Strategy deliver a five-year supply of deliverable housing sites in an effective way?

66. Absent from the Plan as drafted is any presentation of the sources of housing supply (in all its forms) over the Plan period. To address that, the Council having

regard to the evidence presented on housing supply and distribution¹⁵, produced Table 1a which deals with the total housing requirement (the 13,152 dwellings referred to above), net completions between 2017 and 2022 (3,767), existing commitments (extant permissions at 1 April 2022) (2,149), strategic housing allocations (the ST sites) (8,160), housing allocations (the H sites) (1,733) and the windfall allowance (1,592). This gives a total of 17,401. Table 1a goes on to deal with Gypsies and Travellers and Travelling Showpeople.

67. After that, Table 1a deals with distribution explaining that 7,656 dwellings will be provided as urban development (6,155 of ST sites, 1501 on H sites), 1,705 in the form of urban extensions (all on ST sites), 537 as village extensions (305 of ST sites, 232 on H sites), and 5,532 in new settlements or Garden Villages (all on ST sites). This gives the total of 15,430 which is read against the overall target of 13,152 dwellings. Table 1a gives much-needed clarity to the Council's approach in relation to housing supply and demonstrates that the Spatial Strategy of the Plan will deliver a 5.8 year supply of housing upon adoption¹⁶.
68. Its insertion is necessary to make the Plan effective and this can be secured by a main modification [MM3.4]. As an adjunct to that, the Plan needs to include additional explanation of the origin of these changed housing figures¹⁷ and the approach to be taken to student housing (Policy H7 that is covered in detail below) and affordable housing (Policy H10 again dealt with below). These insertions require a main modification [MM3.5] too.

Conclusion

69. On that basis, it has been shown that the Spatial Strategy will deliver a five-year supply of deliverable housing sites in an effective way.

Issue 6: Does the Plan effectively provide for economic development and are the employment policies consistent with national policy?

70. Section 4 of the Plan as submitted deals with 'Economy and Retail'. The retail aspects are dealt with elsewhere in this report. The section opens by confirming that the Plan needs to provide sufficient land to meet the level of growth, and job production envisaged, in order to deliver on the economic ambitions that are central to the Plan overall.
71. As covered above, the Plan provides for the production of 650 new jobs per year, over the Plan period. Section 4 of the Plan identifies locations that will

¹⁵ EX/CYC/76 and 76a, EX/CYC/86, EX/CYC/88, and EX/CYC/107-1

¹⁶ EX/CYC/76a Section 3

¹⁷ EX/CYC43a and EX/CYC/107/2

provide for this growth in employment; protects the overall supply of employment land; and addresses specific aspects of economic growth including the impact of business activity in residential areas, tourism, and rural businesses.

72. The first part of that is dealt with in Policy EC1: Provision of Employment Land. This policy starts by identifying a series of strategic sites where employment uses can be brought forward, the floorspaces that might be accommodated on those sites and the types of employment uses that are deemed suitable. We deal with these Strategic Sites, and their specific policies, elsewhere in the report.
73. In the first instance, the policy identifies strategic sites as those over 5Ha in area. That is an unnecessary label for them that serves no purpose. A main modification **[MM4.1]** is needed to remove the reference.
74. More substantively, the policy as drafted predated subsequent changes that have been made to the Use Classes Order in relation to what were the distinctions between Use Classes B1a, B1b and B1c. These have now been replaced by a single Use Class E and the policy obviously needs to be adjusted to reflect that.
75. In that respect, the entry for York Central (Strategic Site ST5) needs to refer to 100,000 square metres of office space in Use Class E; the entry for Land at Northminster Business Park (Strategic Site ST19) needs to refer to 49,500 square metres of light industrial uses in Use Class E, industrial uses in Use Class B2 and storage and distribution uses in Use Class B8, with a potential for office uses in Use Class E; the entry for Land South of Elvington Business Park (Strategic Site ST26) must refer to 25,080 square metres of research and development uses in Use Class E, light industrial uses in Use Class E, industrial uses in Use Class B2 and storage and distribution uses in Use Class B8; and Whitehall Grange (Strategic Site ST37) should make reference to 33,330 square metres of storage and distribution uses in Use Class B8.
76. There is a reference in the policy too to what is termed the University of York expansion (Strategic Site ST27) which, as drafted foresaw Campus East and Strategic Site ST27 delivering up to 25 Ha of Use Class B1b knowledge-based businesses including research led science park uses, as identified in the grant of outline planning permission for Campus East.
77. There are issues with that, notably the reference to a site area of 25 Ha which is imprecise in that it fails to say what area of building that might provide for. In any event, matters have moved on and the entry in the policy needs to be updated to reflect discussions between the Council and the University of York that took place during the examination process. To that end, the policy needs a

completely new entry to refer to Heslington Campus East and Strategic Site ST27 bringing forward 40,000 square metres of knowledge-based business space in Use Class E. A further note is needed to make clear that this 40,000 square metres is an indicative figure that could be adjusted to cater for other employment generating, University-linked, uses that might come forward.

78. Finally, the reference in the policy to York City Centre remaining the focus for town centre uses is superfluous as this is dealt with elsewhere in the Plan under the auspices of Policies SS3, R1 and R2, that we have covered elsewhere.
79. The policy then goes on to deal with employment uses coming forward on a range of 'other sites'. The first of these E8: Wheldrake Industrial Estate needs to be removed as it is no longer available.
80. The entries for sites E9: Elvington Industrial Estate, E10: Chessingham Park, E11 Annamine Nurseries, E16 Poppleton Garden Centre, and E18 Towthorpe Lines need to be updated to reflect changes to the Use Classes Order. Moreover, given the proximity of the E18 site to the Strensall Common SAC, a cross-reference to Policy GI2a, which we deal with elsewhere, is required.
81. Those changes to Policy EC1, which are necessary for effectiveness, require a main modification **[MM4.2]**. The interface between site E18 and the SAC also necessitates the insertion of an additional, explanatory paragraph (4.8a) into the supporting text **[MM4.5]**.
82. Table 4.1 provides a trajectory for the delivery of this employment land over the Plan period and beyond. This needs to be updated through a main modification **[MM4.4]** to ensure that it accurately reflects changes to the Plan since submission, and in particular, the reworded Policy EC1, and the Use Classes Order. The supporting text in paragraph 4.6 must undergo consequential changes **[MM4.3]** too.
83. Policy EC2 deals with the potential loss of employment land to other uses and sets viability and marketing tests for assessing any such loss, that follow the line of national policy in the Framework. However, the supporting text in paragraph 4.9 requires expansion to give more detail of the length of marketing period that will be considered acceptable, alongside clarification that the policy is aimed at all employment generating uses. A main modification **[MM4.6]** is needed to bring those changes about and provide for an effective policy viewed overall.
84. Policy EC3 covers businesses and industrial uses in residential areas and approaches the subject in a manner that is in accord with national policy. The same is true of Policy EC4 that covers proposals relating to tourism.

85. Finally, Policy EC5 deals with the policy approach to be taken to what it terms the 'Rural Economy'. Broadly the policy as drafted follows the line of national policy though changes are required to update references to the Use Classes Order. Moreover, the manner in which the policy provides support for camping and caravan sites (whether temporary or permanent) is problematic given that these are very likely to be located in the Green Belt where they would most likely be an inappropriate form of development. A cross-reference to the Green Belt policies in the Plan is necessary to qualify the support and justify the policy wording. This requires the policy to be adjusted [MM4.7] as well as the explanatory text in paragraph 4.17 [MM4.8].

Conclusion

86. So long as these main modifications are made, we are content that the Plan properly provides for economic development and the employment policies are consistent with national policy.

Issue 7: Is the approach of the Plan to Strategic Sites justified?

87. The Plan as drafted then goes on to deal with a series of Strategic Sites with each one having their own policy. We must make clear at this point that with one exception, these sites are considered to be acceptable, in principle, and in clear accord with the spatial strategy that underpins the Plan overall. We deal with each in turn but make the observation that most of what follows is about the details of what comes forward on these Strategic Sites, not whether they should come forward.

Policy SS4: York Central (ST5)

88. Policy SS4 that follows deals with the York Central site (Strategic Site ST5) referred to above in its entirety. The site which surrounds the main railway station, and the National Railway Museum, is proposed for redevelopment as an exemplar mixed-use scheme, producing a new urban quarter of high quality, and work on site has already begun. The policy starts by setting out the range of what is intended to come forward in terms of uses, before a list of expectations for the scheme overall. In that sense, the policy is justified.
89. However, to ensure the policy's effectiveness, it should refer directly to its place on the Policies Map (City Centre Inset). Secondly, the list of uses needs to be updated to account for the September 2020 changes to use classes, and to make sure that the scheme can include ancillary retail uses designed to meet the day-to-day needs of residents of the scheme.
90. Moreover, references to a minimum of 1,500 dwellings in the Plan period is inflexible, and at odds with the 950 dwellings envisaged in the Council's

updated housing trajectory, and the figure of 100,000 square metres for office space is similarly restrictive. Changes are required to make these figures less of a constraint – the references should be to *around* 950 dwellings, and *approximately* 100,000 square metres of office space. It also needs to be made plain that the office space needs to lie within what is now Use Class E. Main modifications **[MM3.8 MM3.9 MM3.10]** are needed to secure these changes which will make the policy effective.

Policy SS5: Castle Gateway (ST20)

91. The Castle Gateway site (Strategic Site ST20) is allocated as an 'Area of Opportunity' where the aim is to regenerate and radically improve the area centred around Clifford's Tower and York Castle. In the interests of clarity, a reference is needed to the identification of the site on the Policies Map.
92. The policy is in two parts – the first lists the various purposes of the regeneration. This list makes reference to the setting of Clifford's Tower and other features in the Eye of York, but effectiveness would be assisted if direct reference was made to the significance of other historic assets in the wider Castle Gateway (of which there are many) being better revealed and/or enhanced.
93. The policy as drafted then rehearses the various elements of the redevelopment of the area that any scheme is expected to bring forward. Bearing in mind how the policy treats the sub-areas of the overall site, it is not necessary for effectiveness for these to be included in policy – it is enough for these to be set out in the explanatory text (in a new paragraph 3.33a). The five sub-areas of the overall site are then covered with a series of 'principles' set out. These are well-directed and likely to be effective.
94. Taking all that together, main modifications **[MM3.11 MM3.12 MM3.13 MM3.14]** address the necessity for those changes and ensure that the policy can operate in an effective way.

Policies SS6: British Sugar/Manor School (ST1) and SS7: Civil Service Sports Ground (ST2)

95. Policy SS6 that follows directs itself at the British Sugar/Manor School site (Strategic Site ST1) which lies to the north-west of the York Central (ST5) site and is proposed to bring forward 1,200 dwellings. In common with other Strategic Sites, the policy includes as one of the 'principles' set out, a requirement that any scheme coming forward creates a sustainable balanced community with an appropriate mix of housing informed by the Council's SHMA. A main modification **[MM3.15]** is necessary to remove this requirement because

it is repetitious and likely to cause confusion. Housing mix is dealt with by a separate policy (Policy H3) that we deal with elsewhere in this report.

96. That is followed by Policy SS7 which is aimed at the redevelopment of the nearby Civil Service Sports Ground (Strategic Site ST2) for 266 dwellings. The requirement relating to housing mix needs to be removed for the reasons set out above, but for similar reasons, the requirement for it to be of a high design standard to give a sense of place and distinctive character should be removed too. That is covered by Policy D1 which we cover elsewhere. A main modification **[MM3.16]** is required to make these changes and make the policy effective.

Policy SS8: Land Adjacent to Hull Road (ST4)

97. Policy SS8 covers the development of land adjacent to Hull Road (Strategic Site ST4) to provide around 211 dwellings north of the East Campus of the University, on the eastern outskirts of the city. Like the other similar policies, it begins by setting out the broad expectations of the policy before laying out a series of 'principles' that are expected to be followed.
98. Principle (ii) envisaged access to the site being provided from a new roundabout also serving the Heslington East development but this has been overtaken by events. This criterion must be changed to reflect the current situation which is that access will be gained from Kimberlow Rise. Principle (iii) refers to housing mix. This should be removed because this matter is dealt with in an overarching way by Policy H3 that we deal with elsewhere in this report.
99. Principle (v) talks of maintaining and enhancing existing trees and hedgerows behind the site. This is imprecise and needs to be modified to make clear that these lie to the south of the site. Developer contributions are the subject of principle (vi). This needs to be adjusted to explain that it is primary and secondary education capacity that needs to be addressed. Principle (vii) is about air quality and the need for assessment, but the 'principle' must also ensure that any adverse air quality impacts identified in the assessment must be mitigated. Finally, principle (viii) addresses the potential for adverse noise impacts from the nearby Grimston Bar Park & Ride site, and the need for assessment. It has to make clear too that any adverse impacts identified must be properly mitigated.
100. A main modification **[MM3.17]** is necessary to secure all that and to make sure that the policy is effective.

Policy SS9: Land East of Metcalfe Lane (ST7)

101. Policy SS9 is directed towards Strategic Site ST7: Land east of Metcalfe Lane. This is the first of three satellite 'Garden Villages' in the Plan and is located to the east of the city, north of Osbaldwick. It is expected to bring forward 845 dwellings, amongst other things. Like similar policies, as drafted Policy SS9 sets out the general expectation for the development, with reference to a masterplan, followed by a series of 'principles'.
102. Principle (ii) refers to housing mix and needs to be deleted because this matter is covered elsewhere in the Plan. There is no principle in the list that addresses the site boundary. As set out below, this site is to be inset from the Green Belt along the line of existing strong boundaries (lines of hedgerows and the like) that are expected to remain readily identifiable and endure. To this end, a replacement principle (ii) is needed to ensure these existing boundaries are retained and bolstered as part of the development overall. This necessitates a main modification **[MM3.18]** for the sake of effectiveness.
103. Principle (iv) relates to developer contributions. Clarification is needed through a main modification **[MM3.19]** because the principle as drafted is too wide in its compass, and it needs to be directed to the need for primary and secondary education provision only. This means that paragraph 3.48 of the accompanying text should be deleted **[MM3.25]**.
104. Transport and highways are addressed in principle (v). Changes are needed here **[MM3.20]** to ensure that the approach is not unduly restrictive – the principle as drafted asks for a demonstration that sustainable transport provision at the site is achievable which calls into question why, if those matters are not considered to have been resolved, is the site being allocated? This is far too high a bar in the light of the evidence that the site promoters have put forward. The principle should simply say that the transport and highway impacts should be assessed alongside cumulative impacts with other Strategic Sites ST8, ST9, ST14, and ST15 with proportionate mitigation provided as necessary. That is necessary for effectiveness.
105. Principle (vi) relates to the site access while principle (vii) addresses public transport. Reflective of the work done by the promoters of the site, adjustments are needed to the former **[MM3.21]** to make it clear that the vehicular accesses shown on the Policies Map are indicative, and that some accesses are intended for walking/cycling and perhaps public transport only¹⁸. The latter needs to be augmented by reference to a Sustainable Travel Plan that aims to achieve upwards of 15% of trips to and from the site by public transport **[MM3.22]**. These are necessary to ensure that the policy is effective and properly balances the need for development against likely impacts in transport terms.

¹⁸ Elsewhere in the report we have referred to the need to link this site to the Gypsy and Traveller site off Osbaldwick Lane; it is a pedestrian/cycle link only and should not be a vehicular access

106. Recreation and open space is the ambit of principle (ix). This principle needs to be made clearer with reference to a site-wide recreation and open space strategy, and the Policies Map, in order to make it abundantly clear that the setting of the Millennium Way, that runs through the allocation, is to be protected. A reference to Policies GI2a and GI6, that we deal with elsewhere is also necessary in this regard. These adjustments **[MM3.23]** are required to make the policy function effectively. A further modification **[MM3.24]** is needed to principle (x) which refers to the Osbaldwick Meadows, to make clear that this is a *candidate* SINC.

Policy SS10: Land North of Monks Cross (ST8)

107. Policy SS10 deals with Strategic Site ST8: Land North of Monks Cross. This is an urban extension site stretching northwards from the Monks Cross shopping centre and associated development, which is itself a relatively recent urban extension to the city. This site is expected to deliver approximately 968 dwellings. Following the now familiar pattern, the policy sets out a series of 'principles' that are to be abided by, or observed, in the master-planning of the site. As with the similar policies above, principle (i) relates to housing mix. This should be deleted for reasons given previously.
108. Like Strategic Site ST7, there is a need to ensure that the boundaries of the site with the surrounding Green Belt, which follow the line of existing, readily identifiable features, (hedgerows and the like that we refer to in detail elsewhere in this report) that are expected to remain, with augmentation as required. To this end, a replacement principle (ii) is needed to ensure these existing boundaries are treated properly as part of the development overall and strengthened where necessary.
109. All this necessitates a main modification **[MM3.26]** to ensure that the policy functions with good effect.
110. Principle (iv) is directed at the Green Wedge to be left between the urban extension and the established settlement of Huntington to the west. There was some doubt cast on the purpose of, and the necessity for, this gap, or Green Wedge, but in our view, it is necessary to ensure the developed site appears as an extension to Monks Cross, rather than an extension of the established housing to the west. The former would have much less of an impact on the setting of the historic city, while the latter would give an appearance of the city spreading, or leaking outwards which would be at odds with the strategy that underpins the Plan; a strategy that we regard as well-founded.
111. Nevertheless, there are some adjustments required to principle (iv). As drafted it talks of exploring the creation of a Green Wedge to the west of the site. This possibly reflected doubts about whether this could be delivered but it was

shown that a Green Wedge can be brought forward, south of Garth Road, so more direct language is required to make it clear that a new Green Wedge is required in this position. This is necessary to allow for the protection of ecological and non-designated heritage assets, as well as the setting of the city. The main modification put forward **[MM3.27]** is necessary for the policy to be justified, therefore.

112. Principle (vi) deals with recreation and open space with reference to an area of land to the east of the allocation, on the other side of the Monks Cross Link Road. To act effectively, the wording of the policy needs to make plain that a detailed site-wide recreation and open space strategy is required as an integral part of the master-planning of the site. This should then include the creation of a new (public) open space on the area referred to above – which is now to be represented on the Policies Map (North) as allocation OS8 – with appropriate traffic calming and crossing facilities.
113. Further, because this allocation is one of those whose potential impact on the Strensall Common SAC identified in the (2020) HRA needs to be mitigated, reference is needed within the principle to the need for the open space to comply with Policies GI2a and GI6.
114. A main modification **[MM3.28]** is necessary to secure all that and to ensure that the policy overall is effective.
115. Principles (x) and (xi) address transport and public transport requirements respectively. Principle (x), as drafted requires a demonstration that sustainable transport provision at the site is attainable. However, it has been shown that it is a question of how that might be secured through mitigation, rather than whether it could be. If that was not the case, then one might doubt the wisdom of the allocation. This principle needs to be amended to reflect that, with reference to the need for proportionate mitigation.
116. Principle (xi) as drafted refers to the need for high quality, frequent and accessible public transport links and envisages 15% of trips to and from the site being undertaken in this way. That lacks strength as a requirement and the principle should instead refer to the need for a Sustainable Travel Plan which aims to achieve at least 15% of trips through the use of public transport.
117. Main modifications **[MM3.29 MM3.30]** are needed to make these transport-related principles effective.

Policy SS11: Land North of Haxby (ST9)

118. Strategic Site ST9: Land North of Haxby is covered by Policy SS11. This is an urban extension of the settlement of Haxby which lies to the immediate north of York. In the policy as drafted, the site is expected to deliver 735 homes. This is inappropriately specific and at the outset, a main modification **[MM3.31]** is needed to ensure this figure is treated as an approximation.
119. As with the preceding policies, principles (i) and (ii) refer to high standards of design, and the housing mix expected. These should be deleted **[MM3.32]** because these requirements are dealt with by other policies in the Plan. Principle (iii) addresses open space requirements with reference to the southern part of the site that is intended to be used for these purposes. However, the HRA (2020) considered that Strategic Site ST9 could place recreational pressure on the Strensall Common SAC so the policy needs to be adjusted to secure a site-wide recreation and open space strategy as part of the master-planning. Moreover, the open space needs to accord with the requirements of Policies GI6 and GI2a that we cover elsewhere. All that requires a main modification **[MM3.33]** to make the policy function effectively, and there needs to be a reference to the open space being shown on the Policies Map **[MM3.36]** in the explanatory text.
120. Principle (iv) of the policy as drafted talks of the need to create new local facilities like shops. To ensure the policy functions effectively, it needs to be made clear that this requirement is subject to the provision being viable **[MM3.34]**.
121. Transport related requirements are within the ambit of principle (viii). As with the preceding policies, this needs to be adjusted to refer to the assessment of any site generated transport and highway impacts, cumulative impacts, and the need for proportionate mitigation **[MM3.35]**.

Policy SS12: Land West of Wigginton Road (ST14)

122. Policy SS12: Land West of Wigginton Road is directed towards the development of Strategic Site ST14. This is one of the satellite garden villages, inset from the Green Belt, proposed as part of the Plan, located to the north-west of the city, to the south-west of Haxby, that is expected to deliver, eventually, 1348 dwellings. At the time the policy was drafted, it was thought that 1200 of these would be delivered in the Plan period. The Council's latest housing trajectory¹⁹ appropriately identifies this figure as a little optimistic and expects 1000 instead. This needs to be properly reflected in the policy **[MM3.37]**. Principle (ii) deals with housing mix but like before, this should be deleted as it is dealt with elsewhere in the Plan **[MM3.38]**.

¹⁹ EX/CYC/107/1

123. Principle (iv) refers to the need for educational facilities but to be effective, this reference does need to be clear that it is need generated by the development that must be addressed. A similar approach is required in principle (v) which refers to financial contributions related to secondary school places. These changes that are necessary for effectiveness have been dealt with together **[MM3.39]**.
124. That brings us to the group of principles relating to highways and transport requirements. First, principle (vi) deals with access to the site from the Outer Ring Road but adjustment is needed to correct the references to the relationship between the new access road and existing roads. This, along with a reference to what is shown *indicatively* on the Policies Map, is necessary to ensure an appropriate level of flexibility. A main modification is needed to secure those changes **[MM3.40]** and make the policy effective in this respect.
125. Principle (vii) is concerned with transport issues and as with similar policies, this needs to make clear that there is no 'in principle' difficulty and that individual and cumulative assessment is required, along with proportionate mitigation. A main modification **[MM3.41]** is needed to secure those changes.
126. The need for local capacity upgrades to the outer ring road, in the vicinity of the site, is the subject of principle (viii). Unsurprisingly perhaps, matters have moved on since the policy was drafted and this principle requires rewriting to reflect the fact that what is envisaged is development coming forward in phases to reflect the delivery of dualling works to the outer ring road, with upgrades and the provision of a fourth arm to the Clifton Moor Gate roundabout and a pedestrian/cycle underpass connecting Clifton Moor with the site. All this makes necessary a main modification **[MM3.42]** so that the policy properly reflects the current position and is justified. A further main modification **[MM3.46]** is needed to make clear in the supporting text that the access road is to be designed to minimise its impact on the openness of the Green Belt, and the setting of the city.
127. This needs to be reflected too in principle (x) which talks about the need for connections to Clifton Moor and the pedestrian/cycle underpass in particular. Principle (ix) is concerned with public transport but to ensure consistency with other similar policies, this must be adjusted to refer to a Sustainable Transport Strategy for the site that aims to achieve upwards of 15% of trips to and from the site by public transport. These matters are dealt with in the same main modification **[MM3.43]** for the sake of effectiveness.
128. Principle (xii) deals with site boundaries. However, as drafted it does not reflect the Council's subsequent work on Green Belt boundaries around insets²⁰ and the need for these to follow existing features that are likely to endure, with

²⁰ EX/CYC/59g

strengthening as necessary. A reworded principle (xii) **[MM3.44]** is required to achieve that adherence to the background evidence and ensure the policy is justified, and effective.

129. Strategic Site ST14 is another one of those that the (2020) HRA identified as having the potential to lead to recreational pressure on the Strensall Common SAC. To this end, a new principle (xiv) is needed to secure a site-wide recreation and open space strategy, as part of the master-plan, with the provision of open space in compliance with Policies GI2a and GI6. This **[MM3.45]** is required for the policy to be properly justified.

Policy SS13: Land West of Elvington Lane (ST15)

130. That brings us to Policy SS13: Land West of Elvington Lane (Strategic Site ST15). This is the largest of the satellite garden villages, located to the south-east of the city, outside the ring road, inset from the Green Belt, proposed as part of the Plan. It is intended to deliver over 3,000 houses with, in the Plan as drafted, 2200 coming forward in the Plan period. The Council's latest trajectory²¹ persuasively identifies however that only 560 will come forward in that time. A main modification is needed **[MM3.47]** to ensure that the policy reflects the most up-to-date position.
131. Principle (ii) deals with housing mix and once again, this should be deleted **[MM3.48]** because housing mix has its own specific Plan policy.
132. As set out above, Strategic Site ST15 is proposed to be inset from the Green Belt. Principle (iii) makes reference to some site boundaries but in order to properly reflect the Council's work²², this reference needs to be much fuller and refer directly to the need to protect and strengthen, where appropriate, existing boundary features, and where these are not present, provide new, strong and defensible boundaries as part of the overall design of, and master-plan for, the site. A main modification **[MM3.49]** is required to ensure that principle (iii), and thereby the policy overall, is properly justified.
133. Principle (iv) talks of the creation of open space within the site to maintain existing views of the Minster. This principle contains an erroneous reference to this open space being shown on the Policies Map. This needs to be deleted **[MM3.50]** because there is no such indication on the Policies Map, and neither should there be because this is a matter of detail best left to the master-planning process.

²¹ EX/CYC/107/1

²² EX/CYC/59g

134. Existing biodiversity assets and the need to mitigate any impacts upon them are referred to in principles (v) to (vii). These need some correction/clarification in a number of respects. Firstly, there needs to be a direct reference to the Elvington Airfield SINC which lies in part within the site. Secondly, a reference is needed to the compensatory habitat (allocated to the west of the site as OS10) as provided for in Policy GI6. Thirdly, it needs to be made clear in the policy that a minimum provision of 10% of biodiversity net gain is required. Principle (vii) refers to ecological mitigation and compensation measures being delivered 5 years before development commences, supported by a long-term Management Plan. This reference to 5 years is unduly restrictive and not reflective of work that has progressed since the Plan was drafted. All that is needed is for ecological and compensation measures to have been delivered before development commences, and for the Management Plan to cover a period of at least 30 years by which time the mitigation and compensatory measures ought to be well-established. A main modification **[MM3.51]** is required to secure those changes and to ensure that the policy is effective.
135. Principle (viii) in the Policy as drafted addresses the need for the development of the site to protect the character, setting, and enjoyment of the Minster Way. This needs to be clarified to make clear that the Minster Way is also known as Langwith Stray but more particularly, that it is the character, setting and enjoyment of the Minster Way that is within Strategic Site ST15 that is to be protected. Principle (ix) in the policy as drafted deals with shops and other facilities that will need to be provided as part of the garden village to ensure that it is, to a reasonable extent, self-sufficient. An adjustment is required to make it apparent that this provision is expected to come forward early in the phasing programme. A main modification **[MM3.52]** is necessary to secure those adjustments to principles (viii) and (ix).
136. Principle (x) of the policy as initially drafted is concerned with on-site education provision and refers to nursery, primary, and potentially secondary demand. This needs to be adjusted because while the need for nursery and primary provision on-site has been demonstrated, the need for secondary has not, even though land has been set aside for it. The principle must be adjusted to say that secondary school facilities should be provided on the site shown within Strategic Site ST15 on the Policies Map, if a need for this provision is demonstrated. The principle also needs to deal with the alternative possibility, where demand can be met off-site in which case, financial contributions will be required in place of provision on-site. A main modification **[MM3.53]** is needed to bring clarity on this matter.
137. There then follows a series of principles aimed at the various highways, transport, and connectivity issues raised by the allocation. In common with the approach to similar principles in similar policies, principle (xi) in the policy as submitted, needs to be adjusted, in recognition of further work on this aspect that has taken place since the Plan was submitted, to require assessment of the

transport and highways implications of the allocation, on its own and in combination with other strategic sites, with proportionate mitigation provided as necessary.

138. Principle (xii) deals with the provision of necessary transport infrastructure to provide access to the site from the A64, with a potential secondary access from Elvington Lane. In recognition of the continuing work that has taken place on this important aspect of the scheme, this principle needs to be adjusted to make clear that what is envisaged is a phased development, with Elvington Lane serving the early stages, subject to certain other highway improvements - a link road between Elvington Lane and Hull Road, and works to the south of the junction between the Grimston Bar Interchange and Elvington Lane - pending the eventual link to the A64 shown indicatively on the Policies Map. This is all to be the subject of detailed assessment and with that in mind, alongside the provisions in relation to public transport, as well as walking and cycling, that we come on to below, we are content that this provides an appropriate and justified way forward that need not lead to excessive traffic, with attendant problems, on Elvington Lane, in the early or later stages of housing delivery. These changes are necessary for effectiveness and require a main modification **[MM3.54]**.
139. As presaged above, principles (xiii) and (xiv) in the submission draft of the policy talk about the use of Common Lane, Long Lane, and Langwith Stray as cycle and pedestrian routes only, and the potential for local bridleways like Fordlands Road and Forest Lane to function as cycle routes. These are justified considerations if this garden village proposal is to be properly accessible by means other than the private car.
140. Principle (xiii) as drafted should be modified to make clear that a cycle and pedestrian route is to be created along Common Lane/Long Lane/ Langwith Stray to connect Strategic Site ST15 to Heslington with no vehicular access to be provided along this route. In order to be effective principle (xiv) should require improvements to ensure that these bridleways can function as cycling routes all year round. A main modification **[MM3.55]** is necessary to bring all this about and make the policy effective in this regard.
141. Allied to that, principle (xv) in the policy as submitted deals with dedicated access for affected residents to be agreed with the community of Heslington. This lacks precision in our view and is open-ended to the extent that it might provide a barrier to development. The Council has suggested a change to make much clearer what is required – the retention of vehicular access connecting premises along Common Lane and Long Lane to Heslington as part of the access arrangements for Strategic Site ST15 overall. This clarity is necessary to ensure the policy operates with good effect.

142. Principle (xvi) is about public transport and in common with similar principles in other policies, it needs to be adjusted to refer to a Sustainable Transport Strategy aimed at securing 15% of trips to and from the site by public transport, with a focus on a transport hub with links to the city centre, and the University of York, and provision of public transport within the site itself.
143. The final principle of the policy as initially drafted - principle (xviii) - talks of exploiting synergies with the expansion of the university in terms of site servicing including transport, energy and waste. To function effectively this principle should refer to optimising synergies with the existing university campus(es) as well as the proposed expansion.
144. A main modification **[MM3.56]** is necessary to address all those points and to ensure the policy works effectively in these areas.
145. Some linked adjustments to the supporting text are also required. Paragraph 3.64 of the Plan as submitted is clear that any large-scale development on this site solely reliant on Elvington Lane would not be supported. This needs to be expanded to take account of the latest information and the approach to phasing that we have set out above. Moreover, there ought to be a reference to public transport improvements and cycle and pedestrian connections to allow travel by means other than the private car between Strategic Sites ST15, ST26 (the expansion of Airfield Business Park, Elvington) and ST27 (the University expansion). A main modification **[MM3.57]** is necessary to bring that clarity.
146. Paragraph 3.67 is also concerned with these linkages but needs to make reference to the grade separated junction on to the A64 necessary to bring these developments forward, the potential re-use of aggregates from the former runway, and the making of journeys by public transport. A main modification **[MM3.58]** is needed to make all that plain.

Policy SS14: Terry's Extension Sites (ST16)

147. As originally drafted, Policy SS14 sought to secure the delivery of 111 dwellings at the former Terry's factory, in the southern part of the city. This figure was made up of 22 dwellings on the Terry's Clock Tower element of the site (Phase 1), around 33 dwellings on the car park (Phase 2), and about 56 dwellings on land to the rear of the factory (Phase 3). However, this position was overtaken by events in the course of the examination and specifically, the fact that the Phase 3 site to the rear of the factory is in the course of being developed for an alternative healthcare use. The policy needs a main modification **[MM3.59]** to reflect that change in circumstances and so render it effective.

Policy SS15: Nestle South (ST17)

148. This site, formerly part of the Joseph Rowntree Cocoa Works, is north of the city centre. As drafted the policy foresaw the provision of 863 dwellings on the site with 263 in Phase 1 and up to 600 in Phase 2. Again though, these figures have been superseded by subsequent approvals from the Council for different amounts of housing.
149. A main modification **[MM3.60]** is required to update those figures to approximately 581 dwellings in total, with 279 in Phase 1 and around 302 in Phase 2. This change can also serve to remove the reference in principle iii to housing mix which again, is dealt with in a specific policy elsewhere in the Plan.

Policy SS16: Land at Tadcaster Road, Copmanthorpe (ST31)

150. This site is a north-eastern extension of the village of Copmanthorpe. While it is a 'greenfield' site, the land is contained by the ring road and the East Coast main railway line. It is a logical, well-contained extension to the settlement, such that including it in the Copmanthorpe inset from the Green Belt is an appropriate approach.
151. As drafted the policy refers to the delivery of 158 dwellings on the site. This is inappropriately specific, to function effectively, the policy should refer to *approximately* 158 dwellings. This would allow the developer scope to make site-specific adjustments upwards, or downwards, as necessary. A main modification **[MM3.61]** is required to secure this change. A further main modification is needed to delete principle (i) which refers to housing mix **[MM3.62]**; this being dealt with by a separate, freestanding policy that we cover below.
152. Principle (ii) of the policy as drafted deals with the provision of open space on site. First of all, a reference is needed to refer to its representation on the Policies Map. Second, this principle says that this new open space needs to be delivered before the first phase of development to ensure that the adjacent SSSI is protected. That requirement is not justified, and the principle needs to be modified accordingly **[MM3.63]** to specify that the open space is required to be delivered before the dwellings are occupied.
153. Principle (v) is concerned with the site access and says that this is to be provided from Tadcaster Road, with no secondary access on to Learmans Way. It is accepted that access to the site will be taken from Tadcaster Road but there is no prospect of access being gained from Learmans Way. This reference needs to be deleted for clarity and effectiveness.
154. Principle (vii) deals with financial contributions relating to primary and secondary education facilities but as drafted it fails to address the fact that these might not

be required. In order to justify this principle, a rewording is necessary to deal with this possibility.

155. These matters require a main modification **[MM3.64]** in order to justify and make effective these particular principles.

Policy SS17: Hungate (ST32)

156. Hungate is a large site (4.6Ha) that lies at the edge of the city centre. The site is subject to a series of approvals for a mix of office, retail, and residential uses. Work on the early phases has been progressing in the course of the examination. Reflective of that, and the Council's Hungate Development Brief, Policy SS17 does not include a series of 'principles' as these are not necessary. Nevertheless, the policy requires some adjustments to reflect the changing situation. First of all, the reference to Phases 5+ delivering around 328 dwellings needs to be changed to 570 dwellings. Second, the reference to the development having to accord with the approved site master-plan through existing planning permissions is unnecessary. However, reference does need to be made to the Hungate Development Brief as a starting point for development proposals. A main modification **[MM3.65]** is needed to secure those changes and make the policy effective.

Policy SS18: Station Yard, Wheldrake (ST33)

157. This is a well-contained site on the south-west edge of the village of Wheldrake that is intended to be inset with the rest of the village from the Green Belt in order to provide around 147 dwellings.
158. The policy as drafted sets out a series of 'principles' that development proposals will need to follow. Principle (i) refers to the housing mix. This should be deleted **[MM3.66]** as this is properly covered elsewhere in the Plan.
159. Principle (ii) talks of development attaining a high standard of design which will provide an appropriate extension to the village, while maintaining its character. Good design and the need for it is covered elsewhere in the Plan but in any event, if a scheme provides a contextually appropriate extension to the village, then it will have reached that bar. A main modification **[MM3.67]** is needed to remove the reference to design and thereby allow the policy to work effectively in concert with other policies in the Plan.
160. The potential for the site to impose recreational pressure on the Lower Derwent Valley SPA/Ramsar/SSSI is the subject of principle (iv). However, the principle fails to make clear the nature of the mitigation that will be required to avoid this pressure, as detailed in the (2018) HRA. References to the facilitation of

recreation at alternative sites (like Wheldrake Woods) along with educational material for incoming residents need to be included in the policy **[MM3.68]** in order for it to act with proper effect.

161. Principle (viii) talks of providing financial contributions to existing nursery, primary, and secondary education facilities to accommodate the demand for places the development might create. However, the principle needs to be amended **[MM3.69]** to acknowledge that these contributions will only be required if they are shown to be necessary.

Policy SS19: Queen Elizabeth Barracks, Strenshall (ST35)

162. At the time the Plan was drafted, and subsequently submitted, the site of the Queen Elizabeth Barracks, in Strenshall, to the north of the city, was understood to be available, and suitable for development to deliver somewhere in the region of 500 dwellings. On that basis, the barracks were seen as a Strategic Site (ST35) and an allocation was made through Policy SS19.
163. However, the DIO, on behalf of the MoD, has since made clear that the site is not available. Consequently, Policy SS19 is no longer justified. Both the policy, and the associated supporting text need to be deleted from the Plan in their entirety **[MM3.70]**.

Policy SS20: Imphal Barracks, Fulford Road (ST36)

164. The site of Imphal Barracks lies off the Fulford Road, south of the city centre, and covers around 30 Ha. The DIO intend to dispose of the site and as a result, notwithstanding some constraints, it has the potential to bring forward a significant amount of housing.
165. The first part of Policy SS20, as drafted refers to 769 dwellings but it needs to be made clear that this figure is an approximation. This change is necessary to give the policy the flexibility necessary for effectiveness. Moreover, this part of the policy refers to the DIO disposing of the site by 2031 with development not anticipated within the Plan period. This would raise fundamental questions about the effectiveness of the policy but in any event, that timetable for disposal no longer applies, because the DIO has confirmed that the site will be available in the Plan period. On that basis, these references to when housing might come forward are superfluous and can be removed. A main modification **[MM3.71]** is required to address those points and give proper effect to the policy.
166. Principle (i) deals with highways and traffic related matters and goes into some detail about existing traffic levels on the A19 and the potential for cumulative impacts with Strategic Sites ST5 and ST15. This appears to us unnecessary; all

the principle needs to say is that any transport issues raised by development of the site must be addressed, with appropriate provision for sustainable transport choices, and proportionate mitigation as necessary. Those changes [MM3.72] are required to allow the policy to function effectively.

167. Principle (ii) refers to the housing mix but as in other policies of this type, this can be deleted [MM3.73] because it is dealt with elsewhere in the Plan.

168. Principles (iii) to (viii) deal with various aspects of the site notably the architectural and historic interest of the buildings upon it; the open spaces within it, like the Parade Ground; the potential for the inclusion of the site in the Fulford Conservation Area; the need for high design standards; and the potential for archaeological issues to arise. All the policy needs to say is that an agreed master-plan for the site that takes account of the historic and architectural interest of the site and its buildings and spaces will be required, alongside an assessment of the impact of development of the site on the adjoining conservation area. A main modification [MM3.74] is needed to address these matters and thereby ensure that the policy is properly justified.

169. Principles (x), (xii) and (xiii) are directed towards open space and the relationship of the site with the adjacent Walmsgate Stray, and specifically the Tillmire SSSI which forms part of the stray. Criterion (x) as drafted only asks that potential effects on the stray and the SSSI through recreational pressure are considered. Obviously, they need to be mitigated, if necessary, too. Principle (xii) refers to the creation of new local (recreational) facilities 'as required' but this would work more effectively if the wording was changed to 'as appropriate' as this will need to be the subject of assessment. Principle (xiii) which speaks of the need to retain open spaces within the site to mitigate potential impacts on the stray is superfluous as this can be dealt with through the master-plan. A main modification [MM3.75] is necessary to secure those changes and make the policy effective, overall.

Policy SS21: Land South of Airfield Business Park, Elvington (ST26)

170. Strategic Site ST26 is the first of the non-residential strategic sites in the plan. Proposed is an expansion of the existing Airfield Business Park, an important, well-established employment site to the west of the village of Elvington, partly on land that used to be part of RAF Elvington. This expansion is an integral part of the significant economic uplift the Plan seeks to provide for York. Like the adjoining elements of the existing operations, the expanded site will be inset from the Green Belt.

171. The policy refers to 25,080 square metres of new floorspace in Use Classes B1b, B1c, B2 and B8. Of course, those Use Classes have now been changed, and so must the policy to reflect that. To function effectively, the policy should

refer, more simply, to approximately 25,080 square metres of employment floorspace for research and development, light industrial and storage and/or distribution.

172. Principle (ii) is concerned with the retention of existing field boundaries within the site but given the sorts of buildings likely to come forward to furnish the uses proposed, this is not justified, and the principle needs to be deleted.
173. Principle (iv) deals with transport issues and dwells unnecessarily on the likely means of access to the site. All the principle needs to say is that transport issues need to be addressed as part of any proposals, including the facilitation of sustainable transport choices.
174. Principle (v) refers to the potential for air quality, noise, light pollution and contamination issues to arise, but this is unnecessary as these matters are addressed through other policies in the Plan. The same is true of principle (vi) which refers to the need for archaeological investigations.
175. A main modification **[MM3.76]** is needed to secure those changes that are necessary to ensure that the policy operates effectively.

Policy SS22: University of York Expansion (ST27)

176. Policy SS22 in the Plan as submitted referred to the expansion of the University of York on to Strategic Site ST27 but limited that expansion, as part of the Council's economic ambitions for the city, to employment-based businesses including research-led science park uses and other higher education and related uses, with reference to Policy ED3. We have dealt with this matter elsewhere in the report, but this restricted approach to Strategic Site ST27 was shown to be likely to stifle the growth of the University to the extent that the facility would not be able to grow beyond 2026. Given the importance of the University as a key component of the long-term economic prospects of the city, this is clearly not a sound basis for the policy.
177. Fruitful discussions took place between the University and the Council in the course of the examination which culminated in a SoCG²³. Amongst other things, this document recorded that the future success of the University is very important to the future economic and cultural life of the city and that the Plan should provide an appropriate policy context to facilitate the reasonable growth requirements of the University within the Plan period, including the need for student accommodation. It was agreed further that, as things stand, Strategic Site ST27, together with the prospect of future development within the existing

²³ EX/SoCG/23

East and West Campuses, would be sufficient to accommodate the future development needs of the University within the Plan period.

178. We deal with the implications of all that for Policies ED1, ED2, and ED3 elsewhere in this report; what is important here is the impact of that change in the Council's understanding of the University's position on Policy SS22. Armed with this new understanding, the Council propose the deletion of Policy SS22 as originally drafted and its replacement with a new Policy SS22. The revised policy allocates the same site (Strategic Site ST27) but this time it allows for this land to be used for the future expansion of the University in the Plan period with university uses consistent with Policy ED3, having regard to a series of considerations alongside Policy ED1²⁴.
179. These considerations include the need for an appropriate landscaped buffer between the allocated site and the A64; a need to assess transport impacts with those of Strategic Sites ST5 and ST15; the feasibility of sharing a junction with the A64 with Strategic Site ST15, as well as the potential for joint site servicing including transport, energy and waste; the need to deliver high quality public transport with links to the city centre with upwards of 15% of trips to be carried out in this way; and the optimisation of pedestrian and cycle links.
180. This changed policy secured by main modification **[MM3.77]** is necessary to ensure that, alongside other relevant policies, the approach of the Plan to the needs of the University of York is soundly based. This change in approach also necessitates a raft of changes to the explanatory text which also require a main modification **[MM3.78]**.

Policy SS23: Land at Northminster Business Park (ST19)

181. The existing Northminster Business Park lies to the west of the city between Upper Poppleton to the north, and Knapton to the south. Policy SS23 proposes a significant expansion of the park to the south intended to deliver almost 50,000 square metres of employment floorspace to help serve the needs of the city over the Plan period, and the Council's ambitions for economic growth.
182. As originally drafted, the policy proposed uses with reference to the Use Classes Order as it stood at the time. Obviously, those use classes have changed and the policy needs to be amended to reflect those changes.
183. Moreover, the policy in the form submitted contained a series of 'principles' relating to design, landscaping, transport issues, and integration with the existing park. These are superfluous in the main as they are covered by policies elsewhere in the Plan. That said, bearing in mind the location of the site,

²⁴ We deal with Policies ED1 and ED3 elsewhere in the report

principle (v) which relates to transport does need to stress that transport issues need to be addressed and that connectivity to sustainable modes of transport must be optimised. Further, principle (vi) which relates to landscaping is important as it has a site-specific screening purpose which is intended to ameliorate the potential impact of the expanded site on the surrounding landscape and the bridleway along Moor Lane in particular, and provide strong, enduring boundaries for the Green Belt inset the site would lie within.

184. A main modification **[MM3.79]** is required to address these changes necessary to make the policy effective.

Policy SS24: Whitehall Grange, Wigginton Road (ST37)

185. This site, which lies on the northern outskirts of the city, inside the ring road, has outline planning permission for the demolition of the existing buildings and the use of the land as a car storage facility. Policy SS24 allocates the site for up to 33,330 square metres of storage uses to reflect the need for these kinds of uses in the city.

186. As drafted the policy makes reference to the master-plan attached to the existing permission but this needs to be amended to refer to 'a masterplan secured by a grant of planning permission' in order to facilitate the possibility of different, perhaps more sensitive, proposals than those with permission already. A main modification **[MM3.80]** is necessary to achieve that and make the policy properly flexible and therefore effective.

Conclusion

187. Bringing all those points together, and subject to the main modifications set out, it is our conclusion that the approach of the Plan to Strategic Sites is justified.

Issue 8: Is the approach taken to defining Green Belt boundaries compliant with national policy, and in general conformity with RSS?

188. The Plan as drafted defines most of the countryside around the built-up part of the city as Green Belt. That approach emerges from the fact that this land has been treated as 'draft' Green Belt since the 1950s, with the general extent of York's Green Belt having been established through a number of documents including the North Yorkshire County Structure Plan (1995-2006), and the Yorkshire and Humber Plan: Regional Spatial Strategy to 2026 of 2008 (RSS). The primary purpose of York's Green Belt is to preserve the setting and special character of York, while helping to deliver the other purposes of Green Belt designation.

189. While the RSS has otherwise been revoked²⁵, the Green Belt policies therein, relating to York, were saved, alongside the (RSS) key diagram insofar as it illustrates those policies and the general extent of the Green Belt around York. The revocation order stated that the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt lie about 6 miles from the city centre, and the inner boundary is to be defined in order to establish long term development limits that safeguard the special character and setting of the historic city.
190. Policy SS2 in the Plan as submitted defines the role of York's Green Belt in accordance with that principle and notes that new building in the Green Belt is inappropriate unless it is for one of the exceptions set out in Policy GB1. This policy is dealt with elsewhere in the report.
191. After that, Policy SS2 deals with the general extent of the Green Belt with reference to the 'Key Diagram'. It then goes on to say that detailed boundaries on the Policies Map, that we refer to above and below, follow readily recognisable physical features that are likely to endure, with examples given of streams, hedgerows, and highways. The last part of the policy talks about land being allocated to meet the needs identified in the Plan ensuring what the policy calls 'a degree of permanence'.
192. First of all, there is no need for the policy to explain the approach taken to boundaries; the policy need only say that the boundaries of the Green Belt are as shown on the Policies Map. Secondly, the Framework is clear that Green Belt boundaries are intended to be permanent. The phrase 'degree of permanence' does not properly reflect that and needs to be amended to do so. A main modification **[MM3.6]** is necessary to secure those changes.
193. It follows from Policy SS2, as amended, that one of the main roles of the Plan is to define the land that lies within the York Green Belt and to establish detailed Green Belt boundaries. The first question is whether the approach the Plan takes to defining the Green Belt is correct in terms of national policy, and in accord with RSS?
194. Before dealing in detail with the Council's approach to defining boundaries, in principle, it is necessary to examine the context for that operation. First, it is plain that York does not, for now at least, have an adopted development plan that includes detailed Green Belt boundaries. The Plan at issue seeks to introduce, for the first time, an inner boundary around the city itself; an outer boundary; boundaries around some settlements, and other establishments,

²⁵ The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 came into force on 22 February 2013

insetting them rather than having them 'washed over'; and boundaries around sites proposed for development as part of the Plan.

195. In preparing the Plan, the Council, initially at least, proceeded on the basis that in setting these various boundaries 'exceptional circumstances' needed to be demonstrated. Paragraph 82 of the Framework says that new Green Belts should only be established in exceptional circumstances while paragraph 83 explains that once established, Green Belt boundaries should only be altered in exceptional circumstances.

196. Policies YH9C and Y1C of the RSS, alongside the related Key Diagram, have not been revoked, insofar as they relate to the Green Belt around York. These have a bearing on whether or not it is necessary to demonstrate exceptional circumstances, as required by paragraphs 82 and 83 of the Framework. For the Plan to be legally compliant, it has to be in general conformity with the RSS. The first question then is whether, having regard to paragraph 82 of the Framework, the Plan seeks to establish a new Green Belt.

197. RSS Policy YH9C says that: *The detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city.* RSS Policy Y1C sets out that: *Plans, strategies, investment decisions and programmes for the York sub area should: In the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with Policy YH9C.*

198. The RSS Key Diagram provides an illustration of these policies. A green dotted line encircling the city, which the key says relates to Policy YH9C is shown. A wider green 'doughnut' around the city is also shown. The key calls it the 'general extent of the Green Belt' and refers to Policy YH9.

199. Taking all that together, it is clear that these policies, combined with the Key Diagram and its key, establish the general extent of the Green Belt around York. Consequently, for the purposes of paragraph 82 of the Framework, York is among the places across the country where the general extent of the Green Belt is already established. It follows, therefore, that by undertaking to set detailed Green Belt boundaries, the Plan at issue is not, as a general principle, seeking to establish a new Green Belt.

200. It has been suggested that the inner and outer Green Belt boundaries proposed in the Plan are not in general conformity with the RSS policies referred to above because they either: do not reflect the inner boundary or general extent of the Green Belt boundary shown on the RSS Key Diagram (by the green dotted line and the green 'doughnut'); and/or in relation to the outstanding sections of the

outer boundary, are not 'about 6 miles from York city centre' as required by RSS Policy Y1C.

201. As a general point, it is plain that the (RSS) Key Diagram is a broad, schematic illustration of the RSS policies. The inner Green Belt boundary and the general extent of York's Green Belt illustrated on it is a graphic representation which symbolises the policy position set out in RSS Policies YH9C and Y1C. Moreover, there is nothing in the unrevoked parts of the RSS to indicate that York's inner and outer Green Belt boundaries should seek to replicate precisely the Key Diagram's illustrations. Indeed, Policies YH9C and Y1C specifically direct that the task of York's Green Belt boundary delineation should be undertaken through York's development plan.
202. However, that is not to say that the Key Diagram can be dismissed as a pure illustration that is of itself without meaning or consequence. If it were, then it would serve no purpose at all.
203. The Key Diagram shows the city of York in blue. This denotation is not simply an abstract 'blob', but rather it outlines the general built edge of the city. This is a point of significance, because it adds to the Key Diagram a level of specific detail. It is relevant here because the general extent of York's Green Belt does not run fully up to the built edge of the city. Instead, it is shown as running up to the aforementioned green dotted line encircling it. Whilst the built outline of York is wholly contained within this ring, so too are areas that are outside the built area. These are areas that, on the Key Diagram, are neither within the existing built area of York nor within the general extent of the Green Belt. The detailed inner Green Belt boundary proposed through the Plan includes within the Green Belt some of these areas. This gives rise to the proposition that the Plan is therefore not in general conformity with the RSS and consequently proposes to establish new Green Belt.
204. That is not accepted. The green dotted line is explicitly linked to RSS Policy YH9C which requires that the detailed inner boundaries should be defined to safeguard the special character and setting of the city. Put simply, the green dotted line leaves entirely open the question of where the detailed inner boundary should be drawn, so long as its delineation safeguards the city's special character and setting. The fact that the general extent of the Green Belt stops at the dotted line does not alter this. As such, the Plan's proposed inclusion within the Green Belt of land which is not within the general extent of the Green Belt is, in principle, of no consequence to the general conformity question and does not lead to the establishment of new Green Belt.
205. With regard to Policy YH9C, whether the proposed detailed inner boundaries would safeguard the special character and setting of York, such that the Plan is in general conformity with Policy YH9C, and/or whether it is sound in this

regard, is dealt with below. That said and given that we consider the proposed inner boundary to be in general conformity with the illustration shown on the RSS Key Diagram, it seems to us that this is a more finely-grained, detailed matter about the precise delineation of the proposed inner boundary. While it will remain necessary for the proposed inner boundary to be in general conformity with Policy YH9C, and for it to be sound, this is not a question of proposing any new Green Belt, as such.

206. Turning to the proposed detailed outer boundary and RSS Policy Y1C, we note that parts of the outer Green Belt boundary proposed in the Plan may well exceed a distance of six miles from York city centre. However, Policy Y1C does not demand precision. It says *about* 6 miles and does not stipulate any specific point within the city centre from which this distance should be measured. Consequently, general conformity with this policy limb is a matter of planning judgement. Outer boundaries are dealt with in detail below.
207. The Council's Green Belt Clarification Note²⁶ helpfully considers this point in some detail, and shows six mile boundaries using St Sampson's Square and York city walls as the points of measurement. From this analysis, it appears that only some parts of the proposed outer boundary exceed six miles, and then by little more than a few miles or so at most, no matter which starting point is used. In our view, on the basis of the Council's Green Belt Clarification Note, the degree of divergence involved is very limited.
208. Moreover, it is relevant to consider that the adopted development plans of Hambleton, Harrogate, Ryedale and Selby include Green Belt running up to York's administrative boundary that is explicitly 'York Green Belt'²⁷. These are tranches of Green Belt that exist in order to achieve the aims of RSS policies in relation to York, and they define a significant proportion of York's outer Green Belt boundary. By and large, the remaining sections proposed through the Plan do not extend significantly further from the city than these or diverge considerably from the broad 'depth' of the Green Belt formed by them.
209. These outer boundaries are dealt with in detail below but we have reached the firm view that the proposed delineation of the detailed outer boundaries is in general conformity with the general extent of the Green Belt described by RSS Policy Y1C. The proposed detailed boundaries do not go so considerably beyond the distance of about 6 miles from York city centre so as to not conform with the general aim of RSS Policy Y1C. As such, as a matter of principle and for the purposes of paragraph 82 of the NPPF, we consider that the proposed detailed outer boundaries do not lead to the establishment of new Green Belt.

²⁶ EX/CYC/39

²⁷ EX/CYC/59 Section 6a

210. That leads on to the question of whether the Plan alters any Green Belt boundaries having regard to paragraph 83 of the Framework. As set out above, the RSS has already established the general extent of York's Green Belt. As a result, the City of York Council is an authority with Green Belt in its area.
211. Consistent with paragraph 83 of the NPPF, and in general conformity with RSS Policy Y1C, the Plan sets out to establish Green Belt boundaries. It is clear from paragraph 83 of the Framework that it is *once established* that Green Belt boundaries should only be altered in exceptional circumstances. Save for the outer boundaries within neighbouring authorities, York's Green Belt boundaries have not yet been established. This Plan seeks to establish them for the first time.
212. It is evident that the question of the need for exceptional circumstances is only engaged in respect of established Green Belt boundaries that are being altered. That is not the case here. Consequently, it is not necessary for the inner and outer Green Belt boundaries to be justified on the basis of the existence of exceptional circumstances for the purposes of consistency with paragraph 83 of the NPPF – this 'test' does not fall to be considered.
213. We recognise that parts of the inner Green Belt boundary have been delineated specifically to exclude from the Green Belt land that is proposed in the Plan for development. Whether or not some of this land is within or outside the general extent of the Green Belt described by the policies and Key Diagram of the RSS is debateable. Other development sites that are wholly and obviously within the general extent of the Green Belt established through the RSS are also excluded from the Green Belt, as are some villages.
214. In short, the Plan proposes some 'holes in' or 'bites out of' the Green Belt that are not shown on the RSS Key Diagram or required by Policies YH9C and Y1C. The Green Belt proposed by the Local Plan is, therefore, different to the general extent of the Green Belt established in the RSS in this respect. This leads to the question of whether, because of the differences, the Local Plan is proposing to alter Green Belt boundaries.
215. For the reasons given above, we are of the firm view that the Plan is not proposing to alter any Green Belt boundaries. The general extent of the Green Belt shown on the Key Diagram is a schematic illustration of the RSS policies concerned. It includes no such boundaries and, as already mentioned, the RSS explicitly requires the task of Green Belt boundary delineation to be undertaken through the development plan. There is nothing in the RSS policies to prevent the delineation of Green Belt boundaries for the purpose of allocating land for development or for 'insetting' existing villages. These are matters on which the unrevoked RSS policies are silent. In this regard, therefore, we consider the Plan to be in general conformity with the RSS.

216. Moreover, it is apparent that the 2012 Framework allows for 'holes' in or 'bites out of' the Green Belt when establishing Green Belt boundaries, including when so doing for the first time as is the case here. It says that Green Belt boundaries should be drawn so as to set the framework for Green Belt and settlement policy (paragraph 83); take account of the need to promote sustainable patterns of development (paragraph 84); ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development (paragraph 85); and include villages in, or exclude them from, the Green Belt as necessary (paragraph 86).
217. It seems to us reasonable to suppose that any exercise of drawing up Green Belt boundaries to achieve these aims is likely to mean excluding from the Green Belt land which might otherwise be included within it. It is a possible outcome and, as such, it is one which the Framework permits, or at the very least, does not prevent.
218. Achieving these aims is precisely what the Council has sought to do. It has drawn up Green Belt boundaries having regard to what it considers to be a sustainable pattern of development in order to set the framework for Green Belt and settlement policy, and to 'inset' villages in line with paragraph 86 of the Framework. These and other such 'insets' are dealt with in detail below but, in our view, the approach taken by the Council is consistent with the Framework in principle and, critical to the question here, does not lead to the alteration of any Green Belt boundaries.
219. The Council's original position was that the approach taken has been, in effect, to first consider where the inner and outer Green Belt boundaries should be, and then to alter them – and to introduce other boundaries around proposed development sites – in order to allocate land for development. But Green Belt boundaries are not brought into existence during the plan making process, as this stance implies. Green Belt boundaries can only exist once the development plan policies bringing them about are adopted. There has, therefore, been no alteration to Green Belt boundaries through the process of producing the Plan because that is not possible – one cannot alter specific boundaries which are yet to exist.
220. In the light of the above, we consider that this Plan neither seeks to establish new Green Belt nor proposes to alter established Green Belt boundaries. We therefore conclude that for the purposes of consistency with national planning policy, it is not necessary for any of the Green Belt boundaries proposed in the Local Plan to be justified by the existence of exceptional circumstances. We also conclude that, subject to the detailed considerations below, the Green Belt boundaries proposed are, as a matter of broad principle at least, in general conformity with the RSS.

Conclusion

221. During the examination, in response to our observations on the need for 'exceptional circumstances' to be demonstrated²⁸, the Council took a different methodological approach to setting Green Belt boundaries. This is set out in Topic Paper TP1: Approach to defining York's Green Belt (addendum) and the associated annexes²⁹. For the reasons set out above, this revised methodological approach to setting Green Belt boundaries is in accordance with national policy, and in general conformity with the saved policies of the RSS.

Issue 9: Have the detailed Green Belt boundaries been properly justified?

222. Having revised its methodological approach and taken account of the development needs of the area, the Council put forward a series of detailed Green Belt boundaries for consideration, applying the revised methodological approach set out above.

223. In dealing with this particular aspect of the Plan, we are conscious that it is not specific policies that we are dealing with, or even explanatory text, but lines, or boundaries, that will appear on the Policies Map. As we have set out above, the Policies Map is not defined in statute as a development plan document and so we do not have the power to recommend main modifications to it. That said, some of what follows here, will require changes to be made to the Policies Map. We would also say that our observations about boundaries, and the correct way to set them, are the result of us having conducted site visits to the areas concerned.

224. As indicated above, there are several different types of boundaries that need to be addressed: the inner boundary of the Green Belt around the city itself; an outer boundary where the administrative boundary of York borders other administrative areas which in some cases have their own Green Belt; boundaries around some settlements, and other establishments, inseting them from the Green Belt; and boundaries around sites proposed for development as part of the Plan. We deal with them in turn.

The Outer Boundary

225. We deal with the outer boundary first because it is the most straightforward. The Council has set out its methodological approach to this boundary³⁰ and based on the above, we are of the view that this approach is in general terms, sound. However, the detailed boundary positions do need to be defined clearly, taking

²⁸ EX/INS/15

²⁹ EX/CYC/59 and EX/CYC/59a

³⁰ EX/CYC/59 and EX/CYC/59b

into account physical features that are readily recognisable and likely to be permanent, as per paragraph 85 of the Framework.

226. Several of the authorities that have boundaries with the administrative area of York have designated Green Belts in their administrative areas, that are said to be part of the York Green Belt. These run up to the boundary of these areas with the administrative area of York. It is logical that to ensure continuous coverage, the outer boundary of the Green Belt that is being set here, should run up to these outer boundaries of neighbouring authorities. This means that the Green Belt should obviously run up to the boundary with Harrogate DC, the best part of the boundary with Hambleton DC, part of the boundary with Ryedale DC, and much of the boundary with Selby DC. The question then is where the boundaries should be set in relation to the remaining outer limits of the administrative area of York?
227. In their analysis³¹, the Council split these boundaries into three: Section 1 which covers the boundaries with Hambleton and Ryedale where there is no designated Green Belt running up to the boundary in those districts; Section 2 which covers the boundary with the East Riding of Yorkshire, and part of the boundary with Selby, where there is no designated Green Belt running up to the boundary; and Section 3 which covers a short run of the River Ouse which forms part of the boundary with Selby³².
228. The Council's very detailed assessment of the boundary of Section 1 shows that save for a relatively short run, the proposed boundary follows easily recognisable physical features that are very likely to endure in the long term, like the River Foss, field boundaries, dikes, roads, plantations, and drainage ditches. We are satisfied that these boundaries have been justified. The short run in question (Section 1 Boundary 7) runs across the middle of an open field so it does not follow any physical feature. That said, the line of the proposed boundary does continue that of a prominent field boundary to the west, to meet another prominent boundary to the east. In that context, we are satisfied that it is justified.
229. The Council's analysis shows that Section 2 follows in part, the course of the River Derwent, drainage ditches, woodland edges and field tracks. In our view, these are all readily recognisable physical features that follow the terms of paragraph 85 of the Framework. The same goes for Section 3, which uses the River Ouse, which forms the administrative boundary of York at this point, as a Green Belt boundary.

³¹ EX/CYC/59b

³² We are aware that some of these authorities have now been subsumed into North Yorkshire Council but we have used the former names in order to be consistent with the examination documents

230. Taking all these points together, the proposed outer boundary to the York Green Belt has very clearly been justified in terms of paragraph 85 of the Framework. No changes are needed in relation to the Policies Map as a result. We would observe too that it is logical for the outer limit of the York Green Belt, where it is not meeting another part of the Green Belt on the other side of the administrative boundary, to coincide with the administrative limits of the city and its local planning authority.

The Inner Boundary

231. The inner boundary is far more complicated. The Council has explained its revised methodological approach to delineating the inner boundary³³ and based on our findings on that methodology, set out above, we are content that, broadly speaking, it is sound. On our analysis, the proposed boundary uses physical features that are readily recognisable and likely to be permanent, such as roads, railways, rivers, tree lines and hedgerows, and mostly, as one might expect, the edges of residential curtilages – walls, fences, and the like. As such, it accords with advice in paragraph 85 of the Framework. There are, however, some details of the boundary that provoke comment, and lead to the need for adjustments on the Policies Map. These largely relate to the way the Council has approached the boundaries around institutions like schools and their curtilages.
232. Before we move on to these specific boundaries, the overall context for the findings above must be outlined. The Council has a strategy in its Plan to keep the city compact, and prevent it spreading further into the surrounding countryside, as it has tended to do over time. As set out in the Council's most informative Heritage Topic Paper³⁴, this gradual, and in some cases significant, encroachment has been to the detriment of the setting of York as an historic city and in our view the Council is right to seek to prevent further degradation. To meet the development needs of the city, in large part, the Council has proposed satellite developments separate from the city, following the historic settlement pattern while drawing the inner Green Belt boundary tightly around the city limits, enclosing in the Green Belt the various Ings and Strays that are such an important part of the character and pattern of the city.
233. We have found this strategy for York to be rational, justified and thereby sound. If one accepts that this strategy is sound, then it is logical to use it to underpin, to a significant extent, the approach to defining the edge of the city, and drawing the inner boundary of the Green Belt. We fully accept that the tightly drawn boundary that results will in some cases, make it very difficult to develop sites on the edge of the city that might appear, on the face of it at least, to offer the potential to readily provide housing, affordable housing, sites for Gypsies and

³³ EX/CYC/59, EX/CYC/59c, EX/CYC/59d, and EX/CYC/59e

³⁴ SD103 and associated documents

Travellers perhaps³⁵, and so forth. A lot of these sites were considered at options stage and ruled out on the basis of the strategy the Council chose to follow.

234. Once a strategy like this is settled upon, and it is the guiding principle of the entire Plan, then it must be applied consistently, and the approach cannot be half-hearted. It is not as if the Plan fails to accommodate these needs in other ways – it is just that they are to be accommodated in ways that better preserve the setting and historic character of the historic city, which is, after all, the principal purpose of the York Green Belt.
235. It is against that general background that we approach the boundaries. Again, we would make clear that we have visited the salient places and observed 'on the ground', what it is that the Council proposes.
236. The inner boundaries proposed have been dealt with in the Council's evidence in 8 separate sections. Sections 1-4³⁶ run around the western side of the city, broadly speaking. The line of the Section 1 boundary follows obvious physical features, like roads, woodland edges, the limits of residential gardens, and the extent of Westfield Primary School and its associated grounds. We would note in terms of the school that the approach taken to it, that is keeping the school grounds out of the Green Belt, is broadly, the correct approach to take – these school grounds do not fulfil a Green Belt purpose. However, it is not an approach that has been taken consistently and this is at the root of many of our observations about changes that need to be made to the proposed inner boundary of the Green Belt. We will come on to these situations in due course.
237. Section 2 of the inner boundary of the Green Belt lies to the north-west of the city and is the northern extension of the Section 1 boundary. The proposed boundary follows, to a large extent, the edge of residential development and roads. There is one section of the proposed Green Belt boundary that runs along a well-established tree line, adjacent to some open space off Prestwick Court. This open space contains play areas and associated paraphernalia and we are content that for the reasons the Council give, and consistent with findings we make elsewhere regarding playing fields and playgrounds, that it serves no Green Belt purpose and need not be contained in the Green Belt.
238. Section 3 then begins by following the line of the ring road, past Manor School and York Business Park until the ring road reaches the East Coast Main (railway) Line to the north of York. The boundary then heads south-east, following the eastern edge of the railway line, bringing Poppleton Ings into the Green Belt, until it meets the fence line of the Yorkshire Waste Water Treatment

³⁵ Though as we set out in more detail elsewhere in this report, we have our doubts whether anything other than general housing would come forward on these sites

³⁶ Sections 1 to 4 (inclusive) are the subject of analysis in EX/CYC/59c

Works. The boundary then follows the fence line along the western bank of the River Ouse, so that the Waste Water Treatment Works are kept outside the Green Belt, up to the point where it meets Landing Lane. The proposed boundary then follows the (residential) development limits of the city until it meets St Barnabas School and the Vicarage.

239. Here, the proposed boundary has been drawn tightly around the school buildings. Consistent with our views about other situations where boundaries have been drawn tightly around school buildings, we are of the view that the curtilage of the school, should not be in the Green Belt because it is an integral, part of the school, and does not therefore serve a Green Belt purpose. We would observe here, in passing, that establishing in policy the situation where a school would need to demonstrate 'very special circumstances' for future expansion, even if that expansion was temporary, is not sustainable³⁷ when the City is seeking to grow its population, or in accordance with paragraph 72 of the Framework. The boundary needs to be redrawn here and reflected in that way on the Policies Map³⁸.
240. After a short interval, the boundary follows the line of Scarborough Bridge, crossing the River Ouse and then turns west, following the line of properties fronting the river, before it meets St Peter's School. This is another line where we consider the Council's proposed boundary not to be justified.
241. As proposed, the boundary follows the built footprint of St Peter's School, before running north-west along a path and hedge through the school playing fields. This particular section is problematic and not in our view properly justified. The built footprint of the school could be subject to change, and there is little appreciable difference between the playing fields either side of the proposed boundary. It appears to us that these areas are highly developed with fences, lighting and manicured playing fields. They are read as an integral part of the school and serve no real Green Belt purpose.
242. It seems to us that it would be far more rational for the boundary to follow the line of the significant earth bund that forms a flood defence for the school and its grounds, and bounds those grounds, from the front of Almerly Terrace. The Policies Map will need to be changed to reflect this finding³⁹. The revised boundary should then pick up the proposed boundary at the rear of properties on Westminster Road and the outer edge of the footpath along the side of the sports field and join the rest of the Section 3 boundary as proposed.
243. The boundary then continues as Section 4. The first part is proposed to follow the built curtilage of No.27 Shipton Road and then continue north along Shipton

³⁷ In the dictionary sense of the word

³⁸ This change is illustrated in EX/CYC/120b

³⁹ As shown in EX/CYC/120b

Road including York Sports Club in the Green Belt. There was some discussion about this approach to York Sports Club during the Phase 4 Hearings. In line with our comments about the approach to the boundary in relation to playing fields, the Council revisited this section and made two suggestions; the first involved taking the buildings at York Sports Club out of the Green Belt and the second involved taking out both buildings and playing fields.

244. Having visited the site, we are of the view that including the substantial buildings in the Green Belt serves no purpose. However, unlike the situation at St Peter's School, here the playing fields associated with the buildings are largely open and make a significant contribution to the open character of Clifton Ings. As such, they serve a clear Green Belt purpose. As a result, the Policies Map will need to be amended here to remove the York Sports Club buildings from the Green Belt⁴⁰.

245. After that, the boundary needs to extend around the built footprint of Clifton Hospital and continue north-east along the built edge of the city until it reaches the ring road. The boundary then continues east along the line of the A1237 until the roundabout with the B1363 before turning south then west on to Clifton Moor Gate. It then turns south and then west along the boundary of the development at Clifton Moor, including an area of land that is important to keep open to preserve the setting of the city.

246. The proposed boundary then runs along the rear of existing properties, until it meets Burton Green Primary School. This is another example of where the Council has proposed a boundary that follows the built footprint of the school, so that the school playground would be in the Green Belt. As with other examples, the playground has a strong boundary and identifies as part of the school, not as part of the adjoining open space. It does not fulfil any Green Belt purpose. The Council looked at this boundary and proposed an alternative that runs the boundary around the curtilage of the school so that the school and its grounds are outside the Green Belt⁴¹. This is a more rational approach and in our view this change is necessary and needs to be reflected on the Policies Map.

247. Sections 5 and 6 of the proposed inner boundary are to the north-east of the city⁴². Section 5 begins at the Nestle Factory and is drawn around the curtilage. It is then proposed to run north along Haxby Road. There was some discussion about whether the inclusion of the Northfield playing fields, associated with York St. John University Sports Park, that lie to the west of the road, in the Green Belt, has been justified. These playing fields, unlike those more closely bound to

⁴⁰ As shown in EX/CYC/120b

⁴¹ As shown in EX/CYC/120b

⁴² EX/CYC/59d refers

the Sports Park to the east are largely open in character and as they stand, serve a Green Belt function.

248. There is a tension here though because Policy ED5, as proposed to be modified, that we deal with elsewhere in the report, allows for a range of sports and related uses where they are consistent with Policy GI5 (that we also deal with elsewhere in this report). This range includes outdoor sports facilities; together with associated car and cycle parking; appropriate indoor sports facilities; and other outdoor recreational activity.
249. As we cover in more detail below, it is very difficult to see how outdoor sports facilities, with associated car and cycle parking, and in particular, indoor sports facilities, which might well involve a large building, could be found to preserve openness. Moreover, they would conflict with the purposes of including land in the Green Belt notably checking the unrestricted sprawl of large built-up areas; and safeguarding the countryside from encroachment.
250. These facilities, allowed for by Policy ED5 as expanded, would almost certainly be found to be inappropriate development in the Green Belt. If the Northfield site remains in the Green Belt, as the Council proposes, then it seems to us that Policy ED5 cannot be said to be positively prepared, justified, or effective. The solution to that difficulty is for the Northfield site to be kept out of the Green Belt. The revised boundary should then run from the north-west corner of the Nestle Factory northwards, to the south-west corner of the properties on Alder Way. The submitted boundary needs to be modified accordingly.
251. The proposed boundary should then follow the line of residential curtilages until it reaches the Joseph Rowntree School. As originally proposed the Green Belt boundary followed the school boundary, so that the school and its curtilage were outside the Green Belt, lining up with the boundary of the site proposed for development (H46) to the south. However, the Council proposed redrawing this boundary so that the Green Belt boundary followed the built form of the school, bringing the curtilage of the school into the Green Belt.
252. However, the school has very strong boundary treatments that give the school grounds a strong sense of enclosure. They do not have an open character. As such, there is no justification for including them in the Green Belt and the previous iteration of the boundary, as shown on the Policies Map, should be followed. This involves reversion to the original (2018) policies map boundary and the withdrawal of the Council's proposed (2021) modification⁴³.
253. After following the line of the school grounds, and the site proposed for development to the south, there is a section, around the River Foss, that

⁴³ As shown in EX/CYC/120b

penetrates into the built form either side. This provoked some comment. It could be argued that the boundary so formed is complicated, and perhaps a little contrived given that the land in question – the river and its banks – would be very unlikely to ever be developed. However, we see this insert as a miniature version of the Ings and Strays, and the land in question warrants inclusion in the Green Belt for the same reasons. It maintains a sense of separation between the built-up areas either side and areas of this type contribute significantly to the historic form and character of the city.

254. The boundary then follows the River Foss before turning west along residential limits. The land to the north of Avon Drive, proposed for inclusion in the Green Belt, is a good example of the sort of small site, that is, in the view of some, needlessly excluded from potential development by its inclusion in the Green Belt. However, as we have set out above, its inclusion in the Green Belt is perfectly rational given that we accept that the Council's overall strategy is a justified one. There are other strategies that the Council could have followed which would have meant that sites like this would not have been included in the Green Belt, but those types of strategies would have been inconsistent with the Council's strategic approach to setting Green Belt boundaries in order to preserve the historic character and setting of the city.

255. As we have set out above, having decided on a strategy, that is justified by very strong evidence in the Heritage Topic Paper, then the strategy needs to be followed consistently. That may throw up results that some find unnecessarily rigid but that is a reasonable consequence of the strategy the Council has chosen; a strategy that we support. Based on that strategy, the land to the north of Avon Drive, should be in the Green Belt and the boundary the Council propose is the right one.

256. The boundary then runs south along the built edge of the city until it comes to the proposed inset designed to maintain separation between existing residential areas, Strategic Site ST8⁴⁴, and the northern part of Monks Cross. This inset was the subject of some comment, but it seems to us that while the width of the inset that would be included in the Green Belt is, relatively restricted, it would maintain some important separation between Monks Cross, and the new development on Strategic Site ST8 proposed to the north of it. Without that separation, there would be the impression of the city spreading out into the surrounding countryside. The separation between established residential areas and the Strategic Site is important because without it, development on the Strategic Site would not appear as a satellite to the city, notwithstanding its connection to Monks Cross to the south. The inset proposed does serve a clear Green Belt (and strategic) purpose, therefore, and is justified.

⁴⁴ Planning permission was granted for housing on ST8 by the SoS in December 2022 (APP/C2741/W/21/3282969)

257. The boundary is then drawn tightly around the Monks Cross Shopping Park, the Vangarde Shopping Park, and the Park & Ride site before bounding an area of land north of an existing cemetery off New Lane. This land, north of the cemetery, was the subject of a planning application and subsequent appeal against non-determination of that application⁴⁵ and after receiving an Inspector's report, following a Public Inquiry in January 2022, the SoS granted outline planning permission for 300 dwellings on the site. Having done so, it seems pointless and ineffective to include this site in the Green Belt. Reflective of that, the boundary should be modified to run along the south side of the cemetery and the cycle path as the Inspector who dealt with the appeal suggested.
258. We note that the Council has recently granted permission for 107 affordable homes on land immediately south-east of the cemetery, and permission for a Children's Centre on land immediately beyond that⁴⁶. However, these decisions were arrived at on the basis that the sites were, or at least would be, in the Green Belt. On that basis, we see no justification for amending the proposed boundary to take these sites out of the Green Belt. That is especially the case when one considers that it need not be these permissions that are eventually implemented.
259. The proposed boundary then turns south-west to include land west of New Lane in the Green Belt before following the line of Malton Road adjacent to Monk Stray up to and including the golf course, following establish boundaries to Section 6.
260. Section 6 begins by following the built-up boundary of Heworth on the opposite side of Monk Stray, before turning south-east to, and following Stockton Lane before turning again, to follow the existing built-up, settlement limits, before reaching the main carriageway of Osbaldwick village. The boundary then heads east following the settlement pattern along Murton Way, until it reaches the industrial estate. The boundary then follows the form of the industrial estate, and the adjacent (Council owned and managed) caravan site, that we deal with further elsewhere in this report. It suffices to say here that the Green Belt boundary around the caravan site needs to be carefully considered to ensure that the expansion of this site, to meet the needs of Gypsies and Travellers, is not unnecessarily complicated by including land to the north of the caravan site in the Green Belt. This involves reversion to the original (2018) policies map boundary and the withdrawal of the Council's proposed (2021 and 2022) modifications⁴⁷.

⁴⁵ APP/C2741/W/21/3282598 – the decision dates from 17 October 2023

⁴⁶ Under Refs.23/01016/OUTM and 22/01733/FULM respectively – EX/CYC/142 refers

⁴⁷ The necessary change is shown in EX/CYC/121a

261. The boundary can then follow Osbaldwick Beck back to Murton Way before continuing along the boundary on the National Grid Substation before Section 6 reaches its conclusion on Hull Road.
262. The final part of the inner Green Belt is Sections 7 and 8⁴⁸. Section 7 begins by following the Grimston Bar Park and Ride site before reaching York Sports Village, which is a part of the University of York. There was some question over whether the sports facilities warranted inclusion in the Green Belt. Having visited them, and the surrounding area, we are of the view that the facilities are too 'built-up' to serve any real Green Belt purpose. Consequently, the Green Belt boundary needs to be redrawn at this point to take the complex out of the Green Belt. This involves reversion to the original (2018) policies map boundary and the withdrawal of the Council's proposed (2021) modification that sought to include them⁴⁹.
263. The proposed boundary then runs around the site proposed for the expansion of the University (ST27). We deal with the mechanics of that allocation elsewhere in this report and it suffices to say here that the Green Belt boundary needs to take this land out of the Green Belt.
264. As part of our analysis of the approach of the Plan to the University of York campus, we have dealt with whether there is any need for further land to be safeguarded to allow the University to expand in future. For the reasons set out elsewhere in this report there is no such need and so, the Green Belt boundary needs to follow the line of the allocation back to the existing boundary of the University of York campus and the surface water drainage infrastructure.
265. The Council has drawn our attention to some anomalies between the Green Belt boundary proposed⁵⁰ and the situation once some recent planning permissions have been taken into account. This needs to be remedied in the way the Council has shown⁵¹. The boundary then needs to return along the north-west boundary of Campus East, to the roundabout, before running back south-west along the line of built development, taking in Pond Field and Heslington Church in order to provide a predominantly open buffer between the campus and Heslington. The boundary then follows the edge of Heslington until it reaches Lord Deramore's Primary School.
266. Here again, there is an issue with the boundary being drawn tightly around the school buildings. Consistent with the reasons set out above in relation to schools in similar situations, the boundary needs to follow the boundary of the school curtilage. A modification to the policies map will be needed to facilitate

⁴⁸ EX/CYC/59e refers

⁴⁹ As set out in EX/CYC/120b

⁵⁰ In EX/CYC/59e

⁵¹ In EX/CYC/120b

this boundary change⁵². The boundary can then follow the established boundaries on the edge of Heslington before skirting the southern and western sides of the University of York Campus West until it reaches the southern boundary wall of the Retreat.

267. Having visited the Retreat and spent some time in the grounds, and observed the substantial boundary wall from Walmgate Stray to the south, we are of the view that including the grounds of the Retreat in the Green Belt serves no particular purpose. The boundary wall on to the Stray is such a significant structure that the Green Belt boundary, logically, needs to follow it⁵³.

268. There is then the question of the site of the Lamel Hill battery. Originally, we suggested that this area should be taken out of the Green Belt in its entirety. On reflection and having looked in detail at the Council's proposed changes in this area, we have reached the view that it should be included. The Green Belt boundary should follow the western boundary wall of the Retreat northward before turning east in line with the main building of the Retreat, following the modified line of the Green Belt boundary bringing the site of the Lamel Hill battery, and the sliver of land to the north of it, up to Heslington Road, into the Green Belt⁵⁴.

269. The boundary should then follow the built envelope, so that the allotments, and York Cemetery are included in the Green Belt, then the rear of Fulford Police Station before reaching Imphal Barracks (ST36). In our view, like the schools referred to above, the proposed Green Belt boundary here has been drawn too tightly around buildings and fails to take account of the strength of the existing boundaries, and the built-up nature of the sports facilities beyond those buildings. The Green Belt boundary needs to be revised to reflect all that⁵⁵. The boundary can then follow the line of development north of Broadway before running south and then west reflecting the extent of the approved Germany Beck development.

270. Section 8 then begins by following the western extent of the built-up area of Fulford before crossing the River Ouse north of the Millenium Bridge at Rowntree Park before turning south to the car park of the Chocolate Works and then west around the Residence, eventually reaching York Racecourse. The main racecourse buildings are excluded from the Green Belt by the proposed boundary which, given their nature and scale, seems to us the proper course to follow. The racecourse itself is largely open and fulfils a clear Green Belt purpose so it is correct that the proposed Green Belt boundary follows the line of built development that borders it. The boundary should then turn west to take in the Scarcroft Allotments, and then south, along Tadcaster Road following the

⁵² The revised boundary is shown in EX/CYC/120b

⁵³ As the Council has shown in EX/CYC/124

⁵⁴ A hybrid of the changes shown in PMM40(i) and PMM40 in EX/CYC/124

⁵⁵ As shown in EX/CYC/120b

racecourse edge, behind the Marriott Hotel, and then the edge of residential properties further south, and St Leonards Hospice and development to the south. At this point, the proposed boundary reaches York College.

271. The proposed boundary here follows the line of the more built-up sports facilities east of the college, placing the more open playing fields further east, into the Green Belt. However, Policy ED7, that we cover in detail below, supports the continued success of York College including any further expansion of their teaching, administration, research operations and student accommodation at their existing site and campuses as shown on the Policies Map. As we have found with Askham Bryan College, it is very difficult to square that very strong support for the expansion of the college, with the tight Green Belt boundary proposed. To give proper effect to the policy, the campus of York College, including the open playing fields beyond the more built-up sports facilities directly east of the college, should be kept out of the Green Belt⁵⁶. The boundary as submitted needs modification to this effect. The boundary should then run up to the Askham Bar Park and Ride site, and then the railway line north to the start of Section 1.

272. Subject to the changes highlighted, these inner boundaries, while tightly drawn, have a sound basis in keeping the city compact. Moreover, they use physical features that have a permanent quality. On that basis, they have been justified, subject to the identified changes to the Policies Map.

Insets from the Green Belt

273. The next group of boundaries are those around the various insets proposed, around existing settlements and other facilities, in the area between the inner boundary, and the outer boundary of the Green Belt⁵⁷. As a general point, we are content that the approach taken to these boundaries is a sound one. Again they are tightly drawn but the point is that if the strategy is to maintain a compact city as the centrepiece, with satellite settlements that surround it, following the historic pattern, then for the same reason that allowing the city to creep outwards these satellites is wrong, for the reasons rehearsed in the Heritage Topic paper and elsewhere, then the same logic must apply to allowing the settlements to expand, because they need to maintain a subsidiary character, and not creep inwards towards the city. In the same way, we are content that the Council has chosen the right settlements, or built-up areas to inset from the Green Belt, and those that need to be 'washed over', with one significant exception.

274. With that as our starting point, we need only highlight some anomalies that need to be addressed. The first relates to the boundary drawn around Elvington in the

⁵⁶ As the Council suggests in EX/CYC/126

⁵⁷ These are dealt with in EX/CYC/59f

vicinity of the Elvington Primary School. The situation is like those situations highlighted above where the boundary has been drawn tightly around the school buildings but would, in our view, better follow the curtilage of the school. The (2021) modification proposed to include the curtilage in the Green Belt⁵⁸ should not be pursued.

275. There is a similar situation in relation to the Stockton-on-the-Forest Primary School. The Council's proposed (2021) modification would draw the boundary relatively tightly around the school buildings. In our view, the correct line to take, bearing in mind our comments above about school curtilages, would be that shown on the (2018) Policies Map⁵⁹.

276. For similar reasons, in Upper/Nether Poppleton, as neither serves any Green Belt purpose, the Poppleton Centre needs to be taken out of the Green Belt and the boundary around the Poppleton Ousebank Primary School needs to follow the line of the school curtilage⁶⁰.

277. There is an issue too with the Queen Elizabeth II Barracks in Strensall. In the Plan as submitted this was one of the strategic sites identified for housing (ST35). We have dealt elsewhere with the issues raised with this allocation and the circumstances behind why the allocation is to be omitted from the Plan. However, the Green Belt boundary around the barracks still needs to be dealt with. In our view, the original boundary proposed is too tightly drawn around buildings, when the obstacle course and associated facilities to the east are built up, with strong boundary treatments, to the extent that they do not fulfil a Green belt purpose. As such, the boundary needs to be changed here to take these parts of the barracks site out of the Green Belt⁶¹.

278. That brings us to the significant exception referred to above. That relates to Askham Bryan College. We have dealt with the expansion needs of the college elsewhere in this report, in dealing with Policy ED7, and there is no need to repeat them here. However, those needs do have a bearing on the way the Green Belt is treated around it. Originally, the Green Belt was to have washed over the college but following discussion at the Hearings, the Council proposed an inset in the February 2023 Main Modifications consultation.

279. However, this inset is in our view too tightly drawn and pays too little attention to the need of the college to develop and expand – an expansion explicitly supported in Policy ED7 that we refer to below. Too tight a Green Belt boundary is very likely to inhibit the very clear intentions of the policy. To that end, and having spent some time at the site, we are of the view that the boundary should

⁵⁸ Shown in EX/CYC/120b

⁵⁹ Shown in EX/CYC/120b

⁶⁰ As shown in EX/CYC/120b

⁶¹ As shown in the proposed modification (December 2022) in EX/CYC/120b

be drawn more widely, taking in some of the open areas around the existing buildings, and running up to what are existing strong boundaries. This change⁶² is a necessary one for soundness in relation to Policy ED7.

280. Other insets are proposed around other non-residential strategic sites. These are Land South of Airfield Business Park, Elvington (Strategic Site ST26), and Land at Northminster Business Park (Strategic Site ST19). These extensions to existing employment sites are intended to house large buildings providing employment floor-space so the insets are clearly justified given that if the sites are not so inset, those buildings would be inappropriate development in the Green Belt, which would frustrate the intentions behind Policies SS21 and SS23 respectively. On our analysis, the insets proposed are based on established boundaries that are readily defensible and likely to endure.

Freestanding (New) Settlements

281. The Plan proposes three freestanding satellite settlements as part of the overall group of strategic sites. These are dealt with elsewhere in this report, in terms of the specific policies that apply to them, and here it suffices to address the manner in which they are proposed to be inset from the Green Belt.

282. The first of these is Strategic Site ST7 (Land to the East of Metcalfe Lane) which is located to the east of the built-up area of the city and is expected to deliver over 800 houses. We consider that there is no real purpose served by 'washing over' a new settlement of this scale, so it does need to be inset from the Green Belt. However, bearing in mind the requirements of paragraph 85 of the Framework, it is important that the inset follows clearly defined, identifiable boundaries. As the Council's analysis shows⁶³, the northern boundary of the inset follows Tang Hall Beck, and the others, historic field boundaries.

283. The second is Strategic Site ST14 (Land to the West of Wigginton Road) which lies to the north-west of the city bringing forward over 1,300 dwellings. Again, a new settlement of this size must be inset from the Green Belt. The proposed inset boundaries follow historic field boundaries, and the line of the Nova Scotia Plantation which together offer easily recognisable borders that can endure.

284. The third and final inset relates to Strategic Site ST15 (Land West of Elvington Lane) which is proposed as a Garden Village covering 339 Ha and delivering nearly 3,500 dwellings. The site covers part of the former Elvington Airfield. It is our view that a new Garden Village of this scale needs to be inset from the Green Belt. The boundaries proposed follow the alignment of the Minster Way,

⁶² Shown as PMM31(i) in EX/CYC/125

⁶³ EX/CYC/59g

historic field boundaries, and the extent of part of the runway. In our view, they are well-defined boundaries that offer proper containment.

285. Bringing those points together, the approach taken to these insets is well-founded and no changes are needed to the Policies Map in this respect.

Conclusion

286. On that overall basis, we are content that with some adjustments as set out above, the various Green Belt boundaries have been properly justified, and the policy (or policies) for bringing them about, are thereby sound. These boundaries will need to be reflected in the Policies Map that eventually accompanies and informs the Plan.

Issue 10: Is the approach of the Plan to housing delivery, density, mix, tenure type, and specialist housing sound?

287. As set out above, Policy SS1 sets out an annual housing target of 822 dwellings a year, over the Plan period, amongst other things. Section 5 of the Plan deals with the manner in which this is to be brought forward⁶⁴.

288. As originally drafted, Policy H1 deals with and lists the various housing allocations in the Plan whether these are Housing Sites (H1, H2, H3 and so on), or Strategic Sites (ST1, ST2, ST3 and so on). We deal with these sites in detail above and below, but dealing with the preamble to the list, the policy, as drafted, sets out that planning permissions for housing on these allocated sites will be supported if it accords with the phasing programme set out in the list that follows. It goes on to say that a proposal promulgated in advance of its phasing will be approved if: its early release does not prejudice the delivery of other, earlier-phased allocated sites; the early release of the site is required to maintain a five-year supply of deliverable housing sites; and the infrastructure requirements of the proposal can be satisfactorily met. The policy then lists the various housing allocations, their size, and estimated yield, and classifies them in terms of whether they are expected to come forward in the short to medium terms (Years 1-10 of the Plan), medium to long terms (Years 6-15), the lifetime of the Plan (Years 1-21) or post-Plan (Years 16-21).

289. On reflection, the Council took the view that the phasing programme served no real purpose. Given the nature of what was proposed, with significant crossover between short-medium, medium to long, and lifetime classifications, we agree that the device has no utility. The attempt to control through policy the pace at which housing comes forward is unnecessary given that the aim and strategy of

⁶⁴ It also deals with affordable housing (Policy H10), Gypsies and Travellers (Policy H5), Travelling Showpeople (H6) and Student Housing (Policy H7) but we have dealt with these under separate headings.

the Plan is aimed at encouraging growth in the employment, and housing sectors. Further, it could stifle early delivery unnecessarily. The device is not, therefore, justified.

290. That means the references to phasing need to be removed and the policy can become much simpler, taking a permissive approach to housing on the various allocations. That said, some additional controls are required, in relation to the approach to existing open space, and to sites located within 5.5km of the Strensall Common SAC that we deal with elsewhere in the report. Moreover, a specific point needs to be made about Housing Site H39 where a new, defensible Green Belt boundary needs to be produced. A main modification **[MM5.1]** is required to bring all that about and properly justify the policy.
291. In terms of the list of the various Housing and Strategic Sites, the 'Estimated Phasing' column needs to be removed to accord with the first part of the policy. Moreover, some of the sites in the original list have been built out; these need to be removed. More information has become available about the potential yield of dwellings on various sites so corrections need to be made in this regard. Student Housing Site SH1 has been included in the list as it makes a contribution to housing supply.
292. We have dealt with the issues elsewhere in this report but there are also the two sites - Strategic Site ST35 (Queen Elizabeth Barracks, Strensall) and Housing Site H59 (Queen Elizabeth Barracks – Howard Road, Strensall) – that need to be deleted on account of their potential to have adverse effects on the Strensall Common SAC. In any event, the former is no longer available.
293. In terms of the other Housing Sites (H1, H2, H3 and so on), save for a few sites, that we cover above and below, no significant difficulties have been identified in relation to them. Some have been overtaken by events in that they have been built out (H1 in part, H22, H23 and H56). These need to be deleted from the list of sites because their contribution has already been secured.
294. A main modification **[MM5.2]** is required to bring all that about and make the policy effective.
295. Those changes bring about a need to adjust the explanatory text to suit **[MM5.3]** and on top of that, housing trajectory diagram, and associated table, need to be replaced to reflect the change in approach. Main modifications **[MM5.4 MM5.5]** are required to facilitate this and to insert a new table entitled Housing Requirement and Housing Supply 2017-2033 which shows the way that housing is expected to come forward over the Plan period. This table shows that upon adoption of the Plan, the Council will be able to demonstrate a five year supply of deliverable housing sites, with an appropriate buffer, as required by the Framework.

296. Policy H2 concerns itself with the density of residential development and in simple terms seeks to ensure the efficient use of land and assist in the maintenance of local services and public transport provision. While the Framework does not include such a requirement, we consider that it is needed for soundness. There is no purpose served in using land wastefully. The policy then seeks to suggest densities: 100 units/Ha in the city centre; 50 units/Ha in the York urban area; 40 units/Ha in the suburban area and Haxby/Wigginton; and 35 units/Ha in the rural areas and villages. This is done by reference to Figure 5.2 which shows various Density Zones, and Figure 5.3 which sets out the High Frequency Public Transport Corridors.
297. All that is broadly sound but as drafted it is rather prescriptive and inhibits the ability of developers of Strategic Sites to adjust density upwards or downwards to suit the constraints and/or opportunities presented by particular site conditions. To that end, the policy needs to be adjusted through a main modification **[MM5.6]** to allow for that flexibility and achieve effectiveness. Figure 5.2 also needs to be adjusted to better reflect the various zones referred to in the policy itself. Again, this main modification **[MM5.7]** is needed to ensure the policy and the associated figures are effective.
298. Policy H3 talks of balancing the housing market and as drafted, seeks to achieve a mix of housing that reflects that highlighted as being required in the SHMA. However, matters moved on during the examination and the latest evidence is in the LHNA. To that end, the policy needs to be changed, through a main modification **[MM5.8]** to say that the Council will expect developers to provide a housing mix that accords with that identified as needed by the LHNA, and in any other appropriate local evidence. It needs to make clear that the aim is to create mixed, balanced and inclusive communities. All this is required to make the policy accord with national policy in the Framework.
299. On top of that, the final part of the policy needs to be extended through a main modification **[MM5.9]** to ensure that new housing that is brought forward is built so that changing circumstances over the occupiers' lifetimes can be accommodated, with a requirement that a proportion of housing is built to meet the higher access standards of Part M of the Building Regulations. That is necessary to ensure the policy accords with the Framework.
300. The promotion of self- and custom-house building is the subject of Policy H4. In accordance with national policy, Policy H4 requires developers of Strategic Sites to supply at least 5% of dwelling plots to self-builders or small/custom house builders at competitive rates, subject to appropriate demand being identified. Some changes are necessary through a main modification **[MM5.10]** to make it clear that it is for the Council to identify any such demand. That is needed to make the policy effective.

301. Policy H9 covers older persons' specialist housing and born of the reference in the Framework to mixed and balanced communities it is clearly correct that this sort of housing has its own bespoke policy. In simple terms, the policy requires this housing type to be included on proposals for Strategic Sites but a main modification [MM5.19] is required to make sure that there is a cross-reference to Policy H3 in terms of housing mix, and Policy H10 in relation to the provision of an affordable element. These changes, along with associated adjustments to the explanatory text [MM5.20] are needed to secure an effective policy.

Conclusion

302. As a result of all of that, we are satisfied that the approach of the Plan to housing delivery, density, mix, tenure type, and specialist housing is sound.

Issue 11: Is the approach the Plan takes to the provision of affordable housing a reasonable one?

303. Based on the methodology in the relevant PPG⁶⁵, the Council calculated that York has a net affordable housing requirement of 573 affordable dwellings a year⁶⁶. During the examination, this figure was updated⁶⁷ to 592. Taking account of the affordable housing likely to come forward from the sites proposed in the Plan, and any other potential sources of supply, it is clear that affordable housing delivery will not be at anything like this level. The Council's evidence is that at best, the Plan will deliver, on average, 204 affordable homes a year⁶⁸, or alternatively 3,265 over the Plan period, which is around 35% of the total requirement. That brings out the question of whether that level of provision is reasonable in the context of the significant level of need that has been identified.

304. First of all, it must be acknowledged that there is no absolute requirement on the Council to meet this need in full⁶⁹. The second, and perhaps more important, point is to consider how that level of need might be delivered? The relevant PPG⁷⁰ tells us that: *The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing development, given the probable percentage of affordable housing to be delivered by market housing led developments.*

305. The amount of market housing the Plan aims to deliver – the figure used to calculate the 204 affordable homes a year referred to above, is acknowledged

⁶⁵ Paragraph ID 2a-022-20140306

⁶⁶ The figure in the City of York SHMA (June 2016) (Table 34)

⁶⁷ By the City of York LHNA (July 2022) (Table 4.9) (EX/CYC/92) and Affordable Housing Note of August 2022 (EX/CYC/107/2)

⁶⁸ EX/CYC/107/2 refers

⁶⁹ *Kings Lynn & West Norfolk v SSCLG & Elm Park Holdings* [2015] EWHC 2464 (Admin)

⁷⁰ Paragraph ID 2a-029-20140306

to be ambitious. As we have rehearsed above, based on economic factors, the figure is greater than the various population/housing projections. In theory, to deliver the affordable housing need in full, that employment-led figure would need to be almost trebled. To our minds, that would be to propose an amount of housing (and employment-based development) that would be all but impossible to deliver without destroying the setting of York as an historic city. Moreover, it would be unworkable economically – the market is very unlikely to deliver housing for which there is no identified need.

306. It might then be argued that the Plan could seek to deliver more market housing in order to meet more of the affordable housing need. However, as we have set out, the Plan is already setting ambitious targets for the delivery of housing. The figure it proposes is already stretching the bounds of what the setting of the historic city can accommodate, and what the market will tolerate. In a similar way, the amount of affordable housing sought as a percentage of market housing is as much as viability considerations will tolerate⁷¹.

307. In our judgment, the Council has got this overall balance right and while it is disappointing that the Plan will not deliver more of its affordable housing requirement, when the only mechanism by which affordable housing can be brought forward is as an adjunct of market housing, it is impractical to think that this need/shortfall can be fully addressed in one Plan period.

308. That all leads us to conclude that the amount of affordable housing that the Plan seeks to deliver is reasonable and has been justified. In any event, the main modification to Policy SS1, that we refer to above **[MM3.1]**, commits the Council to delivering at least 45% of the 9,396 affordable dwellings⁷² that are required to meet the needs of residents unable to compete on the open market. That gives additional comfort.

309. The question then is whether the policy mechanism by which that delivery is to be secured is soundly based? Policy H10 deals with the provision of affordable housing. In the Plan as submitted, the policy applied different 'targets' for affordable housing, as a percentage of market housing, based on many different site characteristics, and the numbers of dwellings proposed, with provision for an off-site financial contribution instead, where it could be justified. This led to far too complex a policy with inherent effectiveness issues and the Council put forward modifications to simplify the approach.

310. The revised Policy H10 sets a target of 20% affordable on brownfield sites with 15 or more dwellings proposed, and 30% on greenfield sites where 15 or more dwellings are proposed. The provision is expected to be on-site. On sites where 5-14 dwellings are proposed, an off-site financial contribution will be required,

⁷¹ CD056, CD057 and CD018 and subsequent technical updates

⁷² As identified in EX/CYC/107/2

calculated in accordance with a property-price based formula. This overall approach is all in line with the viability evidence referred to above.

311. Such simplification will make the policy more effective and remove much of the scope for argument in the policy as originally drafted. A main modification to secure these changes is necessary to make the policy approach effective [MM5.21]. Associated changes [MM5.22] are needed to the explanatory text and to remove the commuted sum calculator, which no longer serves any purpose.

Conclusion

312. On that overall basis, we accept that the Plan, as modified, takes a reasonable approach to the provision of affordable housing, both in terms of the amount produced, and the mechanisms for securing it. On that basis, the Plan is sound, in this respect.

Issue 12: Has the approach of the Plan to Gypsies and Travellers and Travelling Showpeople been properly justified?

313. As set out above, Policy SS1 as drafted, makes no reference to provision for Gypsies and Travellers or Travelling Showpeople, or affordable housing. As modified, it says that it will deliver 12 new permanent pitches for Gypsies and Travellers and 4 permanent plots for Travelling Showpeople (who meet the PPTS definition) and a further 26 new permanent pitches for those Gypsies and Travellers who do not meet the definition, over the Plan period.
314. These figures are derived from the Council's June 2022 GTAA⁷³, prepared by Opinion Research Services that revised and updated a previous GTAA. Pragmatically, in our view, this document (and Policy SS1 as modified) anticipated the outcome of the *Lisa Smith* judgment⁷⁴ and the eventual changes made to the Government's PPTS in response and assessed the needs of those who met the Government's 'definition' and those who did not.
315. This revised GTAA came in for some criticism and we appreciate the basis for the points that were raised. However, the production of a GTAA is not an exact science and it is inevitable that one is a 'snapshot in time' that can under-estimate, or perhaps even over-estimate need at a given point in time. On our analysis, the revised GTAA has used a reasonable methodology, and it has taken a proportionate approach to the calculation of need. Its overall assessment can be relied upon to underpin the approach the Plan takes to the needs of Gypsies and Travellers and Travelling Showpeople.

⁷³ EX/CYC/88

⁷⁴ *Lisa Smith v SoS for Levelling Up, Housing and Communities* [2022] EWCA Civ 1391

316. Having set out the 'need' in Policy SS1 (as modified), the Plan deals with Gypsies and Travellers in Policy H5 and Travelling Showpeople in Policy H6. We deal with each in turn.
317. As drafted, Policy H5 opens by dealing with the safeguarding of existing sites. That is obviously a necessity because if those existing sites cannot be considered likely to endure, then those occupying them might well be counted as being in need. Reference is made to the provision of 3 additional pitches on the existing Council-managed sites at James Street, Layerthorpe, which is near the city centre, Water Lane, Clifton, in the north-west of the city, and Outgang Lane, Osbaldwick, which is on the eastern fringes of the city. Reference needs to be made to these sites on the Policies Map.
318. The policy then goes on to address the ways in which future needs, that is the needs identified in Policy SS1 (as modified), will be provided for. The first way is to provide additional pitches within, or as extensions of, the existing Council-managed sites referred to above. The Layerthorpe site is very clearly full, and constrained by adjoining development, so the policy as proposed to be modified seeks to provide 10 additional pitches, as opposed to the 3 originally proposed, spread between the Water Lane, Clifton, and Outgang Lane, Osbaldwick sites.
319. Dealing with the former first, the Water Lane site is well-established and appears full, but the Council is of the view that it could be re-arranged to provide additional pitches. From what we saw of the site, that appears possible, with proper planning. As drafted, Policy H5 does not reflect the programming and physical works needed and makes no reference to how the provision of additional pitches on the site might be achieved.
320. To address that, Policy H5 needs additional text to require the production of a Master-Plan for the rearrangement of the site (by or on behalf of the Council) that will be required to meet the various criteria that are set out later in the policy. Further, the rearrangement of the site and the provision of the new pitches will be required to be completed in accordance with this Master-Plan and no further accommodation is to be occupied until the measures within it have been carried out to completion. This is necessary to make this part of the policy effective and for the purposes of clarity, we expect the Master-Plan to include proper liaison with existing occupiers of the site, and arrangements for temporary re-location, should this prove necessary.
321. The Council also proposes the expansion of the existing site at Outgang Lane, Osbaldwick. This proposal has its issues too. A visit to the site showed up considerable difficulties with the access to it, and the relationship of the accommodation upon it with the adjoining waste processing operation, and the concrete plant. If more accommodation is to be provided at the Outgang Lane site, in an acceptable manner, then intervention on the part of the Council (as

site owners and operators) is required. To that end, as with the Clifton site, Policy H5 needs to be modified to require a Master-Plan for the rearrangement and/or expansion of the site (by or on behalf of the Council) that will be required to meet the various criteria that are set out later in the policy. Further, the rearrangement and/or expansion of the site will be required to be completed in accordance with this Master-Plan and no new accommodation is to be occupied until the measures within it have been carried out to completion.

322. In addition, for the site-specific reasons set out, the policy must meet two further requirements. The first relates to access; the existing access must be brought up to an acceptable standard with the carriageway properly surfaced, and pavements and street-lighting provided. Further, before occupation of the new plots, a connection should be provided⁷⁵ to the new road that will connect Strategic Site ST7 (Land East of Metcalfe Lane) to Murton Way. This, it seems to us, would give residents of the Outgang Lane site an alternative route to facilities and services that did not involve walking or cycling through an industrial site, fed by HGVs and other traffic.

323. We appreciate the concerns that have been expressed about this approach. The Outgang Lane site has been in place for some time, and it seems that little has been done to address these problems in the past. That has led to the suggestion from some quarters that these requirements will not be met in future, whatever the policy might say. However, we are prepared to accept in good faith what the Council have said about their intentions for the site. But, there is more to it than that; if the Council fail to act on what the policy says in relation to this site, and for that matter, the Clifton site, then it will very likely fail to meet its acknowledged needs. If the Council does not address those needs, then that will leave it vulnerable, on appeal, to proposals, whether they are retrospective or not, on other sites in and around York, including those within the Green Belt. There is a significant incentive, therefore, for the Council to act swiftly on what Policy H5 as modified sets out in relation to existing sites.

324. Policy H5 then moves on to deal with the provision of 28 new pitches for Gypsies and Travellers on the various Strategic Sites. As originally drafted, the policy required developers of these sites (where they cover 5Ha or more) to provide 44 pitches on-site in line with the calculator contained within the policy; provide suitable alternative land to accommodate these pitches off-site; or provide a financial contribution towards the development of pitches elsewhere. The calculator requires 2 pitches to be provided for 100-499 dwellings; 3 for 500-999 dwellings; 4 for 1000-1499 dwellings; 5 for 1500 to 1999 dwellings; and 6 for 2000 or more dwellings.

⁷⁵ And for the sake of clarity we mean a pedestrian/cycle connection NOT a road designed to take vehicular traffic

325. In the first instance, the figure of 44 pitches needs to be revised to 28 pitches to take account of the 10 pitches to be provided on existing sites, and the latest GTAA. The difficulty with the policy as originally drafted is that there is no preference expressed between providing pitches on-site, or off-site, or through a financial contribution. We can see little to choose between actual provision on-site or off-site, though we accept that the latter might be problematic given the nature of the Green Belt boundaries set as part of the Plan. However, the policy needs to make clear that financial contributions are a last resort, when on-site or off-site provision is demonstrably not possible.
326. A main modification **[MM5.23]** is necessary to secure those changes to the first three parts of the policy and allow a conclusion that it has been justified and is likely to be effective.
327. We recognise that in dealing with applications on some of these Strategic Sites in advance of the eventual adoption of the Plan, the Council might have accepted arguments that the 'financial contributions' route is acceptable on the basis that these contributions can be directed towards the expansion of the existing sites that we have referred to above. We see no real difficulty with this so long as in the longer term, the identified needs of Gypsies and Travellers are met somewhere, whether on the existing, established sites, Strategic Sites, or alternative sites. As we have set out above, if those needs are not met, and they do not have proper regard to their own policy, then the Council is clearly going to be vulnerable at appeal. We are sure the Council would want to avoid that.
328. Policy H5 as drafted then goes on to set out a list of criteria that any new (or extended) site for Gypsies and Travellers will need to comply with. The list is comprehensive and, in our view, fully justified. However, criterion vii needs to be adjusted to make clear that the size and density of pitches/plots 'have regard to' best practice guidance rather than 'adhere to' it. The latter is too strict, takes away from the ability of the Council to approach matters flexibly, and would in effect give development plan status to guidance that forms no part of the Plan. A main modification **[MM5.24]** is therefore needed for the sake of effectiveness.
329. Before moving on to Policy H6 and Travelling Showpeople, there are a number of other matters relating to Gypsies and Travellers and the Green Belt that need to be addressed. First, and we have touched on this above, is the suggestion that in drawing the Green Belt boundary tightly around the city, and outlying settlements, opportunities for sites for Gypsies and Travellers to come forward on the city, and/or other settlement, fringes, outside the Green Belt, have been unduly restricted. In response, we would say that the boundary has been drawn so tightly for very good, heritage-based, reasons. Moreover, we would observe that if the boundaries had been drawn more loosely, economic considerations would surely dictate that the fringe sites so created would be far more likely to come forward for (open market) housing than as sites for Gypsies and Travellers.

330. The second relates to the provision of what paragraph 89 of the Framework terms 'limited affordable housing for local community needs under policies set out in the Local Plan' not being seen as an inappropriate form of development in the Green Belt, and the purported failure of the (2012 or subsequent iterations of the) Framework, alongside the PPTS, to make similar provision for Gypsies and Travellers. The PPTS is very clear that traveller sites (temporary or permanent) in the Green Belt are inappropriate development⁷⁶. One can draw one's own conclusions about the reasons behind the difference of approach, but the central question is how it is to be approached in an examination of this type?
331. Our attention has been drawn to Policy H3: Rural Exception Homes in the Guildford Borough Local Plan⁷⁷ that was adopted in April 2019. This policy allows, subject to certain criteria, pitches for Gypsies and Travellers not meeting the PPTS (as it stood then) definition, in the Green Belt, as small-scale affordable housing development. We are not aware of the background to this policy, but I would note that it pre-dates the *Lisa Smith* judgment referred to above, and the latest version of the PPTS.
332. We appreciate the reasons why this question has been raised but such a policy would clearly fall foul of Government policy in the Framework and the PPTS, read alongside one another. On top of that, such a policy would not be justified in a situation where the Plan addresses identified needs through other means.
333. That brings us on to the approach of the Plan to Travelling Showpeople. This is dealt with in Policy H6 which follows a similar format, to Policy H5. First, it deals with safeguarding existing supply with reference to the existing site at The Stables, Elvington. This needs to be shown on the Policies Map. The GTAA identifies a need for 4 plots over the Plan period rather than the 3 originally identified. A main modification **[MM5.13]** is necessary to address that and to ensure the policy is satisfactorily justified.
334. The third part of the policy sets out a range of criteria for any applications for sites for Travelling Showpeople that might come forward. As with Policy H5, criterion (vii) needs to be adjusted through a main modification **[MM5.14]** so that the size and density of plots 'have regard to' best practice. This is necessary for effectiveness.
335. The Plan then continues in the supporting text to explain the Council's approach but Table 5.3 that sets out needs has been overtaken by events and in particular the *Lisa Smith* case and the subsequent changes to the PPTS. The table and the text that informs it need to be updated to reflect the latest national policy position and the findings of the updated GTAA. Moreover, the text of

⁷⁶ And the importance of the PPTS in this regard has been underlined by the Courts in the *Kingston* case (EX/CYC/134)

⁷⁷ EX/CYC/133

paragraph 5.42 needs to be replaced in its entirety to properly reflect the changes in Policy H5 relating to the process to be followed in terms of the Strategic Sites and the approach, in particular, to on-site and/or off-site provision, and/or financial contributions. This is necessary to ensure the policy and the text dovetail to give an effective Plan. A main modification [MM5.25] is necessary to secure all that.

Conclusion

336. With all those changes, we are of the view that the approach of the Plan to Gypsies and Travellers and Travelling Showpeople been properly justified.

Issue 13: Is the approach of the Plan to education in general, and the Universities in particular, justified?

337. Section 7 of the Plan deals with 'Education' with Policies ED1 to ED3 aimed at the University of York; Policies ED4 and ED5 dealing with the York St. John University; Policy ED6 directed towards pre-school, primary and secondary education; Policy ED7 covering York College and Askham Bryan College; and finally, Policy ED8 addressing community access to sports and cultural facilities on education sites.

338. As we have touched on elsewhere, this part of the Plan was the subject of a good deal of discussion during the examination that culminated in the production of a series of very helpful SoCGs that we refer to further below.

339. Policy ED1 in the submitted version of the Plan acted as a general policy for the University of York, with Policy ED2 addressing Campus West and ED3 Campus East. As drafted, Policy ED1 sought to ensure the continued development of the university by allowing a range of uses to be brought forward on the campuses. These uses included academic, teaching, research and continuing professional development uses; housing for staff and students; arts, cultural and social facilities ancillary to higher education uses; conferences; knowledge based businesses including research led science park(s); and any other uses ancillary to the university, including support services for the other uses identified.

340. The policy then continues with a reference to student housing the need for which is to be addressed on campus in the first instance. In assessing need, consideration will be given to the capacity of independent providers of bespoke student housing in the city and whether it is economically prudent to provide additional student accommodation.

341. Policy ED2 in the initial draft of the Plan deals with Campus West. We saw from our site visit that this campus is of a very high standard of design with an attractive fusion of high-quality modern architecture in an attractive landscape

setting. With that in mind, the initial version of Policy ED2 sought to maintain the character of the campus by restricting proposals for extension and/or redevelopment of existing buildings, and the provision of new buildings, through a set of parameters including a restriction of the developed footprint of the site to 23%; building heights; the conservation and enhancement of the landscape; a limit on car parking; retention of the cycle and pedestrian network and access to buses; and a restriction on student housing to no less than 3,586 bed spaces, unless the spaces are re-provided on Campus East.

342. Policy ED3 in the Plan as drafted then refers to Campus East. This is a relatively new expansion of the university which is subject to a grant of outline planning permission and a Design Brief. Again, we saw that it has resulted in a developing campus of high architectural and parkland landscape quality. As drafted, Policy ED3 supported this developing campus alongside further expansion on to Strategic Site ST27, that we have referred to elsewhere.
343. It permitted development for the uses in Policy ED1 within set parameters. These parameters include a limit on the developed footprint to 23% of the 65Ha allocated for development; a total of 1,500 car parking spaces; maintenance of a parkland setting; additional student housing as shown to be necessary; and an annual student accommodation survey. The policy then continued with reference to Strategic Site ST27 being aimed at delivering up to 25 Ha of B1b (as was) knowledge-based businesses including research led science park uses with an appropriate landscaped buffer between the site and the A64 to mitigate heritage impacts on the city as a whole, and to maintain key views. All this was to be covered by a development brief.
344. The essential issue with this overall approach is that having set the start point Policy ED1 as drafted was seeking to ensure the continuing development of the university, which is clearly going to benefit the city economically and socially. The remainder of that policy, and Policies ED2 and ED3 that follow, place such restrictions on that continuing development that the economic and social benefits would be stunted, at best. Moreover, the 23% footprint restriction is/was a very blunt tool that could serve to stifle good design and lead to the inefficient use of land. This inefficiency would be especially problematic on Strategic Site ST27 which, in effect, is being taken out of the Green Belt. This land needs to be used efficiently or else there is likely to be increased pressure to take more land out of the Green Belt in the future to deal with the needs of the university. We deal with this and the subject of 'safeguarding land' below.
345. In response to the concerns expressed about this suite of policies, the Council engaged with the university and a fruitful exchange took place that culminated in the production of a SoCG⁷⁸ that we have already referred to above. This SoCG contains an agreement that the future success of the university is very important

⁷⁸ EX/SOCG/23

to the future economic and cultural life of the city; and that the Plan should provide an appropriate policy context to facilitate the reasonable growth requirements of the university in the Plan period, including the need for student accommodation. With those points in mind, and at our behest, the Council undertook to revisit Policies ED1, ED2 and ED3⁷⁹ and remove the 23% built footprint limitation. This resulted in these three policies being rewritten.

346. The revised Policy ED1 sets out the sorts of uses that will be permitted on the University campuses. Broadly, these repeat those in the previous iteration of the policy but importantly, the approach to businesses is widened with research/knowledge-based businesses, including university-led collaboration projects with industry being permitted. The redrafted policy goes on to say that the university must address the need for additional student housing that arises from the expansion on campus in the first instance and if that is not possible off campus in line with Policy H7 (that we deal with below).
347. Further, the redrafted policy sets out some principles for the development of Strategic Site ST27 that include the need for a development brief; a heritage impact assessment; integration with the existing campuses in character and open space terms; landscaping; student housing capacity; the need to make efficient use of land; and appropriate transport connections.
348. Finally, the redrafted policy makes clear that facilities for sport and essential supporting operations may be located in the surrounding Green Belt, if they can be found to be not inappropriate. We recognise that the university is concerned that this might be somewhat limiting but the approach accords with the Framework. For our part, we consider that the provision of appropriate facilities for outdoor sport and/or recreation could include small-scale changing facilities and external lighting but, in any event, these facilities would need to be considered through planning applications that would be considered against Policy GB1, that we deal with below.
349. Unlike its predecessor, this rewritten version of Policy ED1 is positively prepared in striking an appropriate balance between the needs of the university against the need to protect the campus environments, while allowing the contribution the university makes to the economic and social well-being of the city to flourish. These main modifications to the policy **[MM7.1]** are necessary for its justification and effectiveness, and to make the Plan overall sound.
350. The supporting text to Policy ED1 needs to be augmented to reflect the changes set out above. In particular, more clarity is needed about the role of the University of York in the city with reference to national growth strategies; the priorities of the Local Enterprise Partnership; the York Economic Strategy; and the contribution expansion will make to the overall vision of the Plan which is

⁷⁹ Alongside Policy SS22 that deals with Strategic Site ST27 covered elsewhere in this report

based around securing economic growth. A main modification **[MM7.2]** is necessary to secure this additional text.

351. Further, additional text is required to explain (in brief) the heritage significance of Campus West, the way in which the development of Campus East has been approached in design terms, and the areas that future development briefs will need to cover. In terms of student housing new text is required to address the annual student housing survey that forms part of the policy, and to make clear that if the survey demonstrates unmet need in excess of 50 bedspaces, then the university will be required to bring forward plans to provide additional accommodation on-site as a priority, or off-site in line with Policy H7. This all requires a main modification **[MM7.3]**.
352. The revised Policy ED2 takes a permissive approach to development at Campus West, subject to the strictures of Policy ED1, and some additional requirements relating to the need to retain the overall parkland setting and design integrity of the campus; the need for care in relation to building heights; the maintenance and expansion of cycle and pedestrian links; and a limit on general car parking to 1520 spaces. Alongside Policy ED1 as modified, this revised policy ED2 is positively prepared in reaching a sensible balance between the needs of the university and the importance of Campus West as a heritage asset. A main modification **[MM7.4]** is necessary to secure these changes to the policy. Moreover, additions are required in the explanatory text to reflect the change in approach **[MM7.5]**.
353. In a similar vein, the proposed modification of Policy ED3 takes a broadly similar permissive approach to development at Campus East, subject to the overarching Policy ED1. It requires the delivery of research/knowledge-based uses on the campus and its extension (Strategic Site ST27) in line with Policy EC1; an appropriate approach to transport facilities, including pedestrian/cycle facilities in and around the sites; and a limit on car parking spaces of 1500. All this is necessary in order to allow a reasonable balance to be reached between economic and environmental considerations and requires a main modification **[MM7.7]**. Further text needs to be added in support of the policy to refer to the knowledge-based cluster, a development brief, and Policy SS22 (that relates to Strategic Site ST27), and to explain the limit on car parking. Again, a main modification **[MM7.8]** is needed to secure these additions.
354. The original draft of the Plan included as Figure 7.1 a map of the University of York showing Campus East, Campus West, and what it terms a 'proposed extension'. This latter reference is to Strategic Site ST27. This map lacks the detail necessary to properly support Policies ED1, ED2 and ED3 as modified, and it needs to be replaced **[MM7.6]** with a more appropriate Figure 7.1 based around an aerial photograph that shows the confines of the University of York and Strategic Site ST27 more clearly.

355. That leads us on to one final point in relation to the University of York which relates to the potential need to safeguard land. In the SoCG with the Council⁸⁰, the university proposes that an area of land to the west of Strategic Site ST27, amounting to 9.9Ha be identified as safeguarded land so as to enable the inner boundary of the Green Belt to endure well beyond the Plan period. The Council does not accept that this is required. We agree with the Council on this point.
356. Elsewhere in the SoCG the university accepts that Strategic Site ST27, together with the prospect of further development on the existing campuses, is sufficient to accommodate the probable future development needs on the university in the Plan period. The end of the Plan period (2033) is some way off and on that basis, we consider that it would be somewhat premature to safeguard land beyond what has already been allocated. Moreover, there would be a concern that the 'comfort' offered by the safeguarded land might lead to less efficient use being made of the allocated site than might be achieved.
357. It would be far better, in our view, to wait and see how Strategic Site ST27 proceeds before making decisions of this type. After all, the Council is under an obligation to review its Plan before 2033 and if Strategic Site ST27, alongside other opportunities, turn out to be insufficient for the needs of the University, then a further allocation to the west of Strategic Site ST27, and a change to the Green Belt boundary, could be considered at that time.
358. As we have alluded to above, Policies ED4 and ED5 in the Plan as submitted deals with York St. John University and its potential expansion. The main teaching campus of York St. John University is at Lord Mayor's Walk, on the northern edge of the city centre. It also has a sport campus at Haxby Road Sport Park, north of the city centre.
359. Policy ED4 in the Plan as drafted deals with the Lord Mayor's Walk campus. In the first instance the policy takes a permissive approach to development and redevelopment on the campus provided that it is limited to higher education and related uses, and that its design is contextually appropriate. The policy then goes on to address student housing needs. The university is expected to address any needs and to meet any shortfall off campus but in locations near to the campus.
360. The Council and York St. John University had productive discussions that resulted in the production of a SoCG⁸¹. No concerns were raised about the approach of Policy ED4 as originally drafted and we agree that the policy is sound. The university did however express some concern about the approach of Policy ED5.

⁸⁰ EX/SOCG/23

⁸¹ EX/SOCG/14

361. Policy ED5 is concerned with the further expansion of York St. John University. As drafted, the policy allocates land for sports uses on land at Northfield, on Haxby Road, near to the Sports Campus, and student housing at Heworth Croft but contains little in the way of detail – this having been relegated to the supporting text. Following discussion with the University, the Council proposed the expansion of the policy to bring these parts of the supporting text into the policy thereby giving more clarity. In principle, this change is necessary to give the policy its proper effect.
362. Dealing with the Northfield site first of all, it is proposed for inclusion in the Green Belt. However, the expanded Policy ED5 allows for a range of sports and related uses where they are consistent with Policy GI5 (that we deal with elsewhere in this report) and relevant Green Belt policies. This range includes outdoor sports facilities; together with associated car and cycle parking; appropriate indoor sports facilities; and other outdoor recreational activity.
363. Paragraph 89 of the Framework treats the provision of appropriate facilities for outdoor sport and recreation in the Green Belt as not inappropriate so long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Even bearing in mind that there are sports fields at Northfield at present, these are largely open, so it is difficult to see how outdoor sports facilities, with associated car and cycle parking, and in particular, indoor sports facilities, which might well involve a large building, could be found to preserve openness. Moreover, they would conflict with the purposes of including land in the Green Belt notably checking the unrestricted sprawl of large built-up areas; and safeguarding the countryside from encroachment.
364. These facilities, allowed for by Policy ED5 as expanded, would almost certainly be found to be inappropriate development in the Green Belt. If then the Northfield site remains in the Green Belt, as the Council proposes, then it seems to us that if Policy ED5 as rewritten is to have any effect, then the university would need to show very special circumstances to justify the expansion the policy allows for. That, it seems to us, is not a policy that can be said to be positively prepared, justified, or effective.
365. In the SoCG agreed with the Council, York St. John University raise concerns about this situation, and they are concerns that we share. If Policy ED5 whether in its original form or as rewritten is to have any effect, then the inner Green Belt boundary needs to exclude the Northfield site from the Green Belt. We cover this matter earlier in my report in dealing with the inner Green Belt boundaries. If this adjustment is made, then the approach taken to the Northfield site in the rewritten Policy ED5 can be said to be positively prepared, justified, and effective. The reference in the policy to 'and relevant Green Belt policies' would also have to be removed but that is a consequence of what we set out above.

366. The second strand of Policy ED5 as redrafted refers to land at Heworth Croft allocated as Site SH1. There is no issue with the allocation in principle but the policy needs to make clear that it will be permitted subject to the requirements of other policies in the Plan, notably Policies H7, ENV4 and GI6 (all as amended), and provided that the layout ensures that residential uses are placed on the areas of the site at the least risk of flooding, and the associated open space is positioned on the flood plain. Moreover, account needs to be taken of the potential impact of development on the setting of the adjacent Heworth Green/East Parade Conservation Area. These additions are necessary to ensure that the policy overall is justified and effective.
367. Bringing these points together, a main modification **[MM7.9]** is necessary to secure these additions to the policy, and others are needed **[MM7.10 MM7.11]** to ensure that the supporting text properly reflects the policy it underpins. In particular, there needs to be a reference to the number of bedspaces that might be accommodated on Site SH1.
368. As set out, Policy ED6 then deals with pre-school, primary and secondary education provision while Policy ED7 refers to York College and Askham Bryan College. As drafted, the policy supports the continued success of these colleges, including any further expansion of their teaching, administration, research operations, and student accommodation. We heard that Askham Bryan has particular pressures, with students being forced to travel long distances to reach the campus. We have no issue with any of that here, because the continued success of these establishments will be an integral part of the economic development of the city that the Plan seeks, but it does have implications in terms of the setting of Green Belt boundaries. We deal with those implications above.

Conclusion

369. With the changes set out, and consequent adjustments to Green Belt boundaries that we have already referred to, we find that the approach of the Plan to education in general, and the Universities in particular, is justified.

Issue 14: Is student housing dealt with effectively by the Plan?

370. Following on from that is the need to address student housing. Before we address Policies H7 and H8 directly, there are some general points to be made. The Council rightly acknowledges the significant contribution York's universities and colleges make to the economic and cultural well-being of the city. That significant contribution brings with it an attendant student population.
371. As with other university towns and cities, we are sure there are occasions where the exuberance of that student population causes issues for others. In simple terms, the massive contribution universities and colleges make to the city

comes with some inherent consequences. It is the role of policy to seek to control those consequences, as far as is possible, but a careful balance needs to be struck between providing some control while allowing, at the same time, the universities and colleges to thrive.

372. In the Plan as submitted, Policy H7 deals with student housing in general terms with a reference to allocation SH1 that we cover in detail above, and a series of criteria that proposals for new student accommodation would be considered against, including matters around need, location, accessibility, the living conditions of adjacent occupiers, design and access. Reference is also made to the use of planning conditions to ensure proper management of the accommodation in the interests of those who live nearby, and to ensure that the accommodation is actually occupied by students.
373. Matters moved on during the examination in a number of ways. In the first instance, the policies relating to the University of York, that we have covered above (Policies ED1 to ED5) bring forward a preference for provision to be made on campus, with off campus accommodation only to come forward in certain circumstances. In view of its city centre location, York St. John University is only able to provide accommodation off campus and Site SH1 has been allocated for that purpose.
374. Accommodation for the University of York on campus can be dealt with through the specific policies directed at that institution. Similarly, SH1 is dealt with under Policy ED5. In that context, it is clear that Policy H7 needs to direct itself towards purpose-built student housing, off-campus. That needs to be reflected in the title of the policy and the first part of the policy needs to include an approach to its provision that is consistent with the ED suite of policies.
375. A reference can be made to the SH1 allocation but the criteria for other schemes that might come forward need attention. First, criterion (i) must make clear that a need must be demonstrated for any student housing proposed that cannot be met on campus. Criterion (ii) can deal with locational and accessibility points but then a new criterion (iia) is necessary, for reasons that we deal with below, to ensure that the rooms in the development are secured through a nomination agreement for occupation by students of the University of York and/or York St. John University. Criterion (iii) should then deal with the need to consider the living conditions of adjoining residents, and design and access arrangements and then a new criterion (iv) is needed to make clear that the accommodation can only be occupied by full-time students enrolled in courses of one year or more and that this will be dealt with through conditions and/or obligations, alongside proper management of the properties.
376. That then brings us on to the main difficulty with Policy H7 as drafted. We have recorded elsewhere in this report the disappointing situation the city finds itself

in relation to the provision of affordable housing. We heard that there has been a glut of speculative student housing provided in the city in recent times. This student housing has been brought forward without having to make provision for affordable housing, whether directly, or through financial contributions, and as a result of that, student housing has proved much more viable on many sites in the city than a combination of market and affordable housing.

377. In the situation the city finds itself in, and our own findings about the length of time addressing the enormous shortfall in affordable housing will take, that economic advantage that has been enjoyed by student housing simply has to be removed. If it is not taken away, then the delivery of affordable housing will continue to be avoidably stifled and it would be difficult to find the Plan overall sound in that situation.
378. On top of that, we have heard that occupation of this student housing has proved difficult to control, and has, at times, been used by people who cannot genuinely be described as students. It is for that reason that Policy H7, if it is to prove effective, needs to include provision for nomination agreements so that occupation by students of the universities can be assured.
379. More than that though, Policy H7 needs to remove the economic advantage enjoyed by PBSA providers thereby ensuring a 'level playing field' with providers of market and affordable housing in and around the city. To that end, the policy needs to be modified by the addition of a mechanism by which new student accommodation must provide a per student bedroom financial contribution towards the provision of affordable housing elsewhere in the city, based on a formula related to average York property prices, and a multiplier of the average York Retail Price Index.
380. The policy as modified can then include provision for no contribution to be paid where the site is university owned and is to be used by the same university. Such a proposal would not be a speculative one. Moreover, the policy can provide for an open-book financial appraisal where a developer considers that the full contribution cannot be paid. Finally, wording is needed to address the potential for circumventing the policy by artificially subdividing sites, or by making inefficient use of land.
381. Unsurprisingly perhaps, these changes to Policy H7 have drawn some comment. In the first instance, if an institution has to demonstrate a 'need' to develop student housing off-campus, then we see no difficulty with a nomination agreement, especially when the purpose of that requirement, in part at least, relates to the need to inhibit the supply of speculative student housing in order to maximise, as far as possible, the amount of affordable housing that the Plan can deliver.

382. Similarly, we see no difficulty with the restriction in the policy to occupation by full-time students. A part-time student would be in a different economic situation that might well provide access to different forms of housing. Control over those who occupy the student accommodation that comes forward is necessary to ensure that it only comes forward when it is needed. Otherwise, it may have a tendency to suppress affordable housing.
383. That tendency is the reason why the policy must include provision for financial contributions. If that restricts the ability of PBSA providers, and levels the playing field between housebuilders and PBSA providers, then we regard that as a benefit. Moreover, it is a benefit that is needed for a finding of soundness in relation to the Plan overall. In any event, the Council's evidence⁸² is that these financial contributions are unlikely to have an undue impact on the development viability of off-campus student housing, and ought to have no direct effect on the rental charges for eventual occupiers.
384. Put very simply, if the policy as modified makes it more difficult to bring forward student housing off-campus, on sites that might otherwise provide housing and/or affordable housing, then the modification will have achieved its aim.
385. Bringing those points together, a main modification **[MM5.17]** is necessary to make this policy effective, and the Plan overall sound. Attendant changes **[MM5.18]** are needed too to the explanatory text.
386. Policy H8 addresses houses in multiple occupation (HMOs) and sets out a series of criteria against which applications for a change of use from a dwelling to a HMO will be assessed. We understand that, like in many university towns and cities, some HMOs are prone to cause problems for adjoining residents, particularly where an area has a surfeit of them. That said the policy and the supporting text sets out very clearly the Council's approach, with reference to Article 4 Directions and the Council's 'Controlling the Concentration of HMOs' SPD. We are content that, alongside the approach to student accommodation off- and on-campus rehearsed above, this provides the Council with the necessary tools to control HMOs.

Conclusion

387. With those changes we are able to conclude that the Plan deals with student housing in a way that will be effective.

⁸² EX/CYC/107/3

Issue 15: Does the Plan address transport and traffic and the implications of development in an effective way?

388. Section 14 of the Plan deals with transport⁸³. Before we move on to the specific policies, there are a number of principles that need to be set out to provide a context for what follows.

389. Paragraph 15.15 and Table 15.1 in the Plan as submitted, include details of likely trip generation as a result of the Plan's development ambitions but more recent modelling, carried out during the course of the examination, means that these figures need to be adjusted downward – the predicted volume of traffic on the highway network overall could increase by 15% (rather than 20%) meaning an extra 6,500 trips (rather than 7,000 trips) in each peak. Those changes do not lead to any consequential change to the predicted increase in travel time across the network (30%) and the increase in network delay (55%).

390. However, it is very important that this increased delay projected on the network should not be considered against 2019 base values, as shown in Table 15.1 of the Plan as submitted, but against the traffic impacts of alternative development scenarios for the city, on the basis that some development and population growth will happen in future with or without an adopted Plan. A main modification **[MM15.3]** that we cover below is necessary to address the consequential replacement of Table 15.1. It is of fundamental importance that the transport-related policies that we deal with here, and indeed the whole Plan, is understood in this way.

391. It is fair to say that the way the city has approached its Strategic Sites will place more demands on existing arterial routes into and out of the city. However, the approach of the Plan is to reduce the impact of additional traffic, as far as possible, by providing real choice in transport modes. It is surely better that development is planned in a way where these impacts can be managed and mitigated.

392. Section 14 introduces the approach of the Plan to transport and paragraph 14.2 notes the important role transport policies play in contributing to development that is sustainable. It also notes the importance of giving people proper choices in relation to transport modes, but this could be augmented to reflect that such choices can enable development to come forward in a way that reduces environmental impact.

393. Further, events have moved on during the examination and the Council is preparing a new Local Transport Strategy, informed by the Local Plan, that seeks to maximise sustainable transport use in and around York. It is intended

⁸³ It also deals with communications (in the sense of the mobile 'phone network and broadband) but we have covered this elsewhere in the report

to act as a bidding document to secure further funding from Government. We heard that the city has been successful in securing funding for electrifying a good part of its bus fleet and this is a clear signal of intent. This Local Transport Strategy is to be supported by a number of implementation documents including a Bus Service Improvement Plan, designed to achieve an even better service, and a Local Cycling and Walking Infrastructure Plan aimed at providing effective walking and cycle routes further widening the choice for residents.

394. It is necessary for these various matters to be referenced in the Plan in order to provide an accurate background to the policies, and to assist in effectiveness terms. A main modification **[MM14.1]** is required to bolster paragraph 14.2 and to add in new paragraphs 14.3a and 14.3b.

395. Policy T1 that follows is entitled 'Sustainable Access'. It says that development will be 'supported' where it minimises the need to travel and provides safe, suitable, and attractive access for all transport users, including those with impaired mobility, such that it maximises the use of more sustainable transport modes. In the first instance, the term 'supported' is ambiguous and for clarity, needs to be replaced with 'permitted'.

396. A series of criteria are then set out how this is to be achieved. These are broadly well derived, but criterion b(i) needs to ensure that there is safe and appropriate access to the adjacent adopted highway for motor vehicles, and pedestrians and cyclists. This addition is needed to make the requirement plainer and to achieve effectiveness thereby.

397. The next part of the policy deals with public transport and its relationship with development. As drafted the policy says that for all development, public transport services should be within reasonable safe walking distance of all parts of the development.

398. The last part of the policy recognises that some forms of development will not be able to meet these criteria, and that some larger developments – the Strategic Sites for example – might need to go further. These provisos are necessary, but it seems to be they would find a better home in the explanatory text, as an addition to paragraph 14.4, as opposed to forming part of the policy itself. Main modifications **[MM14.2 MM14.3]** are required to address those points and give Policy T1 an effective basis.

399. Policy T2 is aimed at strategic public transport improvements. As drafted, this policy sets out the Council's short-term, medium-term, and long-term ambitions for various improvements to the public transport network in and around the city. This approach has been superseded by the Council's Infrastructure Delivery Plan, and the Bus Service Improvement Plan. As such, the policy needs an alteration in order to bring it up-to-date and make it effective. It needs to make

direct reference to the Infrastructure Delivery Plan and the Bus Service Improvement Plan and the programmed electrification of up to two-thirds of York's bus network.

400. The policy then needs to make clear that the Council will enable, and where appropriate require development proposals to contribute to a series of projects, included in the Infrastructure Delivery Plan, and linked to the overall spatial strategy enshrined in the Plan. These include: expanded and improved bus services across the city including elements of Bus Rapid Transit services to connect Strategic Sites ST15 and ST14 to the city centre; the expansion and improvement of Park and Ride services to reduce pressure on the road network; highway enhancements and traffic restraint measures in the city centre to assist with the reliability of public transport services; and rail and accessibility improvements including improvements to the interchange at York Station, and the provision of a new station at Haxby. These updates to the policy itself then need to be reflected in the supporting text.
401. Main modifications **[MM14.4 MM14.5]** are necessary to bring the policy up-to-date and to ensure it is effective.
402. Policy T3 is directed at York Railway Station and associated operational facilities. Broadly, this policy is soundly based but a number of changes are needed within the policy for the purposes of clarity. A main modification **[MM14.6]** is required to secure these adjustments and to give the policy a properly effective basis.
403. Capacity improvements to the strategic highway network in the short-term, medium-term, and long-term are the subject of Policy T4. Changes in circumstances during the course of the examination have made necessary updates to the timescales set out in the policy. In particular, the long-term projects that the Council is requiring developers to support, need to be expanded to take in the new access from the A64, including a grade separated junction, to serve Strategic Site ST15 (previously a medium-term project). The dualling of the A1237 referred to needs to be expanded to make clear that this is between the A64 Askham Bryan junction and the A19 Shipton Road junction. Finally, reference needs to be made to improvements necessary to the A64 to mitigate and accommodate trip growth.
404. On top of that, the policy needs to make direct reference to the Council's Infrastructure Delivery Plan and indicate that this will be kept under review during the Plan period.
405. A main modification **[MM14.7]** is necessary to bring this policy up-to-date and give it an accurate, and thereby effective, basis.

406. Following on from that, Policy T5 deals with strategic cycle and pedestrian network links and improvements. Like the preceding policies, as drafted, this policy sets out a series of short-term, medium-term, and long-term projects that the Council envisages. This approach has been superseded by the new context for cycling schemes, notably LTN1/20: Cycle Infrastructure Design and the need for Councils to produce Local Cycling and Walking Infrastructure Plans. With that in mind, the policy should be simplified so that it refers to the Council's emerging Local Cycling and Walking Infrastructure Plan, and to set out that the Council will enable and require development to contribute to the improvement and expansion of the strategic cycle network across the city; improvements to the pedestrian network including public realm enhancements and where possible, widened pavements; and new pedestrian/cycle bridges across waterways, including the River Foss. A main modification **[MM14.8]** is required to make those changes and give the policy an effective basis.
407. That is followed by Policy T6 which addresses development at or near public transport corridors, interchanges, and facilities. The policy is permissive of development close to existing or proposed public transport interchanges subject to a range of criteria aimed at ensuring the operation of the interchange remains efficient. First the policy needs to be expanded to refer to high-frequency public transport routes as well as public transport interchanges and the various criteria need to be adjusted to reflect that some considerations, like the historic or natural environment, or the Green Belt, are addressed elsewhere in the Plan.
408. The policy also refers to the need to protect disused public transport corridors for potential future use, but this part of the policy needs to be adjusted to make it clearer in terms of the sort of facilities it is aimed at – former railway lines.
409. A main modification **[MM14.9]** is needed to address those adjustments and make the policy effective.
410. Policy T7 covers the minimisation and accommodation of trips generated by development and the policy itself is sound as drafted. However, the explanatory text is rather loose in the way it covers the need for Transport Statements or Transport Assessments accompanying planning applications. It needs to be made clear that a Transport Statement will be required alongside proposals for major development, and a Transport Assessment will be required for any development projected to generate 30 or more peak hour trips. The text needs to make it plain too that there might be situations (for example sites that are sensitive in heritage terms or where there is already high congestion) where proposals that fall below those thresholds will generate the need for a statement or assessment. A main modification **[MM14.10]** is needed to address all that and to ensure that the policy is properly supported.

411. Demand management is the subject of Policy T8. This needs to be altered to remove the reference to the Council's Parking Standards and 'Sustainable Transport for Development' SPD which have been superseded. The policy needs instead to set out that development proposals should have regard to the Council's latest parking standards, and incorporate demand management measures that reduce congestion, improve public transport journeys, and ease pedestrian and cycle access. That gives the policy a more effective basis and a main modification **[MM14.11]** is needed to bring the change about.

Conclusion

412. As modified, the Plan will address transport and traffic, and the implications of development, in an effective way.

Issue 16: Is the approach of the Plan to retail-linked development in accordance with national policy and likely to be effective?

413. The retail policies of the Plan are dealt with in Section 4 which deals with 'Economy and Retail'. To allow this report to follow a logical structure, we have dealt with the policies relating to the economy element of that (Policies EC1 to EC5) elsewhere in this report.
414. Policy R1 sets out the retail hierarchy and the sequential approach to that. As drafted, it is broadly in accordance with national policy as expressed in the Framework but some adjustments are necessary. The policy opens by expressing the need to ensure that the vitality and viability of the city centre, district and local centres, and neighbourhood parades are maintained and (where possible) enhanced. The existing network of centres is to form the focal point for uses, services, and facilities serving the surrounding population with the scale, character, and role of centres defining their position in the hierarchy overall. That hierarchy is then set out as York City Centre; District Centres; Local Centres; and Neighbourhood Parades. The policy then goes on, following the path of national policy, to set out that any (retail) proposals outside the City Centre, or District and Local Centres will be subject to Policy R4 that we come on to below.
415. All that closely follows national policy but the suggestion in the policy that main town centre uses will be directed to the City Centre and District and Local Centres, and in accordance with other Local Plan policies in relation to specific uses is problematic. The latter part of that sentence, after Local Centres, needs to be removed because it instils some ambiguity that is not present in national policy.
416. Moreover, to bring the policy properly into line with the national policy approach, an addition is needed to make clear that proposals for main town centre uses

outside an identified centre should be subject to a sequential test to identify why it cannot be accommodated in a sequentially preferable location.

417. The policy then goes on to say that proposals for main town centre uses outside a defined centre must be subject to an impact assessment where the floorspace of the proposals exceeds certain thresholds – 1500 square metres gross outside the city centre; 500 square metres gross outside a District Centre and greater than 200 square metres gross outside a local centre. Those thresholds are reasonable, subject to the way they bear on the Strategic Sites, but the policy requires additional text to make it clear that these thresholds will be applied to applications for the variation of conditions.
418. In relation to the Strategic Sites, it would be a clear benefit in terms of minimising trip generation if some retail development came forward upon them. To that end, additional text is required to make it abundantly clear that where new retail development is proposed as part of the development of a Strategic Site, then this will not be subject to an impact assessment, providing the provision is of a scale designed to meet the day-to-day shopping needs of residents on the site.
419. A main modification **[MM4.9]** is needed to address all that and make the policy consistent with national policy, and effective.
420. Policy R2 then deals with proposals in District and Local Centres and Neighbourhood Parades. The policy as drafted is broadly in accordance with national policy but contains text that says that development proposals for main town centre uses outside defined District and Local Centres that would have a significant impact on the continued or future viability of a centre, will be refused. That is unnecessary because it is covered by Policy R1. A main modification **[MM4.10]** is required to remove that text.
421. Policy R3 deals with York City Centre retail in a manner that is consistent with national policy. However, the policy as drafted contains references to use classes that have changed in the course of the examination. These need to be corrected. Moreover, in relation to secondary frontages, the policy maintains that changes to non-retail use at ground floor level will be 'considered favourably' subject to a range of criteria. This phrase is rather ambiguous and must be replaced with 'permitted'. A similar situation arises in the part of the policy that deals with Primary Shopping Areas where the term 'supported' needs to be replaced with 'permitted'. A main modification **[MM4.11]** is required to bring these changes about and make the policy effective.
422. Policy R4 then deals with what it terms 'Out of Centre Retailing' in a way that properly reflects the sequential approach in national policy.

Conclusion

423. With those changes, we conclude that the approach of the Plan to retail development is in accordance with national policy and likely to be effective.

Issue 17: Does the Plan deal with Health and Wellbeing in a fashion that is reflective of national policy and effective?

424. Section 6 of the Plan relates to Health and Wellbeing. The Council says, laudably, that it is their ambition for all residents to have the best possible physical and mental health throughout the course of their lives. The various policies in Section 6 are designed to ensure access to good healthcare and leisure facilities through the built environment and to make the most of the opportunities the planning system provides to influence residents' outcomes, alongside other policies in the Plan.

425. Against that background, Policy HW1 is directed towards the protection of existing community facilities. These are defined in the supporting text as the buildings, facilities and services that meet the day-to-day needs of communities and may include libraries, post offices, community meeting places, places of worship, and parish and village halls. The text makes clear that the list is not intended to be exhaustive, but it seems to us that it would be most appropriate, in the interests of clarity, to ensure that public houses are considered to be community facilities. A change to the supporting text is required to make that point and a main modification **[MM6.2]** is so required.

426. Turning to the policy itself, as drafted it lacks clarity in a number of areas. Given the direction of the policy it does not need to say, at the outset, that the Council will work with local communities and voluntary sector organisations to help preserve and re-use existing community assets. That part of the policy should be deleted. As drafted the policy says that development proposals involving the loss of community facilities will not be supported unless it can be demonstrated that certain conditions are met. Given the Council's starting point, that is the wrong way around; the policy needs to set out the situations where the loss of such a facility would be tolerated, with a reference to exceptional circumstances. In that way, it would be positively prepared.

427. The policy then goes on to list those exceptional situations where the loss of such a facility will be accepted. First is where facilities of similar capacity and quality are provided elsewhere on the site in question. The second refers to replacement provision off-site, in broad terms, but it needs to make clear that this will only be acceptable if on-site provision is not possible, and that the replacement, off-site provision must be equally accessible, well served by public transport, and easy to reach by walking or cycling. The third qualification relates to whether the facility in question still serves a community function and cannot be adapted to meet other community needs. This needs to be strengthened to

ensure that robust evidence is required to demonstrate redundancy, and further adjusted to deal with the situation where a facility might be surplus to requirements. The fourth criterion refers to commercial facilities and the question of financial viability. A reference is needed to deal with marketing and the lack of any market interest. The final part of the policy deals with consultation between developers and the local community, and the need to demonstrate how replacement provision might be secured. This latter part of the policy needs to be strengthened with a reference to planning obligations.

428. A main modification **[MM6.1]** is required to put all that in place and on top of that, others **[MM6.3 and MM6.4]** are needed to ensure that the explanatory text properly reflects the terms of the revised policy.
429. Policy HW2 covers new community facilities. It is directed at strategic residential developments in the first instance but covers any development that places additional demands on existing services, expecting those demands to be met through the proposal. As drafted the policy is a little ambiguous on whether those demands are to be met on- or off-site and additions are required to make plain the circumstances where off-site provision might be accepted. Further to that, the policy also deals with the provision of new community facilities that are not linked to other forms of development. This needs to be clarified to ensure that the policy covers new or expanded community facilities. All these changes are required to ensure the policy functions effectively and are the subject of a main modification **[MM6.5]**. On top of that, an element of the policy as drafted, that relates to population growth and demographic change, and the need for new facilities, is best moved to the supporting text. A main modification **[MM6.6]** is needed to facilitate this.
430. Existing and new built sport facilities come under the ambit of Policy HW3. The policy, as drafted, begins with a statement of the supportive stance taken to built sport facilities in general and then explains that additional demands on existing facilities resulting from development will need to be addressed. In terms of strategic sites, those additional needs are expected to be met on-site where possible. In terms of off-site provision, the policy requires adjustment to deal with the situation where off-site provision might be the better solution, and to deal with accessibility. Moreover, the policy needs to explain that applications for strategic residential development should include an audit of existing built sports facilities and their capacity.
431. The policy then goes on to deal with the potential loss of existing built sports facilities and the exceptional circumstances where such a loss might be tolerated. The three criteria in the policy as drafted need to be expanded in the interests of clarity and a further criterion is necessary to deal with the situation where the proposal that would lead to the loss of an existing facility is a new built sports facility. Finally, the policy directs itself to new or expanded built

sports facilities. The draft needs to be adjusted to express strong support for such proposals and to deal with the nature of uses proposed.

432. A main modification **[MM6.7]** is needed to put all that in place and a further one **[MM6.8]** becomes necessary to reflect the changes to the policy in the supporting text.

433. The Plan then goes on to address childcare provision which is the subject of Policy HW4. The policy begins with a broadly supportive statement, but it is somewhat ambiguous in its drafting and needs to be adjusted to make clear that proposals for new or expanded childcare provision where that helps to meet the city's needs, will be supported. Like the preceding policies, Policy HW4 then goes on to deal with strategic sites and the need to address the additional demand created, if it is not already catered for. To that end, references are required in the policy to the potential for new provision on-site, or to meeting needs through planning obligations. The policy then goes on to deal with existing childcare facilities and the manner in which their potential loss will be dealt with. Adjustment is required to make sure the policy approaches the question in a positive manner, that is setting out where such a proposal will be supported. Also, changes are needed to address the potential for alternative provision and the means of securing that replacement provision. All that, alongside the deletion of some unnecessary text dealing with understanding needs can be achieved through a main modification **[MM6.9]**.

434. Policy HW5 is aimed at healthcare services and as drafted deals with Primary Care and Secondary Care separately. That is unnecessarily complex, and the policy should be reconfigured to deal with these two aspects, and the need to address increased demands, as well as protect existing facilities, together. A main modification is necessary to achieve that **[MM6.10]**. Reference is also made in the policy to York Teaching Hospital NHS Foundation Trust, and the Tees, Esk and Wear Valley NHS Foundation Trust and the Council's support for the redevelopment and expansion of the former, and the relocation of the latter. Some adjustments are required to the policy to address the Travel Plan needed for the former, and some more minor wording corrections. A main modification is necessary **[MM6.11]** to deal with those points and the supporting text requires adjustment **[MM6.12]** to provide more clarity on the question of catchment areas.

435. The Plan addresses emergency services through Policy HW6. As drafted, alongside support for the development of new facilities, the policy adopted the 'Hub and Spoke' model used by the Yorkshire Ambulance Service NHS Foundation Trust. The idea of this model is that ambulance services would be stationed closer to areas of demand. To that end, the policy, as drafted, directs provision to those strategic housing sites that would lead to the required level of demand, alongside details of what the facilities might be, and where they would need to be located. However, further discussion with the Yorkshire Ambulance

Service has confirmed that this model is no longer favoured and, on that basis, areas of the policy as drafted need to be deleted. A main modification [MM6.13] is necessary to achieve that.

436. The final policy in Section 7 of the Plan is Policy HW7 that talks about 'Healthy Places'. It includes a series of principles that aim to ensure that new residential developments are designed in a way that support healthy lifestyles; something strongly supported in the Framework. These principles need to be expanded to include the incorporation of formal and informal play spaces and outdoor gyms to encourage all age groups, to ensure that people with different degrees of mobility are properly catered for, and to address the need for public facilities to be properly lit. All those points, alongside some adjustments to address how planning applications should deal with these matters, are achieved through a main modification [MM6.14].

Conclusion

437. Bringing those points together, as proposed to be modified, the Plan deals with health and wellbeing in a fashion that is properly reflective of national policy, and effective.

Issue 18: Is the manner in which the Plan approaches placemaking, heritage, design and culture likely to be effective?

438. This very important aspect of the Plan is dealt with in Section 8. As the Plan sets out, York is a special place, and reflective of its history, the built environment of the city, especially that part of it contained within the walls, is (generally) of outstanding quality. It is no surprise to hear that the possibility of designation as a World Heritage Site is being explored. That said, as the Plan explains, the past has never been a barrier to innovation; it has always been a central part of York's economic success and it must continue to act in that way. In that context, the manner in which the Plan approaches the design of proposals, large and small, in and around the city, heritage assets, both designated and non-designated, and their settings, is a key element.

439. The Council's Heritage Topic Paper Update (2014)⁸⁴ explores the characteristics that are of strategic importance to the significance of York. These must be key considerations in controlling the way in which the city grows. Derived from the Heritage Topic Paper Update, Table 8.1 of the Plan sets out these key characteristics: strong urban form; compactness; landmark monuments; architectural character; archaeological complexity; and landscape and setting. This then acts as the framing device for the policies that follow.

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440. Section 8 begins with Policy D1: Placemaking which is an overarching design policy. It begins by explaining the general approach – that proposals that improve poor existing urban and natural environments, of which there are examples in and around the city, will be supported, along with schemes that enhance the special qualities of the city, and better reveal the significance of the historic environment. On the other hand, development proposals that fail to take account of York's special qualities, and/or fail to make a positive design contribution to the city, and/or cause damage to the character and quality of an area will be resisted. That is a sound basis for what follows.
441. The policy then segues into more detailed considerations and as submitted, suggests that all development proposals should adhere to the detailed design points that follow. We consider that to be too prescriptive because situations may arise where, for very good reasons, some or all of the detailed requirements might need to be relaxed or set aside. With that in mind, the policy needs to be modified to say that 'where appropriate' development proposals should adhere to the detailed design points. This modification **[MM8.1]** is required to ensure the policy is positively prepared.
442. The detailed headings: Urban Structure and Grain; Density and Massing; Streets and Spaces; Building Heights and Views; and Character and Design Standards then follow. In terms of the first heading – Urban Structure and Grain – proposals are expected to enhance, respect and complement the historic arrangement of street blocks, plots and buildings, restoring old patterns where these have been damaged or obscured; and enhance and complement the character and appearance of the landscape, city parks, landforms, open space, planting and boundary treatment.
443. Turning to the second heading – Density and Massing – as drafted this seeks to ensure that development densities are appropriate to, and not dominant in, the context of the site proposed. However, tighter drafting is required to make clear that it is not only the density but also the massing of any development that needs to be appropriate contextually, and also that development should not only avoid a dominating impact on buildings and spaces, but also the wider setting of a site, with particular regard to any building or space of historic significance.
444. The fourth heading – Building Heights and Views – requires development to respect York's skyline by ensuring that development does not challenge the visual dominance of the Minster or the city centre roofscape. The term 'challenge' is rather ambiguous in our view and the wording would be clearer if development was required not to detract from the visual dominance of the Minster or harm the city centre roofscape.
445. The fifth heading refers to Character and Design Standards and sets out a series of requirements. All are perfectly reasonable, but the criterion suffers

from the lack of any reference to the living conditions of adjoining users or residents and the need to avoid any undue noise, disturbance, overlooking or overshadowing. A new bullet point is required to address this requirement.

446. Bringing those points together, a modification **[MM8.2]** is required to ensure that criteria ii, iv and v of Policy D1 function correctly and are thereby effective in ensuring high standards of placemaking.
447. Policy D2: Landscape and Setting sets out to protect some very important characteristics of the city, notably the Strays and Ings, and alongside that, the setting of the city in the surrounding landscape – a matter that bears heavily on other considerations referred to elsewhere in this report. It seeks to achieve that protection through the encouragement of development proposals that accord with nine criteria that cover various aspects. All nine criteria are justified, and important, but some need adjustment to ensure that they would operate in an effective manner.
448. Criterion ii as drafted requires development proposals to conserve and enhance landscape quality and character. The term 'conserve' as it is used in this context is perhaps a little too strong and the criterion would function better if it was replaced with 'protect'.
449. Criterion iv as originally composed requires development to create opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces. However, this wording fails to appreciate that those opportunities might already exist and do not need to be created. An addition so that the criterion reads 'create or utilise opportunities' is necessary to ensure that it is positively prepared. Other more minor changes are needed to the wording of criteria v and viii to ensure that they read properly.
450. With all that in mind, a modification **[MM8.3]** is necessary to ensure that Policy D2 functions correctly and is thereby positively prepared, and effective.
451. Policy D3 covers cultural provision. It needs a small change **[MM8.4]** in the second bullet point of criterion i to clear up any confusion that might arise where *and* has been drafted as *an*.
452. Of greater import perhaps, Policy D4 deals with conservation areas and their settings. As drafted, the policy while well intentioned uses wording that is at variance with the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the provisions of the Framework, and is somewhat too limited in its scope.

453. In order to address that, criterion i needs to be adjusted so that it includes a reference to development proposals preserving or enhancing the character or appearance of the conservation area concerned. A new criterion ii is needed to address the situation where a new use is proposed for an existing building in a conservation area. The previous criterion ii which referred to the need to 'respect important views' would become criterion iii, adjusted and amplified to require important views to be safeguarded in a way that is informed by evidence notably that within the York Central Historic Core Conservation Area Appraisal. The previous criterion iii which refers to evidence-based assessments of the special qualities of conservation areas can be dealt with separately.
454. The second part of the policy, as drafted, sets out situations where outline planning applications for development within or affecting the setting of conservation areas will be supported. This needs to be amended because in such situations, applications for outline planning permission should not be accepted. This part of the policy must be adjusted to make clear that planning applications for development within or affecting the setting of a conservation area, must include details sufficient to show the likely impact of the proposal on the character and appearance of the conservation area affected, or its setting.
455. The third part of the policy refers to the change of use of buildings. This should be adjusted to complement the new criterion ii referred to above and make clear that changes of use will be supported where current beneficial use of the building cannot be sustained and where the proposed new use would not cause significant harm to the prevailing character of an area. This strikes us as a properly flexible approach.
456. The next part of the policy deals with situations where harm to various aspects of a conservation area, including plot form, can be permitted. This brings the policy into line with the approach of the Framework whether the harm is less than substantial, or substantial.
457. As referred to above, the policy needs to be adjusted so that the final part of the policy sets out what an application for development in a conservation area should include – an appropriate evidence-based assessment of the special qualities of the area, proportionate to the size and likely impact of the development, and sufficient to ensure that any impacts can be clearly understood.
458. A modification **[MM8.5]** is required to ensure that Policy D4, as drafted, covers all necessary aspects, accords with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Framework.
459. Alongside that, a modification **[MM8.6]** is necessary to insert a new paragraph (8.26a) which properly reflects paragraph 132 of the Framework setting out

clearly the approach that will be taken to decision-making in relation to development proposals in conservation areas.

460. Policy D5: Listed Buildings, as drafted, suffers from some of the same difficulties as the preceding policy in terms of accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, and the Framework. As drafted, the policy sets out a series of situations where proposals affecting a listed building, or its setting will be supported. However, the policy would function more effectively if at the outset, it explained that this support will be forthcoming where those proposals preserve, enhance, or better reveal those elements that contribute to the significance of the building, or its setting. There is no need for the policy to say that the more important the building the greater the weight that will be given to its consideration because the 1990 Act does not differentiate in that way, and in any event, the Framework makes that point.

461. Other considerations that might be in play when proposals affecting a listed building or its setting are considered would be better dealt with as an adjunct to that fundamental starting point and on that basis, criterion iii in the initial part of the policy should be removed. It is however important that reference is made to the way in which changes of use of listed buildings will be approached. It is right to say that these will be viewed favourably where the proposed new use would not be harmful to significance, and it would help secure a sustainable future for a building that might be otherwise at risk.

462. The last part of the policy refers to situations where harm to the significance of a listed building might be permitted. This is necessary to bring the policy into line with the Framework. However, to ensure that this situation is covered effectively, it needs to be consistent with the approach set out in the Framework to harm, whether that is substantial or less than substantial, and the situations, with reference to public benefits, where such harm might be tolerated.

463. A modification **[MM8.7]** is necessary to give effect to all that and ensure that the approach properly accords with statute, and national policy.

464. Allied to that, there is a need for new paragraphs in the explanatory text to deal with recording (a new paragraph 8.30a) and, as with conservation areas above, to explain the approach to decision-making (a new paragraph 8.30b). A modification **[MM8.8]** is needed to secure these inserts.

465. Policy D6 is concerned with archaeology and as drafted sets out the situations where development proposals that affect archaeological features and deposits will be supported. This is done through four criteria. The second of those is where proposals would not result in harm to the significance of the site or its setting. That is rather narrow in its compass because there might well be situations where harm can be tolerated (or mitigated – as per criterion iv) to

secure a development that has wide public benefits. Criterion ii needs to be expanded to make clear that it is aimed at Scheduled Monuments, or other nationally important remains, and to explain, with reference to the Framework when harm might be acceptable.

466. Criterion iv as drafted says that where harm to archaeological deposits is unavoidable, and detailed mitigation measures have been agreed, development could be supported. This needs to be adjusted to better explain the situation where support can be granted – that ‘the impact is acceptable in principle’ seems to be a far better way of expressing it.

467. A main modification **[MM8.9]** is necessary to make these changes. Further, the supporting text needs to be amended to better reflect the approach required, and supplemented with new paragraphs (8.31a, 8.31b and 8.34b) to address the balancing exercise required by the Framework, and to address the potential impact of piled foundations. A further main modification **[MM8.10]** is required to make these changes and additions.

468. As one might expect, alongside lots of designated heritage assets, York is home to many non-designated heritage assets too. Policy D7 is directed towards them and the different forms they might take. As with the other policies relating to the historic environment, Policy D7 is prepared in a positive way, setting out what is required for proposals to be supported. However, the first part of the policy is rather too wide in its coverage, and it needs to be amended to ensure that it is directed at non-designated heritage assets specifically. The last part of the policy covers recording and needs to be adjusted to ensure that it refers to non-designated heritage assets only. A main modification **[MM8.11]** is necessary to deal with these changes. The supporting text needs to be adjusted to reflect those changes and a main modification **[MM8.12]** is needed to achieve that.

469. Policy D8 of the Plan as submitted deals with historic parks and gardens. Broadly the policy is well drafted but there are elements, notably where the balance between any harm to significance that might be caused, and any public benefits, is dealt with that required some adjustment to bring the policy into line with the Framework. A main modification **[MM8.13]** is required to secure those changes alongside another **[MM8.14]** to ensure those changes are properly reflected in the explanatory text.

470. York was/is historically a walled city. As the York City Walls Conservation Plan and Access and Implementation Plan (2005) sets out ‘the York city walls are of exceptional significance on account of their long and unique history and their historic and continuing relevance to, and impact on, the culture, society, economy and environment of York and its wider, universal context’. York City Walls and St Marys Abbey Walls (York Walls) are designated SAMs and Grade I listed buildings. In that context, one might question whether Policy D10, which

is directed towards the walls specifically, is justified, because SAMs and listed buildings generally are protected by other policies in the Plan.

471. However, York Walls have a particular quality and sensitivity that is peculiar to them and, it seems to us that more general policies relating to SAMs and listed buildings might be insufficient to allow a proper appreciation of their significance and their sensitivity to changes in their settings. To that end, we consider that Policy D10 is justified. Having said that, as drafted, there is something of a lack of clarity about when the policy will apply and further, there are aspects of the policy, as drafted, that are not quite in accordance with the Framework. In relation to the former, the policy needs to make clear that it bears on development proposals that are likely to affect the setting of the City Walls, and that it is the contribution setting makes to their significance that is to be protected. The policy needs to make provision too for the situation where public benefits might outweigh any harm to significance. A main modification [MM8.15] is needed to bring all that about.

472. Section 8 of the Plan deals with other aspects too including the City of York Historic Environment Record (Policy D9), extensions and alterations to existing buildings (Policy D11), shopfronts (Policy D12), advertisements (Policy D13), and Security Shutters (Policy D14). All these policies are justified and in accord with national policy in the form drafted save for Policy D13 which needs an adjustment to make it clear, and to accord with the Framework. A main modification is necessary [MM8.16] to secure that adjustment.

473. A final point that needs to be made in relation to Section 8 is that policies have been adjusted, where necessary, to bring them into accord with the Framework. We have taken that approach here, conscious that a different approach has been taken in relation to other policies in the Plan, because there is little meaningful difference between the way the Framework approaches the historic environment, and later iterations.

Conclusion

474. With the modifications set out, the approach of the Plan to Placemaking, Heritage, Design and Culture will be effective, offering protection for the special characteristics of the City, without stifling the scope for it to develop.

Issue 19: Is the way in which the Plan deals with Green Infrastructure sufficient in its scope, in line with national policy, and effective?

475. This part of the Plan, as submitted, is contained in Section 9. This section opens with a statement that in planning positively for York's network of green infrastructure, it is essential that landscapes, geodiversity, biodiversity, and the

natural environment are conserved and/or enhanced. That accords with the general approach to the natural environment set out in Chapter 11 of the Framework.

476. Policy GI1 that follows gives voice to the general approach that will be taken to ensuring that takes place. In general terms the policy as drafted is consistent with national policy, as are the various criteria set out. However, the reference to the Leeds City Region Green Infrastructure Strategy in part i needs to be updated to reflect the latest (2018) version. More substantially, the final part of the policy deals with how the policy will be implemented. As drafted, it states that development proposals will be expected to demonstrate that green infrastructure considerations have been taken into account, in line with the various criteria. In order to be effective, that needs strengthening to ensure that where appropriate, development proposals must demonstrate that they are consistent with the objectives in the policy criteria, but also subsequent policies in this part of the Plan. A main modification **[MM9.1]** is required to bring that about and thereby make the policy effective.

477. Policy GI2 of the Plan as submitted deals with biodiversity and access to nature and requires development to accord with a range of criteria, where appropriate. In their consultation response, Natural England made some observations on the policy as drafted noting that it should make appropriate distinctions between different elements in the hierarchy of international, national, and locally designated sites as required by paragraph 113 of the Framework. That is correct and to that end, three new criteria need to be added at the outset to make reference to International Sites, and National Sites, and the manner in which decisions on proposals that have effects upon them should be dealt with. Further reference needs to be made, in what becomes criterion iv, to Local Nature Reserves. A new criterion v is then required to refer to irreplaceable habitats, including ancient woodland and veteran trees, and the manner in which they must be approached in decision-making terms.

478. Finally, an adjustment is needed to what was, as drafted, criterion iv which refers to net gain and improvement to biodiversity. This has to be expanded to make clear that net gain to biodiversity is expected to accord with the Environment Act 2021 (when enacted) and national policy. We recognise that this latter legislation post-dates the version of the Framework that the Plan is being assessed against, but we consider this justified in order that the considerable amount of new development in the Plan is brought forward in a way that is responsive to biodiversity.

479. Main modifications **[MM9.2 MM9.3]** are necessary to bring those changes about. Further main modifications **[MM9.4 MM9.5]** are required to bring the supporting text into line with the policy as revised.

480. Moving on from that, as a result of the conclusions of the HRA (2020), which we have touched on in terms of its impact on Strategic Sites, and other Housing Sites, a new policy is then required to deal with Strensall Common. This is designated as a Special Area for Conservation (SAC) and Site of Special Scientific Interest (SSSI). The common supports one of the largest areas of lowland heath in northern England and has a biodiversity value that is greater than its features as listed in the designations. Extensive areas of both wet and dry heath are present, and these form a complex habitat mosaic which supports a diverse flora and fauna, including vulnerable species like nightjar, woodlark, marsh gentian, pillwort, pond mud snail, and it is the only site in England where the dark bordered beauty moth is found.
481. Strensall Common is managed by the Yorkshire Wildlife Trust and the MoD which operates an extensive training facility and firing range within and adjacent to the European Site. It is also subject to considerable recreational pressure from visitors, especially those with dogs. In 2021, Natural England considered the Strensall Common SSSI to be in favourable condition. However, the Site Improvement Plan identified a range of threats including public pressure, and air pollution.
482. The HRA (2020) sets out that residential allocations proposed in the Plan, within 5.5 kms of the common, are likely to lead to an increase in recreational pressure that will need to be mitigated through the provision of suitable natural greenspace and other such measures. The HRA (2020) also envisages potential difficulties with windfall sites that might come forward. To ensure that there is no adverse effect on the integrity of the SAC, the HRA (2020) recommends that no net additional dwellings should be permitted within 400m of the SAC as it is not considered possible to mitigate adverse impacts from recreational pressure from additional dwellings so close to the SAC. Moreover, according to the HRA (2020), windfall development proposed between 400m and 5.5km of the SAC will only be permitted if it can be demonstrated that the development will not have an adverse effect on the integrity of the SAC, in themselves, and in combination with other developments. Any necessary mitigation would of course need to be provided before occupation, and be subject to Policy GI6, that we deal with below.
483. Bringing those points together, a new Policy GI2a is necessary to ensure that the Strensall Common SAC is effectively protected. As rehearsed above, the policy says that development, other than that directly connected with or necessary to the management of the SAC, will only be permitted where it will not adversely affect the integrity of the SAC either alone or in combination with other projects. Two principles are then set out. The first sets up an 'exclusion zone' within 400m of the boundary of the SAC where permission will not be granted for anything that results in a net increase in homes. Proposals for non-residential development will need to undertake a HRA to demonstrate that no harm would be caused to the integrity of the SAC. The second principle

imposes a 'zone of influence' between 400m and 5.5km of the SAC boundary. Where new residential development is proposed within that zone on allocated sites (SS9/ST7, SS10/ST8, SS11/ST9, and SS12/ST14), provision of open space must include or secure access to areas of suitable natural green space secured by way of mitigation prior to the occupation of any dwellings. Proposals for other housing development in the zone will not be permitted unless it can be demonstrated that there would be no adverse impact on the SAC, either alone or in combination. Any greenspace required as mitigation must be provided before occupation and accord with Policy GI6.

484. In our view, this policy is justified, clearly necessary to ensure the Plan is compliant with national policy, and necessary to ensure that it operates in an effective way. A main modification **[MM9.6]** is needed to insert the policy and to explain the approach in the explanatory text, with a map of the exclusion zone so formed.

485. Policy GI4 relates to trees and hedgerows and broadly speaking, seeks to protect them from the potential effects of development. The policy is broadly effective as drafted, save for some minor adjustments but a new criterion vi is required to secure suitable replacement planting if and when the loss of trees and/or hedgerows worthy of retention can be justified. Those corrections and additions **[MM9.7]** need a main modification.

486. The protection of existing open space and playing fields is covered by Policy GI5. There is a difficulty in the policy as drafted because it seeks to protect open space of environmental and recreational importance. That cuts across other policies and it is important, for the sake of effectiveness, that the policy is directed towards sites of recreational importance only. The broad approach is that any loss of open space of recreational importance will not be permitted unless it is replaced in a suitable location that meets an identified need. The wording of the policy needs to be adjusted through a main modification **[MM9.8]** to make all that clear. Moreover, this needs to be accurately reflected in the explanatory text **[MM9.9]**.

487. As indicated above, the Plan as submitted includes Policy GI6 that covers the provision of new open space. The policy as originally drafted requires all residential development proposals to contribute to the provision of open space for recreation and amenity. That is in accordance with national policy, but some additional text is needed to make clear that the amount of open space to be provided must be in accordance with local standards using the Council open space assessment. That addition and the removal of some text made superfluous by the addition is the subject of a main modification **[MM9.10]**.

488. The policy then goes on to express a preference for on-site provision but allows for off-site provision in some circumstances that are the subject of three criteria.

That seems to us to be a suitably flexible approach, but the criteria need to be made clearer in order to function effectively. A main modification [MM9.11] is needed to achieve that.

489. After that, some areas of new open space are identified, and on top of that, indications of new areas of open space relating to strategic sites are alluded to. One of these – OS12: Land to the East of ST35 – referred to above (Queen Elizabeth Barracks), needs to be removed as a result of the conclusions of the (2020) HRA. Furthermore, a reference to these areas as shown on the proposals (policies) map being indicative can be deleted. A main modification [MM9.12] is needed to pick those matters up and allow the policy to be considered justified.

Conclusion

490. With the modifications set out, the Plan will deal with Green Infrastructure in a way that is sufficient in its scope, in line with national policy, and effective.

Issue 20: Does the approach of the Plan to managing development in the Green Belt accord with national policy and will it be effective?

491. Section 10 of the Plan deals with the general approach to development proposals in the Green Belt. In the Plan as submitted, Policy GB1 was intended to act as the overarching policy while Policy GB2 dealt with development in settlements, Policy GB3 the re-use of buildings, and Policy GB4 exception sites for affordable housing.
492. It became clear however, that this approach was not only repetitive, with requirements in Policies GB2, GB3, and GB4 overlaying much the same requirements in Policy GB1 but aspects of all four policies were at odds with national policy in the Framework. Notably, Policy GB1 required all forms of development, including those deemed not inappropriate, to not detract from the openness of the Green Belt; not conflict with the purposes of including land in the Green Belt; and not prejudice or harm those elements that contribute to the special character and setting of the city.
493. Those requirements go well beyond the approach of national policy in the 2012 Framework where forms of development that are not inappropriate do not have to pass a test of that sort. The approach, if followed literally, would mean that hardly any development at all, even those forms of development deemed not inappropriate, would be able to come forward in the Green Belt. That is not justified, and clearly inconsistent with national policy.

494. It became clear in the course of the examination that while a separate policy would be required to deal with specific requirements for exception sites, Policies GB1, GB2, and GB3 in the Plan as submitted could be streamlined into a new Policy GB1 that deals with all forms development in the Green Belt. The question then whether the wording of that new policy should follow the 2012 Framework, or the July 2021 version. Given that the 2021 Framework will be a material consideration when proposals are before the Council for decision, it seems to us more practical for the precise wording of the new policy to follow the 2021 Framework, notwithstanding the transitional arrangements.
495. MMs are required to facilitate this streamlining **[MM10.1 MM10.4 MM10.5]** and further MMs **[MM10.2 MM10.3]** to properly define the approach to domestic extensions and infilling respectively.
496. Given the complications involved, a separate policy (renumbered Policy GB2) would still be required to deal with exception sites for affordable housing in the Green Belt. However, changes are required to the policy as submitted to ensure that it is positively prepared and in accordance with national policy. In particular, the policy needs to make clear that exception sites are intended to address the needs of a local community, with a requirement for evidence of that particular need, rather than wider needs. An amendment is also necessary to ensure that the housing that comes forward is 'limited' in terms of the number of units, as set out in the Framework. Without those safeguards, the policy could be used to justify larger developments in the Green Belt, designed to meet wider needs. That is not the intention of this, or national policy, in relation to exception sites.
497. Further, the policy as submitted stipulated that the exception site should be within 800m of a defined settlement limit or well related to existing residential development and amenities in or adjacent to a clearly identified settlement. Given that there are other policies in the Plan aimed at ensuring development is properly accessible, the 800m requirement is unnecessary.
498. Main modifications are required to renumber the policy on exception sites and to ensure it is positively prepared and in accord with national policy **[MM10.6 MM10.7]**.

Conclusion

499. With these MMs, the approach of the Plan to managing development in the Green Belt would properly accord with national policy, and be effective.

Issue 21: Is the stance taken by the Plan to environmental quality and flood risk consistent with national policy and positively prepared?

500. Put very simply, Section 12 of the Plan concerns itself with air quality, the quality of the environment for occupiers generally, land contamination, flood risk, and linked to that, sustainable drainage.
501. As the Plan explains, there are a number of areas in York where the national air quality objectives are being exceeded. The main source of air pollution is traffic and despite the introduction of three AQAPs, the annual average Nitrogen Dioxide objective continues to be exceeded at many locations, particularly within the inner ring road and city centre. Nevertheless, the city has developed a Low Emissions Strategy⁸⁵ which aims to reduce exhaust emissions from individual vehicles and encourage alternative fuels and low emission vehicle technologies. The Council's AQAP3⁸⁶ explains the way in which this pioneering approach to low emissions will develop with the aim of making York an internationally recognised ultra-low emission city. Key points will be the delivery of low emission infrastructure, such as vehicle charging points and electric buses, but also the reduction of emissions from new development.
502. That leads on to the essential question of how York can accommodate its ambitious targets for growth without undermining this strategy? We have dealt with that point elsewhere in this report but here, Policy ENV1 addresses air quality. Its essential premise is that development will only be allowed to proceed if it has an impact on air quality that is acceptable, and there are mitigation mechanisms in place to deal with any adverse impacts and prevent further exposure to poor air quality. It goes on to require all minor and major planning applications to identify potential sources of emissions and explain how they might be minimised and mitigated against. In broad terms, that approach accords with the approach of the Framework, and especially paragraph 30, and the promotion of sustainable modes of transport.
503. However, the policy as drafted lacks proper focus and would be unwieldy in use and thereby ineffective. To address that difficulty, the Council has proposed a complete rewrite of the policy which shortens it considerably, and would make it much easier to understand, and apply. In short, the revised Policy ENV1 sets out that development will only be permitted if it has an acceptable impact on air quality, taking into account any mitigation proposed. That is an effective starting point.
504. The policy as amended then goes on to require applications that are major; or within AQMAs; or with the potential to generate significant air quality impacts; or include uses sensitive to air quality to be accompanied by an Air Quality Assessment that identifies the likely sources of emissions, and how they can be minimised and mitigated against. Finally, the revised policy sets out that where an Air Quality Assessment identifies the potential for new occupiers to be

⁸⁵ SD093

⁸⁶ SD096 and EX/CYC/106

exposed to unacceptable levels of pollutants, an exposure mitigation strategy will be required.

505. Altogether, the revised policy would be an effective approach to air quality that accords with national policy. It needs to be secured through a main modification **[MM12.1]**. The rewriting of the policy has some consequent simplifying effects on the explanatory text. A further main modification **[MM12.2]** is necessary to put those changes in place.

506. Policy ENV2 as drafted is aimed at managing environmental quality. However, in that it sets out situations where development will not be permitted, it is not positively prepared. Moreover, as with the preceding policy, it lacks focus, and strays into areas covered by other policies. To address those issues, the policy has to be reworded so that it explains that development will be permitted where it does not unacceptably harm the living conditions of existing and future residents. That makes the policy positive in its approach. Moreover, text has been adjusted and removed to ensure that the policy directs itself towards light and/or glare, noise and/or vibration, and air quality given that other aspects of residents' living conditions are protected elsewhere in the Plan. A main modification **[MM12.3]** is required to bring about those changes.

507. Land contamination is the subject of Policy ENV3. Again, this policy has been framed in a way that is not positively prepared. It must be adjusted to be phrased in a positive way so that development of a site known, or with the potential, to be contaminated will be permitted where acceptable remedial measures are forthcoming. Moreover, the policy needs a further change to ensure that applications are accompanied by an appropriate contamination *risk* assessment. All that is the subject of a main modification **[MM12.4]**.

508. Policy ENV4 addresses flood risk. As drafted, it does not follow unambiguously the approach of the Framework to the Sequential and Exception Tests, or the approach to site-specific flood risk assessments. To make the policy effective, it has been amended to set the approach out in a way that more clearly reflects the Framework and this in turn will ensure the policy can be effectively applied. A main modification **[MM12.5]** is required to secure those changes. No corresponding change is required to the explanatory text.

Conclusion

509. With the main modifications set out, we are content that the stance taken by the Plan to environmental quality and flood risk is consistent with national policy and positively prepared.

Issue 22: Is climate change, and the issues around it, given its due importance in the Plan?

510. Section 11 rightly accepts that the Plan has an important role in tackling climate change and delivering on the ambitious aspirations it contains without undermining the environment of York for future generations. In that context it is key that the suite of policies in this part of the Plan, encourage renewable energy projects, and alongside that, provide a policy context where the environmental impact (or carbon footprint) of new development is minimised as far as possible.
511. Policy CC1 as drafted is aimed at renewable and low carbon energy generation and storage facilities in the context of advice in the Framework and the PPG. The policy as drafted starts off by saying that new buildings must achieve a reasonable reduction in carbon emissions of at least 28%, subject to viability, and requires energy statements to show how this is to be achieved. This matter, however, is not one that Policy CC1 in its totality seeks to address, and it is better dealt with in Policy CC2 that covers the design and construction of new buildings. A main modification **[MM11.1]** is necessary to delete this aspect of the policy in order to render it effective, as a whole. Allied to that, a substantial part of the explanatory text under the heading Carbon Reduction Targets, which refers to the 28% reduction, and its source, needs to be removed through a main modification **[MM11.3]**.
512. The rest of the policy as drafted is properly aimed at renewable and low carbon energy proposals that might come forward. It is rightly positive in its approach setting out that such schemes will be supported when judged against a range of criteria. That said, the policy as drafted does not properly reflect paragraphs 97 and 98 of the Framework and the approach therein. To address that, the policy should be modified to say that projects of this type will be permitted where their impacts are acceptable with reference to a range of aspects including the historic environment of the city, residential amenity, nature conservation interests, grid connections, and so on. The criterion directed at the road network needs to be adjusted to make clear that it is concerned with capacity and safety.
513. All that is reflective of national policy in the Framework and associated PPG but conscious of changes in the national policy pipeline, and the need to be more positively prepared, some wording is needed to make clear that applications will be determined in accordance with any further considerations that apply to renewable or low carbon energy that come forward in national policy and guidance.
514. The reference to strategic sites and energy masterplans needs to be deleted because this is best dealt with in the policies specifically directed at those strategic sites.

515. Finally, the policy makes reference to renewable and low carbon energy storage developments. A number of these have come forward around the city in recent times and more will likely be forthcoming in the light of the encouragement offered in the policy to renewable and low carbon energy schemes. It is right that the policy approaches these forms of development in a positive way, with reference to impacts being acceptable in relation to the same criteria set out above. It is correct too that this part of the policy makes reference to fire suppression procedures.
516. Bringing those points together, a main modification **[MM11.2]** is required to bring the policy into line with national policy, from the Framework, but also reflecting subsequent changes, and to make it both positively prepared and effective.
517. Policy CC2 as drafted is intended to cover sustainable design and the construction of new development. After a general statement encouraging high standards of sustainable design and construction, and reference to the energy hierarchy and water efficiency, it sets out requirements for the construction of all new development generally, before dealing with conversions and changes of use, and improvements to existing dwellings. There are clear issues with these classifications because of the different ways in which different forms of development are assessed in relation to the Building Regulations, and other standards such as BREEAM. In order to achieve a better focussed policy, substantial changes are required.
518. Before dealing with those changes, there is a fundamental issue to deal with and that is whether a policy of this sort can be justified in the light of what the Government has said in the WMS: Planning – Local Energy Efficiency Standards Update of 13 December 2023. This says: *The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government's commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned building regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that proposed local energy efficiency standards for buildings that go beyond current or planned building regulations should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures: the development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework; and the additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP).*

519. It is clear from the WMS that the principal concerns expressed therein relate to the potential impact of local energy efficiency standards that go beyond current or planned building regulations on the viability, supply, and affordability of housing. Here, there is no strong suggestion that what the Council proposes in its modified policy, that we turn to below, will have any such effect. The Council's evidence shows that it will not but, in any event, the policy in relation to housing includes a viability clause so that if the uplifted standards are shown to act as a block, they could be relaxed.
520. The WMS also says that any additional requirement is expressed as a percentage uplift of a dwelling's TER. The policy as originally drafted was so expressed but as modified it refers instead to uplift requirements expressed in terms of the Building Regulations. The WMS is obviously attempting to ensure that developers are not confronted by a range of different standards that might prove confusing. We do not believe that expressing uplifts in relation to the Building Regulations, standards that developers could be reasonably expected to be properly familiar with, will lead to any such confusion. In any event, the Council has proposed to include a reference to TER and SAP in the amended policy.
521. With all that in mind, we are content that the principle of the policy is soundly based. It should not be forgotten either that the Framework, in paragraph 95, encouraged local planning authorities to set any requirement for a building's sustainability to do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.
522. Turning then to the workings of the policy, the context set in the opening lacks focus and fails to set out clearly the purpose of the policy particularly in relation to the importance of the energy hierarchy. It needs to make clear that developments should achieve high standards of sustainable design by demonstrating energy and carbon dioxide savings in accordance with the energy hierarchy; water efficiency; and good practice adaptation principles for climate resilience. Further, the opening part of the policy needs to express the need for planning applications for development covered by the policy to include a Sustainability and Energy Statement to demonstrate how the proposal meets the requirements of the policy, and how the energy hierarchy has been followed. A main modification **[MM11.4]** is necessary to achieve all that.
523. The policy, as amended, then splits to cover different categories. The first is residential development. The principal requirement is that all new residential development should achieve on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Part L of the (2013) Building Regulations, of which at least 19% should come from energy efficiency measures; and a water consumption rate of 110 litres per person per day. Those requirements reflect changes since the Plan was submitted in the (2022) Building Regulations and a 'fabric first' approach.

524. The amended policy goes on to say that pending anticipated changes to the Building Regulations, (residential) developments should further aim to achieve up to a 75% reduction over and above the requirements of Part L of the (2013) Building Regulations unless it can be demonstrated that such reductions would not be feasible or viable. It goes on to say that the TER for proposed new dwellings should be calculated using version 10 of SAP. Finally, the approach is 'future proofed' given that further changes to the Building Regulations are on the way, through a clause making clear that these figures will be superseded by any higher levels required by the Building Regulations in future. That will add some clarity. All that is in our view justified, and reflective of Government policy. A main modification **[MM11.5]** is required to bring those changes about.
525. The policy, as proposed to be amended by the Council, then moves to non-residential development. Notwithstanding previous suggested modifications, that simply repeated the requirements of the (2022) Building Regulations, alongside BREEAM, the Council has reconsidered this matter in the light of the WMS and now proposes that it requires all new non-residential development with a total internal floor area of 1,000 square metres or more to achieve a BREEAM rating of 'Excellent', where feasible and viable. With the safeguards included, that seems to us to accord with Government policy as expressed in the WMS, and elsewhere. A main modification **[MM11.6]** is needed to deliver that.
526. The policy as amended, goes on to deal with the conversion of existing buildings and changes of use. The requirements in the policy as originally drafted – BREEAM Domestic Refurbishment 'Very Good' for conversion to residential use and BREEAM Non-Domestic Refurbishment and Fit-Out 'Excellent' for non-residential are not proposed to be changed but amendments have been proposed to make clear that these are minimum requirements. Further changes are proposed to allow for the use of discretion where the building to be converted is a heritage asset. That is all necessary to make the policy effective and a main modification **[MM11.7]** is necessary to secure the adjustments.
527. A new heading is then introduced relating to Strategic Sites. Notwithstanding that these sites have their own specific policies, a requirement is introduced requiring development proposals on these sites to undertake a BREEAM Communities Assessment or equivalent. Bearing in mind the nature of the Strategic Sites, and their importance to the Plan overall, this is justified. The area of the policy as originally drafted aimed at improvements to existing dwellings is not however justified because these changes are unlikely to come within the ambit of the planning system. These changes need a main modification **[MM11.8]**.
528. Attendant main modifications **[MM11.10 MM11.11 MM11.12]** are required to ensure that the accompanying text reflects the changes made to Policy CC2

itself. Notably, there needs to be a reference to the energy hierarchy, in the interests of clarity, and to explain the stance in relation to the Building Regulations and the changes thereto. Paragraph 11.15 needs to be deleted because the text is superfluous and has been overtaken by events [MM11.9].

529. Policy CC3 as originally proposed referred to District Heating and Combined Heat and Power Networks and not unexpectedly is strongly supportive. There are, however, some issues with the policy as initially proposed. First it needs a clearer title – it should refer to Decentralised Energy Networks. On top of that, the policy needs to make it abundantly clear that the strong support offered by the Council will be conditional on the power source being a non-fossil fuel.
530. Rather than the criteria-based approach originally included in relation to heat priority areas, and Strategic Sites, where the main opportunities lie, the policy would be more effective if all major developments were required to assess the feasibility and viability of connection to an existing or proposed decentralised energy network through the Sustainability and Energy Statement required by Policy CC2. Further the policy needs to make plain that the aim is to maximise the potential for carbon reduction. These changes [MM11.13] are necessary to ensure the policy is effective. Attendant adjustments are needed to the explanatory text [MM11.14] to set out in particular the various options open to developers – connect immediately; connect in immediate future; or where these are not feasible, provide a site-wide low carbon network, and to delete text rendered superfluous.

Conclusion

531. On that overall basis, it is plain that the Plan deals with climate change and the issues around it with its due importance enabling the Plan to bring forward a significant amount of development without any undue impact in climate change terms.

Issue 23: Is the way in which the Plan deals with communications infrastructure soundly based?

532. Section 14 of the Plan as submitted also addresses communications. Not unexpectedly, given the importance of high capacity, reliable, resilient, secure, affordable, and fast communications infrastructure, the general approach is supportive, though reference is made to the limitations that might arise given the special character of the city.
533. With that in mind, the general approach of Policy C1 is positive setting out that proposals will be improved unless adverse impacts on the special character of York significantly outweigh the benefits. Bearing in mind that most masts, antennae, and the like are functional and utilitarian, and will have something of

a visual impact, that is the correct approach given the importance of effective communications network to the economic well-being of the city.

534. In that context, the requirements of the policy for infrastructure to be shared, wherever possible, for new installations to be of appropriate scale and design, and capable of being shared, with particular consideration necessary in areas of sensitivity (like the Green Belt, the strays, conservation areas, and so on) are perfectly justified and in accord with the approach of the Framework.

535. However, Policy C1, in the form submitted, also sets out that the Council will seek the removal and relocation of existing, visually intrusive masts, particularly in the city centre, where opportunities arise, and notes that planning conditions will be used to ensure the removal of redundant masts. The removal of redundant masts is something that can take place outside the development control process and there is no need to 'flag' conditions that might be attached to any grant of approval of telecommunications infrastructure in the policy. This part of Policy C1 is not justified, therefore.

536. On top of that, the policy sets out a requirement for the new development to enable Next Generation Access (NGA) broadband connections, where viability allows and suggests that developers of strategic sites liaise with communications providers to explore how NGA can be provided and integrated with active existing networks. This is an unnecessary inclusion in the policy because the provision of this type of infrastructure is best left between site developers, the relevant provider, and incoming residents.

537. An MM [MM14.12] is necessary to secure these changes to Policy C1.

Conclusion

538. With this MM, I find the way in which the Plan deals with communications infrastructure soundly based.

Issue 24: Does the Plan properly provide for delivery and monitoring?

539. Delivery and monitoring are the subject of the final section of the Plan (Section 15). The sole policy in this part of the Plan is Policy DM1 that covers Infrastructure and Developer Contributions. The intention behind the policy is to ensure that new development is supported by appropriate physical, social, and economic infrastructure provision setting out that new development will not be permitted unless the infrastructure required to service the development is available; and the necessary infrastructure to meet the local and wider (strategic) demand generated by the development can be provided and co-

ordinated. Given the scale of development envisaged in the Plan, that is a justified approach.

540. However, the policy goes on to say that the Council will seek contributions from developers to ensure that the necessary infrastructure is in place to support future development in York. Contributions will be sought to fund strategic infrastructure that helps to deliver the Vision, Spatial Strategy and Objectives of the Plan, as well as specific infrastructure that is necessary to deliver an individual site.

541. That is reasonable as far as it goes but the approach is a rigid one and the policy as drafted allows no flexibility to deal with the situation where for wider economic, or site-specific, reasons, the contributions sought towards strategic and/or specific infrastructure affect the viability of a development, and thereby threaten delivery. To that end, an additional clause is needed that allows the Council to consider a viability assessment, and if a development can be shown not to be viable, then the Council can consider the phasing of obligations, and /or include a review mechanism in any legal agreement. That seems to us to be a practical approach and a main modification **[MM15.1]** is necessary to insert such a clause into the policy.

542. Linked to that, the supporting text where it deals with contributions requires adjustment to reflect changes that have been made to the CIL Regulations 2010, and 'pooled' contributions in particular. This makes necessary a further main modification **[MM15.2]**. Paragraph 15.21 has to be expanded to deal with review mechanisms to reflect the addition made to Policy DM1 itself. This needs a main modification **[MM15.4]** too.

543. Unsurprisingly, this part of the Plan also addresses the various types of infrastructure that the Plan seeks to bring forward in parallel with its development aspirations. Part of this is to ensure efficient and affordable transport links across the Plan area.

544. Paragraph 15.15 and Table 15.1 in the Plan as submitted, include details of trip generation but more recent modelling, carried out during the course of the examination, means that these figures need to be adjusted downward to reflect that modelling – the predicted volume of traffic on the highway network overall could increase by 15% (rather than 20%) meaning an extra 6,500 trips (rather than 7,000 trips) in each peak. Those changes do not lead to any consequential change to the predicted increase in travel time across the network (30%) and the increase in network delay (55%).

545. Discussions around that point, that have been rehearsed above, made it apparent that this increased delay projected on the network should not be considered against 2019 base values, as shown in Table 15.1 of the Plan as

submitted, but against the traffic impacts of alternative development scenarios for the city, on the basis that some development and population growth will happen with or without an adopted Plan. On that basis Table 15.1 needs to be replaced. A main modification **[MM15.3]** is required to facilitate those necessary changes.

Conclusion

546. So long as these changes to Policy DM1 and the supporting text are made, we are content that the Plan would include proper provision for delivery and monitoring and would therefore operate in an effective manner.

Overall Conclusion and Recommendation

547. The Plan has a number of deficiencies in respect of soundness for the reasons set out above, which mean that we recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explained in the main issues set out above.

548. The Council has requested that we recommend MMs to make the Plan sound and capable of adoption. We conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the City of York Local Plan satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Simon Berkeley and Paul Griffiths

INSPECTORS

This report is accompanied by an Appendix containing the Main Modifications.