Department for Levelling Up,
Housing & Communities

Our ref: APP/C2741/W/21/3282969
Your ref: 18/00017/OUTM

Mark Johnson
Johnson Mowat
Coronet House
Queen Street
Leeds
LS1 2TW

14 December 2022

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY REDROW HOMES (YORKSHIRE) LIMITED
SITE TO THE WEST OF THE A1237 AND SOUTH OF NORTH LANE, HUNTINGTON, YORK
APPLICATION REF: 18/00017/OUTM

This decision was made by the Minister of State for Housing, Lucy Frazer MP, on behalf of the Secretary of State, and signed on her behalf

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1. I am directed by the Secretary of State to say that consideration has been given to the report of David Prentis BA BPl MRTPI, who held a public local inquiry on 25-28 January 2022 into your client's appeal against the failure of the Council of the City of York to determine your client's application for outline planning permission for residential development of circa 970 dwellings with associated demolition, infrastructure works, open space, primary school, community facilities and convenience store (use class A1; not exceeding 200sqm floorspace) on land west of Monks Cross Link Road and a country park with drainage infrastructure east of Monks Cross Link Road, in accordance with application Ref. 18/00017/OUTM, dated 4 January 2018.

2. On 10 January 2022 this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed, and planning permission be granted, subject to conditions.

4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendation. He has decided to allow the appeal and grant planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

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Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspector's comments at IR6, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

6. On 25 March 2022, Natural England (NE) provided a consultation response to the Planning Inspectorate (PINS) regarding a separate appeal against the Council's non-determination of application reference 21/00305/OUTM (Outline planning permission with all matters reserved except access, for circa 300 residential dwellings, associated landscaping, public open space and the formation of two new vehicle accesses from New Lane, Huntington, York). The consultation response identifies the 'Surveys and Impacts of Recreation at Strensall Common SAC' report, plus subsequent analysis and change of policy in the emerging City of York Council Local Plan and Local Plan Habitats Regulations Assessment (HRA). NE stated that it considers this evidence, analysis and draft policy to represent a "fundamental change in the ecological baseline".

7. On 11 April, the Secretary of State wrote to Natural England (NE) and the main parties to afford them an opportunity to comment on the draft HRA for the appeal currently before the Secretary of State at North Lane, Huntingdon in light of NE's updated approach to assessing potential impacts from development on the Strensall Common Special Area of Conservation (SAC) outlined above. These representations were circulated to the main parties on 9 May. A list of representations received in response to the Secretary of State's letter is at Annex A. Copies of these may be obtained on request to the email address at the foot of the first page of this letter.

8. The Secretary of State has taken into account the responses received. His conclusions on them are set out at paragraphs 35-38 below. The Secretary of State is satisfied that no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties.

Policy and statutory considerations

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

10. In this case the development plan consists of the Huntingdon Neighbourhood Plan (HNP) 2021 and the saved policies of the otherwise revoked Yorkshire and Humber Regional Spatial Strategy (RSS) 2008. The Secretary of State considers that relevant development plan policies include those set out at IR18-21 & IR124-126. The Secretary of State notes that The HNP refers to a strategic housing allocation in the emerging Local Plan ST8 Land North of Monks Cross identifying the appeal site. However, he further notes that the

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HNP does not itself allocate strategic housing sites, that being a matter for the Local Plan (IR20).

11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance').

Emerging plan

12. The emerging plan (eLP) comprises the emerging City of York Local Plan. The eLP was submitted for examination in May 2018. The examination is continuing. The Secretary of State considers that the emerging policies of most relevance to this case include ST8 which identifies the appeal site as a strategic housing site, OS8 which allocates the area to the east of the Monks Cross Link Road as open space, and the emerging policies identified at IR24 and IR127.

13. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The Secretary of State notes that there are unresolved objections to allocation ST8, albeit that some objections relate to matters of detail rather than the principle of development. He agrees with the Inspector at IR128 that in these circumstances only limited weight can be attached to the eLP as a statement of emerging policy. He further agrees that the fact this site has been identified as a suitable location for a strategic housing development is a material consideration that weighs in support of the proposal.

14. For the reasons given at IR129, the Secretary of State agrees that the Draft Local Plan 2005 incorporating the Fourth Set of Changes, which was approved by the Council for development management purposes in April 2005, attracts very little weight and has been overtaken by the eLP.

Main issues

The effect of the proposal on the Green Belt, including any effects on openness and the purposes of including land within the Green Belt

15. For the reasons given at IR19 and IR130 the Secretary of State agrees at IR130 that the appeal site has the characteristics of Green Belt and should be treated as such for the purposes of this appeal. He futher agrees that the proposal would conflict with saved RSS Policy Y1(C)1 which establishes a Green Belt around York (IR135). In the absence of an up to date adopted development plan policy which deals with Green Belt, the Secretary of State has followed the Inspector's approach in applying the Framework policy.

16. There is no dispute between the parties that the proposal would amount to inappropriate development (IR131). The Secretary of State agrees that the proposed country park would be a change of use of land for recreation, and that the necessary engineering operations described by the Inspector at IR131 would not in themselves amount to

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inappropriate development for the reasons given there. For the reasons given, the Secretary of State agrees that nevertheless, looked at in the round, the proposal as a whole would represent inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

17. For the reasons given at IR132, the Secretary of State agrees that as a result of the proposal, the site would be very much more built-up than it is now, and agrees that this would result in significant harm to the openness of the Green Belt.

18. The Secretary of State agrees at IR133 that in its current condition, the site contributes to two of the five purposes of the Green Belt set out in paragraph 138 of the Framework, namely checking the unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment, and that the proposal would conflict with these purposes. For the reasons given at IR134, he also agrees that the experience of arriving at the historic city from the north would not be significantly affected by the proposal and that this is not a matter that weighs against the appeal.

19. For the reasons given at IR135, the Secretary of State agrees there and at IR194 that substantial weight should be given to the identified Green Belt harms.

The effect of the proposal on transport networks and the extent to which it would support the objective of promoting sustainable transport

Effect on the highway network

20. For the reasons given at IR136-143 and IR167, the Secretary of State agrees with the Inspector at IR143 that subject to the mitigation measures provided for in the Agreement, the proposal would not result in any unacceptable impacts on the highway network, either in terms of safety of capacity, and that there would be no severe impacts on the road network (IR167).

Public transport

21. For the reasons given at IR144-145 and at IR166 the Secretary of State agrees with the Inspector that the proposed bus service improvements would make bus transport a convenient and attractive option for trips to the city centre and other locations within York (IR166). He has further taken into account the contributions to sustainable transport measures set out at IR164.

Walking and cycling

22. For the reasons given at IR146-148 and IR166 the Secretary of State agrees with the Inspector that the site is well located to enable walking and cycling trips to be made for a wide range of purposes (IR146, IR166) and that subject to the design process, the facilties within the site should be reasonably accessible to new residents by walking and

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cycling (IR147). He has further taken into account that the scheme would include three pedestrian/ cycle links to the site (IR148).

23. The Secretary of State has carefully considered the two additional links at Garth Road and Alpha Court which were discussed at the inquiry. For the reasons given at IR149-163 he agrees with the Inspector's assessment of the additional links and agrees that the Garth Road and Alpha Court links would both be useful facilties which would offer additional travel choice to new residents (IR158 & IR163). However he further agrees that these links would not bring about a significant change in the proportion of trips made on foot (IR158 and IR163).

Conclusions on transport

24. The Secretary of State agrees for the reasons given at IR165-169 that overall the proposal accords with those policies of the Framework that seek to promote sustainable transport (IR168). He further agrees at IR170 that the proposal would accord with the key principles for emerging site allocation ST8 in various respects.

25. For the reasons given at IR170-IR172, the Secretary of State agrees with the Inspector at IR172 that taking account of the totality of the transport measures proposed, neither the Garth Road nor the Alpha Court link is necessary for the grant of planning permission. For the reasons given at IR173-175, he further agrees at IR174 that would be conflict with the element of eLP Policy SS10 which calls for *"further strategic connections"* but agrees that limited weight should be attached. He agrees at IR175 that a Grampian condition would not be necessary for the grant of planning permission.

26. The Secretary of State agrees overall with the Inspector's conclusion at IR176 that the proposal would not cause harm to the safety or the capacity of the highway network. He further agrees that opportunities for travel on foot, cycle or bus have been considered and appropriate provision has been made, consistent with those policies of the Framework that seek to promote sustainable travel. He further agrees that the proposal would accord with HNP Policy H1, insofar as the policy relates to transport.

The nature and extent of any economic, social and environmental benefits which would result from the proposal

Housing and affordable housing

27. For the reasons set out at IR197, the Secretary of State agrees with the Inspector that there is not currently a plan-led route to meeting housing needs, and agrees that this adds to the weight attaching to housing delivery. He has taken this into account in his assessment below.

28. For the reasons given in IR177 and IR196, the Secretary of State agrees that the Council is unable to demonstrate a five year supply of housing sites, as required by the Framework. The current housing land supply is agreed to be between 2.79 years and 3.45 years. The Secretary of State agrees that the proposal would make an important contribution to housing delivery in York over an extended period, and that there is an

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urgent need for housing in York. He further agrees with the Inspector that significant weight should be attached to the social and economic benefits of housing delivery.

29. For the reasons given at IR178 and IR196, the Secretary of State agrees that delivery of 30% affordable housing would be a further social and economic benefit to which significant weight should be attached. For the reasons given at IR204, the Secretary of State agrees that the proposal would be in accordance with HNP Policy H3.

Primary school and early years facility

30. For the reasons given at IR179, the Secretary of State agrees that the provision of an early years facility and a primary school on site should be regarded as an important benefit. For the reasons given at IR180 he agrees that creating a school within the appeal site would contribute to place-making and community identitity and also agrees that as both the primary school and the early years facility would be be within a reasonable walking distance of all parts of the site, this would contribute to sustainable transport objectives and reduce car travel from the site to other schools in the locality. For the reasons given at IR181, the Secretary of State agrees that while 'Plan B' is a sensible contingency arrangement, based on the evidence before the inquiry the likelihood is that the school would be delivered on site.

31. Overall, for the reasons given at IR179-181 and at IR196, the Secretary of State agrees at IR196 that significant weight should be attached to provision of a primary school and associated early years facility.

Country park

32. For the reasons given at IR182, the Secretary of State agrees at IR196 that the park would provide an extensive area of informal open space with a rural character that would be attractive to new residents as well as existing residents of Huntington. The Secretary of State agrees that whilst the detailed design of the park would be approved at a later stage, the illustrative plans show how it could be laid out as an attractive space with a rural character and further agrees that this would result in social and environmental benefits to which moderate weight should be attached.

Other matters

Character and appearance of the area

33. The Secretary of State has had regard to the Inspector's conclusions on character and appearance at IR183. He recognises that matters of design and landscape would be considered at reserved matters stage. The Secretary of State is not persuaded that he has sufficient evidence before him to conclude that overall landscape effects during the operational phase would be beneficial. He considers that the proposed development is likely to have an overall neutral effect on the landscape and attracts neutral weight in the planning balance.

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Biodiversity

34. For the reasons given in IR185 the Secretary of State agrees that there are opportunities to promote biodiversity net gain within the proposed residential areas and the country park, and agrees, in line with the ES, that taking account of the proposed mitigation measures, there are no significant adverse effects on biodiversity (IR185). He considers that biodiversity attracts neutral weight in the planning balance.

Habitats Regulation Assessment

35. The site is within the zone of influence of Strensall Common Special Area Conservation (SAC) and Site of Special Scientific Interest (SSSI). The Secretary of State notes that the Council's Habitats Regulations Assessment identified a likelihood of increased recreational impact on the SAC/SSSI as a result of development (IR186). However, for the reasons given at IR186 agrees that the open spaces, together with the country park, would provide suitable alternative locations for informal outdoor recreation. Furthermore would mitigate the potential recreational impact on the SAC/SSSI.

36. As the Secretary of State is the competent authority for the purposes of the Conservation of Habitats and Species Regulations, information to support the Secretary of State's assessment was provided (Annex D of the IR). This concluded that in the absence of mitigation, a likely significant effect could not be ruled out, but that with mitigation, it would be reasonable to reach a conclusion of no adverse effects on the Strensall Common SAC.

37. Post-Inquiry, Natural England (NE) stated it was not possible for it to conclude that the proposal would not have significant effects on the SAC without further detail on mitigation (as set out in paragraphs 7-9 above). In response to the Secretary of State's reference back exercise, a Shadow Habitats Regulation Assessment (sHRA) has since been provided by the Applicant and agreed by NE. Parties have also agreed an amended condition 11. This revised sHRA supersedes that version provided by the Council at the time of the application and included at Annex D of the IR.

38. The Secretary of State is the Competent Authority for the purposes of the Conservation of Habitats and Species Regulations 2017 and is required to make an Appropriate Assessment (AA) of the implications of that plan or project on the integrity of any affected European site in view of each site's conservation objectives. The Secretary of State has reviewed the sHRA and has taken into account the confirmation from NE on 10 June 2022 that they are now satisfied in principle that the proposed country park will provide Suitable Alternative Natural Greenspace (SANG) sufficient to incentivise residents of the new development to use the SANG for recreational purposes instead of the SAC. Furthermore, NE are content that planning permission could be granted for the proposed development in full compliance with Regulation 63 of the 2017 Regulations, subject to the imposition of amended condition 11, as set out at paragraph 42 below. The sHRA is attached at Annex C of this letter. The Secretary of State agrees with its analysis, and agrees with its conclusion that with the proposed SANG in place, a neutral effect on Strensall Common SAC is predicted from the proposed development at Land North of Monks Cross, both in isolation and in combination with other housing sites . The

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Secretary of State therefore adopts the sHRA as the necessary Appropriate Assessment in his role as the Competent Authority on this matter.

Flood risk and drainage; Noise; Excluded land, and other matters raised by interested parties

39. The Secretary of State agrees with Inspector's conclusions in relation to flood risk and drainage for the reasons given at IR184. For the reasons given at IR187-189 he agrees with the Inspector's conclusions in relation to noise and vibration during the construction phase. He notes that that the updated noise assessment recommends that noise assessments are repeated when the layout and design of the proposed houses is considered and like the Inspector agrees with that approach (IR189). He further agrees with the Inspector's conclusions at IR190 in respect of the excluded land, and at IR191 in respect of other matters.

Planning conditions

40. The Secretary of State has given consideration to the Inspector's analysis at IR114-122, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework and that the conditions set out at Annex B should form part of his decision.

41. In response to the representations received from NE detailed at paragraphs 6-8 above, and in light of the additional information provided by the Applicant on mitigation measures in relation to the Strensall Common SAC detailed at paragraph 35-38 above, the Secretary of State considers that it is necessary and appropriate to address this matter by way of an amended condtion. Parties have agreed an amended condition, as set out at condition 11 of Annex B. The Secretary of State considers that this condition complies with the policy test set out at paragraph 56 of the Framework.

Planning obligations

42. Having had regard to the Inspector's analysis at IR7-12, the planning obligation dated 10 February 2022, paragraph 57 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR12 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 57 of the Framework.

Planning balance and overall conclusion

43. For the reasons given at IR201-205, the Secretary of State agrees that the proposal is in accordance with the HNP. He also agrees, however, that due to the conflict with RSS Policy Y1(C)1, which establishes a Green Belt round York, the proposal should be regarded as being in conflict with the development plan as a whole. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.

44. As the Council is unable to demonstrate a five year supply of housing sites, as required by the Framework, paragraph 11(d) of the Framework indicates that planning permission

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should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.

45. Weighing in favour of the proposal are the delivery of housing and affordable housing, which each attract significant weight; the provision of a new primary school and early years facility which attracts significant weight; provision of a new country park which attracts moderate weight, and the fact the site is identified in the emerging Local Plan as suitable in principle for strategic development which attracts limited weight.

46. Weighing against the proposal are harm to the Green Belt by reason of inappropriateness, as well as significant harm to Green Belt openness and to two Green Belt purposes which collectively attracts substantial weight; as well as conflict with the eLP on strategic connections which attracts limited weight.

47. The Secretary of State has considered whether the harm to the Green Belt, and the other harm he has identified, are clearly outweighed by other considerations. Overall, the Secretary of State considers that the benefits of the proposal are collectively sufficient to clearly outweigh the harm to the Green Belt and other harm such that very special circumstances exist to justify permitting the development. As such, he finds no conflict with Green Belt policy at Section 13 of the Framework, which is favourable to the proposal.

48. The Secretary of State therefore considers that there are no protective policies which provide a clear reason for refusing the development proposed. He further considers that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development therefore applies.

49. Overall, the Secretary of State considers that despite the conflict with the development plan, the material considerations in this case indicate that permission should be granted.

50. The Secretary of State therefore concludes that the appeal should be allowed.

Formal decision

51. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission, subject to the conditions set out in Annex B of this decision letter, for residential development of circa 970 dwellings with associated demolition, infrastructure works, open space, primary school, community facilities and convenience store (use class A1; not exceeding 200sqm floorspace) on land west of Monks Cross Link Road and a country park with drainage infrastructure east of Monks Cross Link Road, in accordance with application Ref. 18/00017/OUTM, dated 4 January 2018.

52. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

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Right to challenge the decision

53. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

54. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

55. A copy of this letter has been sent to the Council of the City of York, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Phil Barber
Decision officer

This decision was made by the Minister of State for Housing, Lucy Frazer MP, on behalf of the Secretary of State, and signed on her behalf

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Annex A Schedule of Representations

General representations

Party	Date

Representations received in response to the Secretary of State's letter of 11 April 2022

Party	Date
City of York Council	May 5 2022
Natural England	May 6 2022

Representations received in response to the re-circulation of responses received to the Secretary of State's letter of 11 April 2022

Party	Date
Natural England	May 16 2022
Johnson Mowat	May 20 2022
Natural England	June 10 2022
Johnson Mowat	June 14 2022

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Annex B List of conditions

1) The development hereby permitted shall be carried out in accordance with the following plans:-

   PL1377-VW-016-5-04 – Location Plan

   13035/GA/03 Rev C - Proposed Site Access onto North Lane

   13035/GA/05 Rev A - Proposed Northern Access onto Monks Cross Link (Alternative Country Park Option)

   13035/GA/01 Rev E - Proposed Southern Access onto Monks Cross Link

2) Fully detailed drawings illustrating all of the following matters (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4), and the development shall be carried out in accordance with such details:

   Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out.

   In the case of any self-build or custom build plots forming part of the Phasing Strategy approved pursuant to Condition 4, the reserved matters may be submitted for individual plots.

3) Application for the first reserved matters shall be made to the Local Planning Authority not later than the expiration of two years beginning with the date of this permission. Application for approval of all reserved matters for the remaining phases shall be made to the Local Planning Authority not later than the expiration of eight years beginning with the date of this permission.

   The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters in the first phase to be approved and in line with the approved Phasing Strategy.

4) No development shall commence until a detailed Phasing Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the provisions of the approved Phasing Strategy and/or any subsequent amendment to it that has been submitted to and approved in writing by the Local Planning Authority.

   The strategy will outline the key elements and projected timeline of each phase of development, and how they will be delivered. The strategy shall include the phasing of:

   a) enabling works;

   b) infrastructure (including all new junctions and accesses to the site, internal roads including how the development interfaces with the area of land positioned centrally within the site that is excluded from the red line boundary, pedestrian and cycle routes);

   c) drainage and other utility works;

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d) primary school;

e) community hub;

f) playing pitches and amenity open space;

g) community facilities including retail shop(s);

h) country park;

i) play areas;

j) residential areas;

k) self and custom build housing; and

l) landscaping (hard and soft).

5) Prior to the approval of the first reserved matters application, a Development Framework Document including a revised masterplan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Development Framework Document and masterplan.

The Development Framework Document and masterplan shall provide indicative locations for infrastructure and other key principles including:

a) all new junctions and accesses to the site, internal roads and pedestrian and cycle routes, including:

i. a pedestrian and cycle link to Woodland Way,

ii. how the layout would limit the number of dwellings served from North Lane,

iii. how the layout would avoid a through route being created between North Lane and Monks Cross Link Road, and

iv. how the development would link to the area of land positioned centrally within the site that is excluded from the red line boundary;

b) drainage and other utility works;

c) primary school;

d) community hub;

e) playing pitches and amenity open space;

f) community facilities including retail shop(s);

g) country park;

h) play areas;

i) bus stops;

j) residential areas, including indicative mix of type and size of dwellings for each area;

k) self and custom build housing;

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l) landscaping (hard and soft) including retained trees and hedges and green corridors;

m) design principles having regard to the principles of a garden village; and

n) statement of crime prevention measures to be included within the design of the development, relating to the whole site and to each phase of the development.

6) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until landscape reserved matters for that phase have been submitted to and approved in writing by the Local Planning Authority. The landscape reserved matters shall include:

a) a detailed landscaping scheme which shall show the number, species, height and position of trees and shrubs;

b) details of earthworks in connection with the formation of all landscaped areas, including the levels and contours to be formed and the relationship of the proposed earthworks to the surrounding landform;

c) details of the position, design and materials of all means of enclosure;

d) details of surface materials for all roads, footpaths and hard landscaped areas; and

e) a lighting scheme for ecologically sensitive areas, cycle routes, public footpaths and public areas.

Development shall be carried out in accordance with the approved landscape reserved matters.

7) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until an up to date (no more than 2 years old) Preliminary Ecological Appraisal for that phase has been submitted to and approved in writing by the Local Planning Authority.

If the Preliminary Ecological Appraisal recommends any further habitat or species surveys these shall also be submitted to and approved in writing by the Local Planning Authority. Any enabling or other works in that phase shall be undertaken in accordance with any recommendations set out in the approved Preliminary Ecological Appraisal.

8) Before or concurrently with the first application for the approval of reserved matters, a site wide Strategic Biodiversity Management Plan (SBMP) shall be submitted to and approved in writing by the Local Planning Authority. The site wide SBMP shall include the following:

a) strategic aims and objectives of management, including securing biodiversity net gain using the most up to date DEFRA metric;

b) description and evaluation of the features to be managed;

c) framework of management options to achieve aims and objectives;

d) detail of the roles and responsibilities of personnel involved in delivery of the SBMP;

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e) framework for the monitoring of ecological features, target condition and remedial measures;

f) framework for long term monitoring and management including funding.

The approved SBMP shall be adhered to and implemented throughout the construction period.

9) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until a detailed Biodiversity Management Plan (BMP) for that phase has been submitted to and approved in writing by the Local Planning Authority.

Each BMP shall demonstrate how it accords with the principles in the SBMP approved under Condition 8 including biodiversity net gain using the most up to date DEFRA metric.

Each BMP shall include details of the following:

a) details of the ecological features to be monitored and managed;

b) management prescriptions which demonstrate how aims and objectives can be met;

c) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);

d) details of the body or organisation responsible for implementation of the plan, including evidence of relevant skills and experience;

e) details of ongoing monitoring, reporting and remedial measures.

In addition, each BMP shall include details of the following in relation to the construction phase:

f) risk assessment of potentially damaging construction activities;

g) identification of biodiversity protection zones;

h) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);

i) the location and timing of sensitive works to avoid harm to biodiversity features including a plan and schedule of all trees and shrubs on the site along with the spread of each tree as well as identifying those trees and shrubs to be retained and those to be felled;

j) the times during construction when specialist ecologists need to be present on site to oversee works;

k) responsible persons and lines of communication;

l) the roles and responsibilities on site of an ecological clerk of works or similarly competent person;

m) use of protective fences, exclusion barriers and warning signs; and

n) how trees and shrubs to be retained will be protected during the development of the site, including by the following measures:

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i. a chestnut pale or similar fence not less than 1.2 metres high shall be erected at a distance of not less than 4.5 metres from any trunk;

ii. no development (including the erection of site huts) shall take place within the crown spread of the trees;

iii. no materials (including fuel or spoil) shall be stored within the crown spread of the trees;

iv. no burning of materials shall take place within 3 metres of the crown spread of any tree; and

v. no services shall be routed under the crown spread of any tree without the express written permission of the Local Planning Authority.

Each BMP shall be adhered to at all times during the construction of that phase and thereafter shall endure for the lifetime of the development.

10) No development shall commence until an archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation (Prospect Archaeology 2018 Report No. RED06/02); provision has been made for analysis, publication and dissemination of results; archive deposition has been secured and a verification report confirming the steps than have been taken has been submitted to and approved in writing by the Local Planning Authority.

A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified shall be deposited with City of York Historic Environment Record to allow public dissemination of results within six weeks of completion or such other period as may be approved in writing by the Local Planning Authority.

Where archaeological features and deposits are identified, proposals for preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings, shall be submitted to and approved in writing by the Local Planning Authority before development commences. Development shall be implemented in accordance with the approved proposals.

11) A bespoke Site of Alternative Natural Greenspace (SANG) Management Plan Scheme for the Country Park shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The aims and works required to deliver the bespoke SANG will be in broad accordance with the Draft SANG Management Plan produced by Brooks Ecological (Report Ref ER- 4509-09 May 2022). Unless otherwise agreed in writing with the Local Planning Authority, the Country Park will be made available for public use for the purposes outlined the SANG Management Plan before the occupation of the first dwelling. The Country Park will be managed in accordance with the aims outlined in the agreed SANG Management Plan Scheme for the lifetime of the development.

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12) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period for that phase.

The CEMP shall include the following details:

a) arrangements for parking of vehicles for site operatives and visitors;

b) storage areas for plant and materials used in the construction of the development;

c) the location of site compounds;

d) HGV routes that avoid the main existing Huntington settlement and details of how HGV records are kept;

e) facilities for cleaning the wheels of vehicles leaving the site;

f) road sweeping measures;

g) a programme of works including phasing and measures for the control of construction traffic to and from the site, and within the site, during construction;

h) a scheme for recycling/disposing of waste resulting from demolition;

i) a risk assessment of dust impacts in line with the guidance provided by the Institute of Air Quality Management together with mitigation measures commensurate with the risks identified in the assessment;

j) hours of construction and deliveries;

k) noise mitigation measures and monitoring arrangements;

l) activities which may result in excessive vibration, such as piling, and details of monitoring arrangements and mitigation measures; and

m) artificial lighting and measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

The CEMP shall provide a complaints procedure. The procedure shall include how a contact number will be advertised to the public, what will happen once a complaint had been received, monitoring arrangements, how the complainant would be kept informed and what would happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and forwarded to the Local Planning Authority every month.

13) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until a noise survey and scheme of noise insulation measures for protecting the approved dwellings in that phase from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. The noise insulation measures shall be installed as approved and a noise report demonstrating compliance with the approved noise insulation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling in that phase.

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14) Prior to the occupation of any non-residential building that requires installation of any machinery, plant or equipment which is audible outside of that building, details of that machinery, plant or equipment shall be submitted to and approved in writing by the Local Planning Authority. The details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be implemented and operational prior to the first occupation of any such building and shall be retained in accordance with the approved details for the lifetime of the development.

15) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until an additional investigation and risk assessment has been undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by a competent person and a written report of the findings shall be produced. No development shall take place in that phase until the report of the findings has been submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include:

    a) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

    b) an assessment of the potential risks to:

        i. human health,

        ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

        iii. adjoining land,

        iv. groundwaters and surface waters,

        v. ecological systems,

        vi. archaeological sites and ancient monuments; and

    c) an appraisal of remedial options and proposal of the preferred option(s).

    The investigation and risk assessment shall be conducted in accordance with DEFRA and the Environment Agency's *Model Procedures for the Management of Land Contamination* CLR 11.

16) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until a detailed remediation scheme for that phase to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

17) Prior to first occupation or use of any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) the remediation scheme for that phase

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approved pursuant to Condition 16 must be carried out as approved and a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

18) In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing to the Local Planning Authority immediately. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

19) The site shall be developed with separate systems of drainage for foul and surface water on and off site.

20) No development shall commence until a site-wide strategy for foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority.

No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until details of foul and surface water drainage for that phase have been submitted to and approved in writing by the Local Planning Authority.

All drainage works shall be carried out in accordance with the timescales in the Phasing Strategy approved pursuant to Condition 4 and in accordance with the strategy and details approved pursuant to this condition.

21) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until samples of each external material (including materials for walls and roofs) for each new building within that phase have been submitted to and approved in writing by the Local Planning Authority. The samples shall include the colour, texture and bonding of brickwork, mortar treatment and the colour and texture of render.

22) Prior to the occupation of any dwelling with in-curtilage car parking (or allocated off-plot parking), each dwelling shall incorporate sufficient capacity (including any necessary trunking/ducting) within the electricity distribution board for one dedicated radial AC single phase connection (minimum 32A) for electric vehicle charging.

23) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until a scheme for the provision of electric vehicle charging facilities for non-allocated parking, shared off-plot parking, non-residential and commercial parking within that phase has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the location, specification and timescales for installation of all active electric vehicle charging facilities and provide details of the passive provision proposed across the phase. Charging points shall be located in prominent positions and shall be for the exclusive use of electric vehicles. Where additional parking bays are identified for the future installation of electric vehicle charging

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points (passive provision) they shall be provided with all necessary ducting, cabling and groundworks.

The scheme shall include a Management Plan detailing the management, maintenance, servicing and access/charging arrangements for each electric vehicle charging point for a minimum period of 10 years. The Management Plan shall be implemented as approved.

24) The total number of residential units shall not exceed 970.

25) Building heights shall not exceed 12m and shall be in general conformity with the Building Heights Parameter Plan (Ref: PL1377-VW-016-2 Issue 04).

26) All non-residential buildings hereby approved with a total internal floorspace of 100sqm or greater shall achieve BREEAM "*excellent*" or equivalent. Prior to the construction of any non-residential building, details of measures to secure compliance with this condition shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

27) Before or concurrently with the first application for the approval of reserved matters, a strategy for the development of at least 5% self or custom build plots across the whole site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a design code setting out the following details:

    a) appearance

    b) landscaping

    c) layout

    d) scale

The self and custom build plots shall be provided with services (access to a public highway and connections for electricity, water and waste water) to the extent that they can be defined as serviced plots, as defined in The Self-build and Custom Housebuilding Regulations 2016.

The development of the self and custom build dwellings hereby approved shall not be carried out unless as "*self-build or custom-build*" development as defined in the Glossary in Annex 2 of the National Planning Policy Framework or any subsequent replacement document.

All applications for approval of reserved matters for the self or custom build dwellings shall be in accordance with the approved strategy.

28) No development shall commence until a scheme for the provision of sports pitches and open spaces has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out details of the size, location, type, design and specification of the sports pitches, changing facilities and open spaces as well as their management and maintenance. The sports pitches and open spaces shall be provided in accordance with the Phasing Strategy approved pursuant to Condition 4, shall be completed in accordance with the scheme approved under this condition and shall thereafter be managed and maintained in accordance with that scheme for the lifetime of the development.

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29) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until details of the equipped play areas within that phase have been submitted to and approved in writing by the Local Planning Authority. The details shall include the on-site management and maintenance of the play areas. The play areas shall be provided in accordance with the Phasing Strategy approved pursuant to Condition 4, shall be completed in accordance with the details approved under this condition and shall thereafter be managed and maintained in accordance with those details for the lifetime of the development.

30) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until details of the location, design and materials of covered and secure cycle parking for all dwellings and other buildings in that phase have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall accord with guidance within Local Transport Note 1/20 *Cycle Infrastructure Design*. It shall be implemented in accordance with the approved details prior to the first occupation of the dwelling or building to which it relates.

31) Prior to the commencement of works to North Lane, which shall be generally in accordance with plan 13035/GA/03 Rev C - *Proposed Site Access onto North Lane* hereby approved, further details of the works to pedestrian and cycling facilities to link to existing facilities to the west of the site and speed management measures to slow traffic to the proposed 30mph speed limit (including signage, lighting, drainage and other related works) shall be submitted to and approved in writing by the Local Planning Authority. The works to North Lane shall be carried out in accordance with the details approved pursuant to this condition and the Phasing Strategy approved pursuant to Condition 4.

32) Prior to the commencement of works to Monks Cross Link Road, which shall be generally in accordance with plan 13035/GA/01 Rev E - *Proposed Southern Access onto Monks Cross Link* hereby approved, further details of the works to pedestrian and cycling facilities along Monks Cross Link Road to Monks Cross Drive including signage, lighting, drainage and other related works shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian and cycle facilities along Monks Cross Link Road shall be carried out in accordance with the details approved pursuant to this condition and the Phasing Strategy approved pursuant to Condition 4.

33) Details of the internal design of the spine road (tree-lined boulevard) together with modal filters to preclude vehicular access through the site between North Lane and Monks Cross Link Road, other than for emergency access, pedestrian or cycle access, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) which includes part of the spine road (tree-lined boulevard). The modal filters shall accord with the Development Framework Document approved pursuant to Condition 5. Any modal filters so approved shall be installed before the occupation of the phase in which they are located and shall thereafter be retained as approved for the lifetime of the development.

34) Details of how access is to be provided to the area of land in the western part of the site that is excluded from the red line boundary shall be submitted to and

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approved in writing by the Local Planning Authority prior to the commencement of development on any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) which includes part of the access route to the said land. The access details shall accord with the Development Framework Document approved pursuant to Condition 5. Any access details so approved shall be completed before the occupation of the phase in which they are located and shall thereafter be retained as approved for the lifetime of the development.

35) The indicative mix of type and size of dwellings included in the Development Framework Document approved pursuant to Condition 5 shall include an indicative dwelling mix for each residential area and shall demonstrate how the mix of dwellings across the site will contribute to meeting the housing needs of the city, taking account of up to date information on housing needs including evidence in the most recent Strategic Housing Market Assessment. Reserved matters for each phase (as defined in the Phasing Strategy approved pursuant to Condition 4) shall demonstrate how they conform to the Development Framework Document, with regard to housing mix, having regard to any other relevant evidence of housing needs at that time.

36) No part of the primary school site shall be occupied until a scheme of community use has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of what facilities will be made available for community use and at what times, booking arrangements and management responsibilities. The school shall be operated in accordance with the approved scheme of community use.

37) A scheme for community facilities and social infrastructure to be provided on site, including retail provision, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, location, type(s), design and specification of any community facilities as well as their on-site management and maintenance. The community facilities and social infrastructure shall be provided in accordance with the Phasing Strategy approved pursuant to Condition 4 and in accordance with the scheme approved under this condition and shall thereafter be maintained and managed in accordance with that scheme for the lifetime of the development.

38) A three stage road safety audit shall be carried out in line with advice set out in GG119 Road Safety Audit for all new junctions and access points, the improvements to pedestrian and cycle facilities along North Lane, the pedestrian and cycle facilities along Monks Cross Link Road and the pedestrian and cycle link to Woodland Way. Reports for Stages 1 and 2 shall be submitted to and approved in writing by the Local Planning Authority prior to highway works commencing on site. The Stage 3 report shall be submitted to and approved in writing by the Local Planning Authority prior to the highway works becoming operational.

39) All existing vehicular crossings on North Lane not shown as being retained on the approved plans shall be removed and a matching surface introduced to correspond with adjacent levels within six months of such crossings becoming redundant.

End of schedule of conditions

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Annex C Shadow Habitats Regulation Assessment

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Shadow Habitat Regulations Assessment (sHRA)

Land North of Monks Cross

Redrow Homes Ltd

Report Reference: ER-4509-07-C

19/05/2022

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Report Title:	HRA Screening Report Land North of Monks Cross
Report Reference:	ER-4509-07-C
Written by:	Christopher Shaw BSc (Hons) MCIEEM Senior Ecologist
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Approved for Issue:	Rob Weston BSc MSc MCIEEM Technical Director
Date:	Written 30/10/2020 Amended 16/02/2021 Amended 11/05/2022 Amended 19/05/2022

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Introduction

1. Brooks Ecological Ltd. were commissioned by Redrow Homes Ltd to carry out a Habitat Regulation Assessment (HRA) Screening report for their proposed development Site known as Land North of Monks Cross in Huntington, York (see Figure 1), in order to assess whether the proposed activities associated with the Site's development are likely, under the Habitat Regulations, to have a significant effect on Strensall Common SAC or its qualifying interests.

The Need for this Assessment

2. The Local Planning Authority now request a HRA Screening report for any development that falls within a 5.5km zone of influence around Strensall Common SAC. The Site is situated approximately 2.3km - 3.2km southwest of Strensall Common SAC (see Figure 2) and thus falls within its zone of influence.

Figure 2 Relationship between the Site & Strensall Common SAC (1-5km radii shown).

Figure 1 The Site boundary - red line

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Principles of Habitat Regulation Assessments

The Habitat Regulations Directive (92/43/EEC) established a network of Natura 2000 sites, with the goal of protecting sites of exceptional ecological importance. These include Special Protection Areas (SPA's), Special Areas of Conservation (SAC) and (according to national planning policy) Ramsar sites.

The Habitat Regulations Directive (92/43/EEC) is transposed into UK law as the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulation 2019. Following the UK's exit from the EU, SAC's and SPA's in the UK no longer form part of the EU's Natura 2000 ecological network and instead fall within the new National Site Network (NSN).

Under the Habitats Regulations the granting of approval for developments is restricted if they are likely to have a significant effect on an SAC, SPA or Ramsar site. Guidance on undertaking assessment of plans or projects that may impact upon designated European sites recommends a staged approach. These stages are:

1. Screening- to check if the proposal is likely to have a significant effect on the site's conservation objectives. If not, you do not need to go through the appropriate assessment or derogation stages.
2. Appropriate assessment- to assess the likely significant effects of the proposal in more detail and identify ways to avoid or minimise any effects.
3. Derogation- to consider if proposals that would have an adverse effect on a European site qualify for an exemption.

Stage 1 – Screening

This stage is a simple assessment to check or screen if a proposal is (i) directly connected with or necessary for the conservation management of a European site, (ii) risks having a significant effect on a European site on its own or in combination with other proposals. This stage considers the effects of development in the absence of mitigation. Mitigation measures are only considered if the assessment progresses to Stage 2 – Appropriate Assessment.

Assess the likely significant effect

Stage 1 seeks to assess if the proposal could have a significant effect on a European site that could affect its conservation objectives. This should only consider the risk or possibility of a significant effect based on evidence, not hypothetical risks.

The following should be considered: (i) the area over which the proposed activity would take place, (ii) any overlaps or interaction with the protected features of a site in a direct or indirect way, and (iii) the effect of any essential parts of the proposal, such as its location, timing or design.

Only where the risk of the proposal having a significant effect can not be ruled out, does the assessment progress to Stage 2.

In combined effects:

It must be checked if this effect could combine with any other proposal planned or underway and affects the same site, that on its own also does not have a significant effect. If, in combination, the proposal could have a significant effect on the European site, the assessment will then progress to Stage 2.

To assess in combination effects, the following will be reviewed:

- applications for a new permission
- applications to change an existing permission
- granted permissions that have not begun or been completed
- granted permissions that need renewing
- plans that have been drafted but not yet adopted

A proposal, alone or in combination with other proposals, could cause a significant effect on a European site if there's:

- a reduction in the amount or quality of designated habitats or the habitats that support designated species
- a limit to the potential for restoring designated habitats in the future
- a significant disturbance to the designated species
- disruption to the natural processes that support the site's designated features
- only reduction or offset measures in place

If there's no likely significant effect on the site, either alone or in combination, then the assessment does not need to progress to Stage 2.

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Stage 2 – Appropriate Assessment (AA)

Where there is a risk of a likely significant effect occurring, or there is not enough evidence to rule out a risk, then a more detailed and thorough assessment is required, which is appropriate for the nature and complexity of the proposals. The AA should:

- assess the likely significant effects of a proposal on the integrity of the site and its conservation objectives
- consider ways to avoid or reduce (mitigate) any potential for an 'adverse effect on the integrity of the site'

The AA appropriate assessment aims to demonstrate whether an adverse effect on the integrity of the site from the proposal can be ruled out or not. As part of the assessment, any mitigation measures that have been included as part of the proposal to remove or reduce potential adverse effects should be considered.

Test the Integrity of a European Site

The integrity of the site will be adversely affected if a proposal could, for example:

- destroy, damage or significantly change all or part of a designated habitat
- significantly disturb the population of a designated species, for example, its breeding birds or hibernating bats
- harm the site's ecological connectivity with the wider landscape, for example, harm a woodland that helps to support the designated species from a nearby European site
- harm the site's ecological function, or its ability to survive damage, and reduce its ability to support a designated species
- change the site's physical environment, for example, by changing the chemical makeup of its soil, increasing the risk of pollution or changing the site's hydrology
- restrict access to resources outside the site that are important to a designated species, for example, food sources or breeding grounds
- prevent or disrupt restoration work, or the potential for future restoration, if it undermines the site's conservation objectives

If mitigation measures are needed to avoid adverse effects, the Competent Authority should attach conditions or take other necessary steps to make sure the measures are carried out.

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Baseline Information - Summary

Application Site Location

3. The Site is located along the eastern edge of Huntington, immediately north of Monks Cross. It encompasses a large area of mixed farmland, as shown previously in Figure 1 above.
4. Farmland abuts the Site's northern and eastern boundaries, with retail development to the south (Monks Cross) and a mix of farmland and residential development to the west (Huntington).
5. The Site is located between 2.3km and 3.2km southwest of Strensall Common SAC, with farmland separating the two.

Brief description of proposals

6. Proposals are for a large-scale residential development, with a school and associated public open space (POS) and sustainable urban drainage system (SUDS). This can be seen in the illustrative masterplan shown opposite.

Public Open Space Provision

7. A large amount of POS will be incorporated into the proposals, with green infrastructure and play areas scattered throughout the residential development itself, whilst a single large area of POS will be created to the east, with a dual function of drainage and recreation. This area will be fitted with a network of footpaths that are well connected to the residential development.

Figure 3 Illustrative masterplan

Richborough E

Strensall Common SAC

Description

8. Strensall Common is a 570ha site supporting extensive areas of wet and dry heath. The site is represented predominantly by *Erica tetralix – Sphagnum compactum* wet heath, although its extent has been reduced by drainage. It is a noted locality for marsh gentian *Gentiana pneumonanthe*, narrow buckler-fern *Dryopteris carthusiana* and the dark-bordered beauty moth *Epione vespertaria* as it is associated with creeping willow *Salix repens* on the wet heath. There is also a complex mosaic of wet heaths with *Erica tetralix* and dry heath elements. The *Calluna vulgaris – Deschampsia flexuosa* dry heath is noted for petty whin *Genista anglica* and bird's-foot.

Qualifying Habitats

9. Annex I habitats that are a primary reason for selection of this site:
    - 4010 Northern Atlantic wet heaths with Erica tetralix
    - 4030 European dry heaths

Current threats

10. The site is used for training by the MOD, but this is not thought to compromise the interest of the site. The main issue currently affecting habitats is a lack of management and hence scrub encroachment; this is being controlled through management agreements with the MOD and their tenants.

11. Public access via PRoWs and Permissive Paths is permitted when training is not taking place and is subject to an integrated management plan agreed between the MOD, NE and Yorkshire Wildlife Trust. The absence of open access limits the exposure of the interest features to effects associated with visitor pressure.

Figure 4 Strensall Common SAC

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Screening Stage: Test of Likely Significant Effect (TOLSE)

12. The following table provides Stage 1 of the shadow Habitats Regulations Assessment - the Test of Likely Significant Effects (TOLSE) for each of the NSN sites to be assessed – in this case Strensall Common SAC.

Table 1 Screening Assessment

Sensitive Interest Feature:	Potential hazard:	Potential exposure to hazard and mechanism of effect/impact if known:
Northern Atlantic wet heath & European dry heath	Direct physical loss or damage to habitat	The Site is well separated from Strensall Common SAC by at least 2.3km of farmland. Direct physical damage or loss of habitat will therefore not occur. Significant effect likely to occur: **No** Progress to Appropriate Assessment: **No**
	Damage to habitats resulting from increased recreation pressure.	Strensall Common has limited Public Access, due to its use by the MOD; however, access is still permitted. A visitor survey undertaken by Footprint Ecology (2019), identified the zone of influence around Strensall Common SAC to be 5.5km. Data collected suggests relatively low levels of use by members of the public, with dog walking being one of the main reasons for visiting. Some of the key issues at the site include disruption to the grazing as a result of dogs off leads and dog fouling. Dog walkers come from local villages and a marked or step increase in housing in those areas may result in increased recreation pressure. In the absence of mitigation, residential development within 5.5km poses a risk of impacting on Strensall Common. The Visitor Survey predicted that the Site in isolation would result in a 2% increase in access to the common. A minor increase in recreational pressure is therefore predicted. Significant effect likely to occur: **Potentially** Progress to Appropriate Assessment: **Yes**
	Contamination eg. introduction of heavy metals, pesticides, nutrients, air and water pollution, introduction of non-native species etc	Strensall Common is over 2.3km from the Site entrance, where most traffic related air pollution would occur. Site is also too far away (over 200m) to be affected by any dust generated by the development. There are no watercourses linking the development site to Strensall Common which could transport contamination. Strensall Common is too far from the Site for invasive species to colonise it as a result of escapes of non-native species from landscape planting. Strensall Common is considered too far away for new residents to be likely to deliberately visit the site to release non-native species. Significant effect likely to occur: **No** Progress to Appropriate Assessment: **No**

Ribbonpoint Estates

Sensitive Interest Feature:	Potential hazard:	Potential exposure to hazard and mechanism of effect/impact if known:
	Changes to Hydrology	There is no hydrological link between the Site and Strensall Common SAC. All drainage ditches on Site will eventually flow southwards towards the River Foss and River Ouse, which will then discharge into the Humber Estuary. Strensall Common is located upstream of the Site. Significant effect likely to occur: **No** Progress to Appropriate Assessment: **No**

Richborough Estates

Appropriate Assessment

13. As outlined in Table 1, most significant adverse effects on Strensall Common SAC can be scoped out at the Screening Stage. However, the Visitor Survey has identified the potential for any new development within a 5.5km radius to express an effect on Strensall Common SAC through increased recreational pressure.

14. Damage to Qualifying habitats at Strensall Common, resulting from increased recreation, is therefore taken through to Appropriate Assessment.

Damage to Habitats from Increased Recreation

Summary of Visitor Survey results

15. Following submission of the Local Plan in May 2018, the Council received correspondence from Natural England regarding their HRA. Natural England stated that in reference to the threat posed by recreational pressure on Strensall Common, that they 'did not agree that adverse effects on integrity can be ruled out based on the evidence available'.

16. Accordingly, the Council commissioned Footprint Ecology to undertake a robust and comprehensive visitor assessment survey. The Visitor survey was undertaken in August and September 2018. Key findings included the following:

17. Virtually all of the visitors surveyed (95%) had undertaken a day trip / short visit directly from home that day. Nearly two-thirds of those interviewed (63%) brought at least 1 dog and most of those interviewed (70%) cited dog walking as their main reason for visiting. Other reasons being walking (14%), outing with family (6%), jogging (5%), cycling (2%) and meeting with friends (2%).

18. Around a third (32%) of all interviewees were visiting daily, with dog walkers visiting the most frequently, with 43% visiting daily and a further 21% visiting most days. Most of these visits were short, with 73% spending less than an hour at the site. Most interviewees (78%) indicated that they visited Strensall Common equally all year round.

19. The rural feel/wild landscape was the most common given reason underpinning site choice (52% of interviewees). Close to home was also important (51% of interviewees) and was the most commonly given single main reason for choosing Strensall Common as a destination.

Impacts of recreation at Strensall Common

20. The Visitor Survey highlighted the following potential impacts of recreational pressure on Strensall Common:

- Trampling, leading to vegetation wear, soil compaction, erosion;
- Increased fire incidence;
- Disturbance to grazing livestock, resulting in grazing animals avoiding areas of the Common and potential difficulties achieving the right levels of types of grazing;
- Nutrient enrichment from dog fouling;
- Contamination of ponds;
- Contamination from fly tipping, litter etc.; and
- Damage to infrastructure (gates etc.), whether through wear and tear or direct damage from vandalism.

21. A habitat survey undertaken in September 2018 indicates that recreational impacts are currently evident at Strensall Common, although these are mostly limited in extent and severity and are generally in found in fairly close proximity to the car parks.

22. The most concerning impact is worrying of livestock by dogs, which is already resulting in loss of animals and may jeopardise future grazing. Appropriate grazing will be a vital tool in restoring the SAC to favourable condition.

23. The allocations within the submission version of the York Local Plan include 6653 dwellings within 7.5km of Strensall Common. This represents approximately a 14% increase in the amount of housing. Based on the postcodes of interviewed visitors and the distribution of the housing allocations the Visitor Survey predicts a 24% increase in access at Strensall Common, when the Queen Elizabeth Barracks at Strensall is included. With this removed, the predicted increase is only 7% for all other applications.

24. Given the scale of increase in access predicted, the proximity of new development and concerns relating to current impacts from recreation, adverse integrity on the SAC cannot be ruled out, as a result of the quantum of development proposed.

Roundhay Estates

Potential Approach to Mitigation

25. The Visitor Survey Report provided the following recommendations for mitigation. Some of which can be incorporated into the layout of new developments – but most of which would require action directly from the Local Planning Authority, setting up a Strategic Strensall Common Mitigation Strategy, aimed at addressing the effects of all developments cumulatively within a 7.5km radius of Strensall Common.

(i) Alternative Greenspace

26. Diverting visitors away from the SAC by providing alternative greenspace is one mitigation option. Suitable Alternative Natural Greenspace (SANGs) are a key component of mitigation approaches around other heathlands, and are considered as suitable mitigation for developments set back from the European site boundary (beyond 400m).

27. The visitor survey results indicate that visitors to Strensall Common undertake relatively long routes, with a median route length of 2.5km when clipped to the SAC boundary. Significant areas of green space would be necessary to accommodate routes of this length. The rural/wild landscape was a key factor determining interviewee's choice of site, again suggesting that any alternative green space provision would have to be significant and have a semi-natural feel.

28. For new development that is set well back from the SAC, such that the main means of access is by car, provision of suitable alternative natural greenspace of a suitable size and quality could work to absorb access, particularly if the new greenspace was targeted towards dog walkers.

(ii) Wardens

29. Wardens or Rangers can provide a presence on site, able to directly talk to visitors and deal with any problems. At Strensall Common such a role could involve:

- Facilitating the grazing management through liaison with visitors, highlighting where grazing animals are and acting as a 'looker';
- Deterring anti-social behaviour such as motorbikes around the carparks, fire, graffiti etc;
- Dealing with any issues, such as gates left open, bins needing emptying, damage to infrastructure and on-hand to direct the emergency services in the case of a fire;
- Talking to visitors to make them aware of the conservation interest and any particular issues (e.g. fire risks, training, livestock presence);
- Directly influencing the behaviour of any visitors likely to cause problems, for example dogs off leads around livestock;
- Positively engaging with the local community through attending events, hosting guided walks, encouraging wildlife recording and volunteer involvement etc.

(iii) Decreasing drainage

30. Reducing the amount of drainage, with the potential to restore the site so that it is much wetter. This is likely to be beneficial to the SAC habitats and will reduce the risk of fire. Decreasing drainage would help revert wet heath, mire and transitional vegetation communities towards wetter forms that would once have characterised Strensall Common. It would not affect the dry heath habitat that is on raised ridges.

(iv) Signage

31. Signage and updated interpretation will play a role in directing visitors and helping explain the issues. Changes to the drainage and the provision of boardwalks and such infrastructure may deter cyclists and horse riders and it may be necessary to review these particular activities and provide some kind of dedicated routes for these activities. These would not necessarily need to be within the SAC.

32. Some of the particular nature conservation interest at Strensall Common is associated with ponds and some of the key ponds are directly adjacent to well-used paths. It is clear from the automated counter images that many of the dogs leaving the site are wet and muddy, suggesting that even during dry conditions they were finding water to splash in. In the key pools, low fencing and signage may be necessary to deter dogs from entering the water or limiting the areas that become turbid.

Summary

33. Recreational impacts are already evident at Strensall Common, although these are currently limited in extent and severity.

34. Based on the Visitor Survey Report, if all allocations within 7.5km of Strensall Common were developed (excluding Queen Elizabeth Barracks at Strensall which has now been removed for the Allocation Plan), it is predicted that there would be a 7% increase in access to Strensall Common. If The Land North of Monks Cross were to be removed, the increase in access would reduce to 5%, meaning that the Land North of Monks Cross would account for only a 2% increase in access to Strensall Common in isolation.

Richborough Estates

Mitigation

35. The development at Land North of Monks Cross would account is predicted to result in a c.2% increase in access to Strensall Common SAC.

36. In isolation, the Site is not expected to result in significant adverse effects on the qualifying habitats at Strensall Common SAC. However, in combination with all other developments locally, there is a risk of adverse effects. The following mitigation is therefore proposed, in keeping with the recommendations outlined in the Footprint Ecology Visitor Survey Report.

Creation of a SANG

37. A large block of greenspace will be created to the east of the Site, primarily for the purpose of water attenuation. Under the scheme originally submitted, this was proposed as a Country Park.

38. This land could readily fulfil the requirements of a SANG, in line with Natural England guidelines for SANG creation (i.e. size, footpath rotues, parking provision, etc.).

39. Plans for the SANG have been draw up to demonstrate that this is achievable (see figure opposite). SANG is a tried and tested mitigation strategy for alleviating recreational pressure from new developments on SAC/SPA's, and was recommended as a suitable mitigation strategy in the Visitor Survey report.

40. With this mitigation in place, no significant effect would be anticipated from the proposed development, either in isolation or in combination with other allocation sites locally.

Figure 4 New Country Park designed to meet criteria for SANG

Richborough Estates

Evaluation & Conclusion

41. This shadow HRA has assessed whether the proposed development at Land North of Monks Cross will have a significant effect on Strensall Common SAC or its qualifying interests.

42. This assessment has been informed by ecological survey, review of available information and a desk-based survey undertaken by Brooks Ecological. The Visitor Survey undertaken by Footprint Ecology has also been referenced.

43. The first part of this assessment (Screening Stage) took the form of a Test of Likely Significant Effect (TOLSE). Due to the proposed development type the following potential impact pathway has been identified that could potentially impact the identified NSN site.

    (i) Direct physical loss or damage to habitat

    (ii) Contamination e.g. introduction of heavy metals, pesticides, nutrients, air and water pollution, introduction of non-native species etc

    (iii) Changes to Hydrology

    (iv) Damage to habitats resulting from increased recreation pressure.

44. This concluded that, without mitigation, there will not be a significant effect on habitats associated with Strensall Common SAC - from impacts (i), - (ii), both alone or in-combination.

45. However, from the Visitor Survey, it is stated that any development within 5.5km of Strensall Common SAC could have an effect from increased recreational pressure. This was therefore taken through to Appropriate Assessment (Stage 2).

46. The Visitor Survey predicts that if all allocation sites within 7.5km of Strensall Common were developed (this being in the region of 6,000 houses), this would lead to a 7% increase in access to the Common. For the application site in isolation, the increase in footfall at Strensall Common was predicted to be 2%, which in isolation is not expected to be a significant effect.

47. However, in-combination with all other residential developments locally, a significant effects on Strensall Common is possible. As such, mitigation will be required on this, and all other residential developments within the zone of influence for Strensall Common, to reduce the in-combination effects of increased visitor pressure.

48. As mitigation, a large county park, which can also function as a SANG is proposed. This could be detailed in a SANG Management Plan, which could be secured through a Condition of planning.

49. Similar mitigation will be required on all other residential allocation schemes locally.

50. It is presumed that York City Council will act on the recommendations outlined in the Visitor Survey and are in the process of designing a Strategic Mitigation Strategy (or SAMM) for Strensall Common to deal with the cumulative impacts of recreation pressure from all other allocations within the SAC's Zone of Influence. Where this has been done by other Authorities, (for example Bradford Council and South Pennine Moors SAC, SPA), a fund has been set up, into which developers can contribute (through S106) to the funding of the mitigation, commensurate to the scale of the development (no. of residential Units) and the scale of the proposed impact (distance to the SAC).

51. Should a similar Authority Scale mitigation scheme be implemented for Strensall Common SAC, the developer could contribute to its funding through a S106.

52. With this proposed SANG in place, a neutral effect on Strensall Common SAC is predicted from the proposed development at Land North of Monks Cross, both in isolation and in combination with other allocation sites. Progression to Stage 3 (Derogation Tests) is therefore not required.

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Appendix 1 Strensall Common SAC Citation

EC Directive 92/43 on the Conservation of Natural Habitats and of Wild Fauna and Flora

Citation for Special Area of Conservation (SAC)

Name:	Strensall Common
Unitary Authority/County:	York
SAC status:	Designated on 1 April 2005
Grid reference:	SE651598
SAC EU code:	UK0030284
Area (ha):	569.63
Component SSSI:	Strensall Common SSSI

Site description:
Strensall Common is an example of acidic lowland heath represented predominantly by *Erica tetralix – Sphagnum compactum* wet heath, although its extent has been reduced by drainage. It is a noted locality for marsh gentian *Gentiana pneumonanthe*, narrow buckler-fern *Dryopteris carthusiana* and the dark-bordered beauty moth *Epione vespertaria* as it is associated with creeping willow *Salix repens* on the wet heath.

There is also a complex mosaic of wet heaths with *Erica tetralix* and dry heath elements. The *Calluna vulgaris – Deschampsia flexuosa* dry heath is noted for petty whin *Genista anglica* and bird's-foot *Ornithopus perpusillus*.

Qualifying habitats: The site is designated under **article 4(4)** of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

- European dry heaths.
- Northern Atlantic wet heaths with *Erica tetralix* (wet heathland with cross-leaved heath).

This citation relates to a site entered in the Register of European Sites for Great Britain.
Register reference number: UK0030284
Date of registration: 14 June 2005
Signed:
On behalf of the Secretary of State for Environment, Food and Rural Affairs

Richborough Estates

The Planning Inspectorate

Report to the Secretary of State

by David Prentis BA BPl MRTPI

an Inspector appointed by the Secretary of State

Date 17 March 2022

Richborough Estates

TOWN AND COUNTRY PLANNING ACT 1990

CITY OF YORK COUNCIL

APPEAL BY REDROW HOMES (YORKSHIRE) LIMITED

REGARDING

SITE TO THE WEST OF THE A1237 AND SOUTH OF NORTH LANE, HUNTINGTON, YORK

Inquiry held on 25 to 28 January 2022

Site to the west of the A1237 and south of North Lane, Huntington, York

File Ref: APP/C2741/W/21/3282969

File Ref: APP/C2741/W/21/3282969
Site to the west of the A1237 and south of North Lane, Huntington, York

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Redrow Homes (Yorkshire) Limited against the Council of the City of York.
- The application Ref 18/00017/OUTM is dated 4 January 2018.
- The development proposed is:
  Residential development of circa 970 dwellings with associated demolition, infrastructure works, open space, primary school, community facilities and convenience store (use class A1; not exceeding 200sqm floorspace) on land west of Monks Cross Link Road and a country park with drainage infrastructure east of Monks Cross Link Road.

Summary of recommendation: that the appeal be allowed, and planning permission be granted, subject to conditions

Rightborough Estates

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PRELIMINARY MATTERS

1. The Inquiry sat for four days from 25 to 28 January 2022. My visit to the site and surrounding area was carried out on 31 January 2022. By agreement with the parties the visit was unaccompanied.

2. The application was submitted on 4 January 2018 incorporating ownership Certificate B, confirming that notice had been served on various owners. An amended Certificate B was submitted on 12 January 2022 because an additional owner had been identified. Confirmation was provided that the additional owner was aware of the appeal and did not wish to comment on it. No prejudice therefore arises as a result of the amended certificate.

3. The application was submitted in outline. The means of access is to be determined at this stage. Appearance, landscaping, layout and scale would be reserved matters. The application documents included an illustrative masterplan and parameters plans which provided information about the potential layout and scale of the development, including indicative landscaping. I have taken account of these documents in making my assessments, with due regard to their illustrative status.

4. The appeal was recovered for determination by the Secretary of State because it relates to significant development in the Green Belt. The Council's statement of case indicated that the Council opposed the appeal on the basis that there were unresolved transport, highways and access issues, such that the benefits of the scheme would not outweigh the harm to the Green Belt.

5. Discussions continued between the Council and the appellant in the period leading up to the Inquiry and during the event. This resulted in a significant narrowing of the matters in dispute. One matter that was agreed was that there would be a small car park to serve the proposed country park. This resulted in an amendment to one of the application plans. A proposed roundabout on Monks Cross Link Road (MCLR), one of the main accesses to the scheme, was amended by the addition of a fourth arm leading into the country park. I was satisfied that this would be a minor change that would be unlikely to result in any significant impacts on people or the environment that had not already been assessed. Accordingly, I indicated that I would report on the appeal on the basis of the amended plan[1].

6. The application was accompanied by an Environmental Statement (ES). Shortly before the Inquiry, further environmental information was provided in response to a request under Regulation 25[2]. A further request was made following receipt of that information, so it was necessary to allow a period following the Inquiry for a further response to be provided. The additional information was subsequently

[1] Northern Roundabout Site Access 13035-GA-05-Rev A (ID.01)
[2] Town and Country Planning (Environmental Impact Assessment) Regulations 2017 – the request sought information about aspects of the project definition; consideration of alternatives; baseline data; assessment methodologies for flood risk, ecology and ground conditions; conclusions on likely significant effects for flood risk, ground conditions, agricultural land, lighting, demolition and cumulative effects.

submitted[3]. I have taken the environmental information into account in my assessment and recommendation.

7. Discussions continued on a s106 Agreement (the Agreement) during the Inquiry. These were concluded at a late stage, so it was necessary to allow a period following the Inquiry for a signed Agreement to be submitted. The version that was discussed at the Inquiry was in its final agreed form. The signed Agreement is dated 10 February 2022[4].

8. The Agreement contains obligations relating to education, highways and transport, affordable housing and open space. Many of the obligations are subject to phasing mechanisms relating to stages in the implementation of the appeal scheme. The education provisions include:

    - contributions to early years/nursery provision off-site;
    - contributions to additional secondary school places off-site;
    - contributions to additional places for those with special educational needs and disabilities (SEND); and
    - contributions to SEND transport.

9. The appellant and the Council intend that a primary school be built within the appeal site. To this end, the Agreement provides for the transfer of the school land to the Council and a financial contribution equating to the cost of building a 1.5 form entry school, which would include early years/nursery provision. The arrangements include a review mechanism. If the need for the school is not established at the appropriate stage of the development, then there would be contributions to early years/nursery provision on site[5] and to additional primary school places at other schools in the locality.

10. The highways and transport provisions include:

    - contributions to improving a bus service to serve the development over a five year period;
    - contributions to support sustainable transport choices by new residents;
    - contributions towards implementing and monitoring a travel plan;
    - contributions to works at four roundabout junctions to mitigate increased traffic flow, in the event that improvements to these junctions have not already been secured as part of the York Outer Ring Road (YORR) Dualling Scheme;

Richborough Estates

[3] Inspector's note – the additional information related to ground conditions, contamination and statements of expertise for the authors of some ES chapters. It did not touch on any matters that had been discussed at the Inquiry and it was not necessary to seek further views. The Inquiry was closed in writing on 22 February 2022

[4] The final draft is at ID.17, the signed Agreement is at ID.18 and there is a summary of the main obligations at ID.10

[5] Inspector's note – this would be in addition to the contribution for off-site early years/nursery provision

- contributions to off-site cycleway provision and speed management measures; and
- a contribution to the improvement of the Malton Road/Stockton Lane/Heworth Green roundabout junction.

11. With regard to affordable housing, 24% of the dwellings would be provided as social rented dwellings and 6% as discount sale dwellings (30% of all dwellings would therefore be affordable). There would be contributions to the provision of off-site travellers' pitches. Schemes for the future management and maintenance of the open spaces that would be created, including the country park, would be submitted for the approval of the Council. Finally, there would be a waste collection contribution towards the cost of new waste containers.

12. The Council provided a Compliance Note[6] which considered the obligations in the light of Regulation 122 of the Community Infrastructure Levy Regulations 2010, concluding that the relevant tests would be met. The need for the obligations was not controversial and no party argued that any of the obligations would fail the tests. The appellant expressed no opinion in relation to the travellers' pitches contribution. I see no reason to disagree with the conclusions of the Council's note and I have therefore taken the obligations into account in my assessments and recommendation.

13. The proposal could affect the Strensall Common Special Area of Conservation (SAC). The Secretary of State will be the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). Information to support a Habitats Regulations Assessment is attached at Annex D.

THE SITE AND SURROUNDINGS

14. The appeal site extends to around 59ha of land on either side of MCLR. It mainly comprises agricultural fields, subdivided by hedgerows which include some trees, and is generally flat and open in character. There is a group of farm buildings in the northern part of the site. MCLR runs generally north/south, linking the extensive retail and commercial areas at Monks Cross to the YORR. The YORR is subject to significant levels of congestion. There are proposals for a dualling scheme which would increase the capacity of the YORR and various roundabouts along it, including the MCLR roundabout

15. North Lane runs generally east/west, linking Huntington to the YORR, passing to the north of the appeal site. There is further open countryside to the east and north of the site. Huntington lies to the west, although the proposals would leave some undeveloped land between the proposed development and the existing built up area. To the south there are business parks and other commercial and leisure premises around the Monks Cross Shopping Park. Beyond Monks Cross is Vangarde Park, which includes large retail units and leisure facilities, a community stadium and the Monks Cross park and ride site, which provides frequent bus services to the city centre.

16. There are two areas of land, shown as open space on the illustrative masterplan, which are not included within the application site boundary. To the east of MCLR

[6] CD2.02.02

Rhodborough Estates

there is a triangular area adjacent to the course of a former railway. This has the effect of breaking this part of the site into two separate parcels. There also is a rectangular area which is excluded from the western part of the appeal site. Barratt and David Wilson Homes (BDW) state that they have an option over this land. For convenience I shall refer to this as the BDW land. The BDW land is linked to Garth Road, to the west of the appeal site, by a farm track which appeared overgrown and unused at the time of my visit.

17. Although there is some planning history, relating to a proposal for employment development in the southern part of the site, the Council and the appellant agree that this is not relevant to consideration of this appeal. I share that view.

PLANNING POLICY

18. The development plan comprises the saved policies of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) (RSS) and the Huntington Neighbourhood Plan (2021) (HNP). Saved RSS Policy Y1(C)1 states that plans for York should define the outer boundary of the York Green Belt about six miles from York city centre. Saved RSS Policy YH9(C) states 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*."

19. Thus the development plan has established the general extent of the Green Belt around York. However, the inner boundary has yet to be defined in an adopted plan. The Council and the appellant agree that the appeal site should be treated as Green Belt for the purposes of this appeal. I agree. The appeal site comprises an extensive area of mainly open land which is within the general extent of the Green Belt. It is plainly not within the built-up area of York. To my mind, treating the site as Green Belt would be consistent with the findings in *Wedgewood*[7]. In that case the Court found that, in the absence of a defined inner boundary, the decision maker should apply the high-level RSS policy rationally, having regard to site-specific features (amongst other considerations).

20. The HNP notes a strategic housing allocation, ST8 *Land North of Monks Cross*, in the emerging Local Plan. The residential elements of the appeal scheme fall within this site allocation. However, the HNP does not itself allocate strategic housing sites, that being a matter for the Local Plan. In advance of the adoption of a Local Plan, Policy H14 of the HNP states that decisions on whether land should be treated as falling within the Green Belt should follow the approach supported in *Wedgewood*.

21. HNP Policy H1 sets out criteria for new residential development. These include providing for a mix of housing sizes, tenures and types to meet housing need, providing for recreational, community and education facilities and providing safe pedestrian and cycle links to Huntington Village, local schools and the existing network of pedestrian and cycle routes. Policy H2 requires a mix of housing types and tenures, taking account of up to date evidence of housing needs. Policy H3 seeks to ensure that affordable housing is provided, with a focus on the provision of social housing and affordable homes that are suited to the needs of older

[7] Wedgewood v City of York [2020] EWHC 780 (Admin) (CD5.04)

people, young people and families. Policy H4 states that development proposals should respect the character of their local environment having regard to scale, density, massing, height, landscape, layout, materials and access.

22. The Publication Draft City of York Local Plan (2018) (eLP) was submitted for examination in May 2018. The first examination hearings took place in December 2019. Since then, the Council has completed further work requested by the Inspectors. It has also consulted on a series of modifications and new evidence, with the consultation period expiring in July 2021. At the time of the Inquiry, further examination hearing sessions were set to commence in February 2022.

23. As noted above, the appeal site is identified as a strategic housing site (ST8). The area to the east of MCLR is allocated as open space (OS8). The National Planning Policy Framework (the Framework) states that draft policies can be afforded weight, having regard to the stage of preparation of the plan and the extent to which there are unresolved objections. Policy SS10 applies to allocation ST8 and sets out criteria that are to be applied to development proposals. There are a number of unresolved objections to Policy SS10. These relate to whether it is appropriate to leave a green wedge between the allocation and Huntington, traffic generation and cumulative impacts. There are three unresolved objections from residents to the principle of the site.

24. The Council and the appellant agree that the following draft policies are also relevant to the appeal scheme:

- SS1 Delivering Sustainable Growth for York
- SS2 The Role of York's Green Belt
- H2 Density of Residential Development
- H3 Balancing the Housing Market
- H10 Affordable Housing
- HW2 New Community Facilities
- HW3 Built Sport Facilities
- HW4 Childcare Provision
- HW7 Healthy Places
- D1 Placemaking
- D2 Landscape and setting
- D6 Archaeology
- GI1 Green Infrastructure
- GI2 Biodiversity and Access to Nature
- GI3 Green Infrastructure Network
- GI4 Trees and Hedgerows

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25. The Draft Local Plan 2005 incorporating the Fourth Set of Changes was approved by the Council for development management purposes in April 2005. This draft plan included an employment allocation covering the southern half of the appeal site. The Council and the appellant agree that very limited weight should be attached to this plan. I agree because the plan is not being taken forward towards adoption and has been overtaken by the eLP.

THE PROPOSAL

26. The proposal is for around 970 dwellings on land to the west of MCLR. Land to the east would become a country park. This area would include ponds forming part of the surface water drainage system. The proposal would also include a primary school, a convenience store (maximum of 200sqm), public open spaces, play areas and sports pitches. The illustrative masterplan shows the location for the school, areas for self-build/custom build housing, open spaces and a tree-lined boulevard linking the various residential areas. All matters of design and appearance would be reserved matters, although there is a parameters plan which indicates that the proposal would be mainly of two storeys with some slightly higher buildings along the boulevard and at points of arrival to the scheme.

27. There would be two roundabout junctions to MCLR, linked by the boulevard. This layout is designed to enable an improved bus service to run through the centre of the site. There would also be a vehicular access to North Lane, although measures are proposed to ensure that this does not become a through route for vehicular traffic. Pedestrian and cycle routes would be provided along the site frontages, from the southern roundabout to Monks Cross and from the North Lane access towards Huntington. These links would connect with off-site cycleways into Huntington and along Monks Cross Drive that would be funded through contributions under the Agreement. A pedestrian/cycle route would be created in the south west corner of the site linking to Woodland Way. This would provide access to services and facilities in Huntington. A comprehensive package of highways and transport measures would be secured through the Agreement.

28. The supplementary ES includes a phasing plan with seven development phases. The appellant considers that first occupation of dwellings would be in April 2024 with subsequent occupations over a 10 year period thereafter.

AGREED MATTERS

29. The Council and the appellant agreed a Statement of Common Ground and a Supplementary Statement of Common Ground[8]. The planning policy context, as described above, was agreed. The following are key points of agreement on other matters:

    a) The proposal would amount to inappropriate development in the Green Belt. It would be harmful to the openness of the Green Belt and would conflict with the purposes of including land within it, including the purposes of checking the unrestricted sprawl of large built-up areas, safeguarding the countryside from encroachment and preserving the setting and special character of historic towns.

[8] CD2.01.00 and ID.04

Rio Properties Estates

b) The Council is unable to demonstrate a five year supply of housing sites, as required by the Framework. Based on a recent appeal decision, the current housing land supply is agreed to be between 2.79 years and 3.45 years.

c) The appeal site is included in the Council's draft housing trajectory as a strategic site.

d) The delivery of 30% affordable housing would be a significant benefit and would be compliant with eLP Policy H10.

e) Housing mix has not been indicated at this stage and would be determined as part of the reserved matters.

f) The proposal includes self-build and custom build housing, consistent with the eLP.

g) Whilst design and appearance would be determined at reserved matters stage, it is agreed that 970 dwellings is an appropriate amount of development and that the Garden Village principles set out in eLP Policy SS10 are suitable for this site.

h) Mitigation to deal with air quality impacts could be secured by conditions.

i) Subject to further noise surveys and mitigation, which could be controlled through conditions, the site is suitable for residential occupation. The residual impacts of construction noise would not be significant.

j) There are no designated heritage assets within the site, nor is it within the setting of any such assets.

k) There is potential for prehistoric and Romano-British archaeology. Further evaluation and mitigation could be secured by a condition.

l) The site is within the zone of influence of Strensall Common SAC and Site of Special Scientific Interest (SSSI). The Council's Habitats Regulations Assessment identified a likelihood of increased recreational impact on the SAC/SSSI as a result of development. Open space would be delivered as part of the appeal scheme in order to mitigate the potential impact.

m) Great crested newts are present on site, water voles are present in adjacent ditches and otters were noted at the south eastern corner of the site. The site also provides a range of suitable habitats for nesting birds and commuting and foraging habitats for bats.

n) There are opportunities to provide Biodiversity Net Gain within the proposed residential areas and the country park. Protection during construction and management and maintenance of mitigation measures could be secured by conditions.

o) The site is within Flood Zone 1. An appropriate drainage strategy could be secured by conditions.

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p) Measures to mitigate risks relating to contamination and/or ground conditions could be secured by planning conditions.

q) Mature trees and hedgerows that have been identified for retention could be protected by planning conditions and at reserved matters stage.

r) The inputs to traffic modelling, including the scope of the study, baseline flows, trip rates and distribution of development traffic have been agreed. The Council's agreement to trip rates is dependent on certain pedestrian/cycle links being secured, as discussed below.

s) The proposals include safe and satisfactory access to the appeal scheme.

t) There would be access to a small car park within the country park via a fourth arm to the northern roundabout junction on MCLR.

u) Measures to support walking and cycling would be secured through the Agreement.

v) In circumstances where the outstanding highway mitigation, access issues and education contributions are resolved, it is agreed that the proposal would represent sustainable development and that the very special circumstances required to mitigate any Green Belt harm could be demonstrated.

THE CASE FOR REDROW HOMES (YORKSHIRE) LIMITED[9]

Introduction

30. The appellant and the Council have a shared objective of bringing the appeal scheme forward, so that much needed housing is built. This would help to meet the Council's dire housing need which Mr Massey (the Council's planning witness) accepted was both genuine and urgent.

31. When the application was submitted, it was anticipated that the local plan would have been adopted by now, allowing planning permission to be granted soon after adoption. However, due to the glacial progress of the local plan and the lack of progress on the application, the landowners and developers decided that an appeal had become necessary. That galvanised all of the parties into assessing how the scheme could be properly progressed. Since then, Council officers, the Parish Council and the appellant's consultants have cooperated closely.

32. A very substantial level of agreement has now been reached. By the start of the Inquiry, the only outstanding matter was whether two pedestrian/cycle links, at Garth Road and Alpha Court, are necessary (as the Council argues) for the appeal scheme to be considered to be sustainable development. The appellant accepts that the two links would be a positive addition. However, although they would be nice to have, they could not plausibly be said to be necessary.

33. The proposal would be next to a very large retail area. It would include a nursery, a primary school and a convenience store in the heart of the development and there would be a country park next to it. Moreover, there would

[9] This is a summary of the closing submissions, which are at ID.16

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be a bus service running through the centre of the development to major locations around the city. There would also be three direct, high quality walking and cycling links to the existing urban area together with hundreds of thousands of pounds of contributions to improve off-site pedestrian and cycling links. This is a highly sustainable proposal, in conformity with eLP Policy SS10.

34. There is no functional development plan, other than a residue of the RSS which only establishes the broad extent of the Green Belt. This has been the case since the creation of the Council as a unitary authority in 1996, despite numerous attempts to promote city-wide plans. The consequence of the lack of a functional development plan since 1956 is that the Council is unable to meet its immediate and medium term needs for market and affordable housing. The need is acute and is the foundation for this appeal.

35. The Council is promoting a city-wide plan which includes a number of large scale allocations to meet immediate and future needs. The appeal site has been included as a sustainable urban extension since the first iteration of the draft plan. Had things gone to plan, this would have provided a solution to this long standing and grave failure of the plan-led system. However, although the RSS has identified the strategic location of the Green Belt, no inner boundary has been established in any adopted plan. That will be the role of the eLP, which was submitted for examination on 25 May 2018. Phase 1 hearings took place in December 2019 and the Phase 2 to 4 hearing sessions will be commencing from February 2022. It is agreed that polices in the eLP can be afforded weight in accordance with paragraph 48 of the Framework. The appellant considers that only limited/little weight should be attached[10].

36. In theory, the decision-maker could treat the site as not being in the Green Belt. Paradoxically, had the plan been adopted and the inner boundary established, then this site would never have been in the Green Belt. However, despite the uncertainty over the inner boundary, the appellant has taken the cautious approach of treating the site as being within the Green Belt. On that basis, the proposal comprises inappropriate development and the decision-maker must assess whether very special circumstances have been demonstrated.

37. Although this starting point may seem like an insurmountable challenge, in this case the principle of development has long been conceded by the Council and the Parish Council. This is clear from the officer's report. All parties consider that the appeal should be allowed provided that the decision-maker concludes that appropriate provision is made for transport and education infrastructure. The Council agrees that very special circumstances are proven. The only area of dispute is whether an additional two links are required to make this site even more accessible.

38. A huge amount of work has gone into drafting the s106 Agreement. The significant benefits that would be provided include contributions towards nursery, primary and secondary education, all to be paid at agreed times. The appellant's strongly preferred approach is that both a 1.5 form entry primary school and nursery provision would be made on site, rather than additional places being funded off-site. That preference is now reflected in the Agreement. There would also be significant transport contributions, including a bus service through the

[10] Mr Johnson's proof, paragraph 4.35 (CD2.08.00)

appeal site. The provision of open space, affordable housing (at 30%), a waste collection contribution and contributions to travellers' pitches are all agreed, albeit that the appellant has no view on whether the contributions to travellers' pitches are necessary.

39. The only disputed matter is very narrow and entirely surmountable. Mr Johnson (the appellant's planning witness) has pointed out that the Council is relying on delivery of units from the appeal site, starting this year, as part of its latest housing trajectory (January 2022)[11]. Clearly, the Council regards rapid housing delivery from this site as essential to meeting its short-term housing needs. Subject to the minor issue of the two pedestrian/cycle links, the Council and the appellant agree that very special circumstances exist and that the appeal should be allowed.

40. If the Secretary of State agrees with the Council, then the agreed triggers for providing the links would be 200 units (for Garth Road) and 260 units (for Alpha Court). If the Secretary of State agrees with the appellant, then no such restriction should be imposed. Even so, the appellant would continue to seek to secure these links through negotiation because there would be good commercial reasons to do so. However, it does not follow that, without these links, the site could be described as unsustainable.

Sustainable development

41. It is common ground that:

"*in circumstances where the outstanding highway mitigation and access issues……are resolved, both parties agree the appeal proposals represent sustainable development and that the very special circumstances required to mitigate any Green Belt harm can be demonstrated and delivered through the implementation of appropriately worded conditions and s106 Planning Agreement…*"[12].

42. Mr Johnson's evidence considers the three main elements of sustainable development, demonstrating that the proposal mitigates any environmental harms and provides a significant range of both social and economic benefits. He concludes that the appeal scheme represents sustainable development[13]. Subject to the outstanding issue of the pedestrian/cycle links at Garth Road and Alpha Court, the Council agrees with this conclusion.

43. In terms of highways and transport, it is agreed that:

- the Agreement would provide sufficient sums to mitigate the impacts of the proposed development upon the wider road network;
- the Agreement would provide sufficient contributions to off-site sustainable travel, in the form of pedestrian/cycleway improvements, traffic management and enhanced bus provision;
- controlled access to the proposed country park would be achieved; and

[11] Mr Johnson's rebuttal proof, paragraph 2.1 (CD2.13)
[12] Statement of Common Ground, paragraph 2.64 (CD2.01.00)
[13] Mr Johnson's proof, section 7 (CD2.08.00)

- suitable triggers have been defined for the five sustainable pedestrian/cycle links to the adjacent urban area that have been sought by the Council.

44. Three of the links, (Woodlands Way, North Lane and MCLR), would be in place prior to occupation in the relevant part of the site. Two of the links, (Garth Road and Alpha Court), are not in the control of the appellant. Suitable triggers have been identified, such that these links could be provided at an appropriate time in the event that the Secretary of State concludes that they are necessary.

45. Highway officers first indicated that the Garth Road and Alpha Court links would be required last Autumn, when providing comments to inform the officer's report. Since then, the appellant has approached the relevant owners with a view to securing the links, notwithstanding the appellant's view that neither link is necessary for planning permission to be granted. The Council has made it clear that it will consider using Compulsory Purchase powers if the appellant is not able to secure the rights needed to create the links by private treaty. Thus, while there is a live issue as to whether the links are needed, there is clear evidence that they would be deliverable at the appropriate point in time, either through the private or the public law route.

46. The appellant considers that the approach of the Council is one of an aspirational desire, not a necessity. As discussed in more detail below, the provision of these links is not necessary to make the appeal scheme sustainable and there is no policy or evidential basis for making them a requirement.

Whether or not the Garth Road and Alpha Court links are necessary

47. The starting point is that, as noted above, the site is adjacent to a large retail area and has excellent access to the city centre through existing bus services and cycling accessibility. Moreover, a primary school, nursery facilities and convenience store would form part of the development and a bus service would be provided through the centre of the site. The Council's approach is that the links are necessary to "*maximise*" sustainable transport solutions to ensure compliance with policy and guidance, including the Framework[14].

48. Mr Owen (the appellant's transport witness) compares the walking distances to various facilities with and without the Garth Road and Alpha Court links[15]. This comparison does not account for the provision of a primary school and convenience store on site. His evidence shows that the Alpha Court link would make no difference to walking distances from the site to the Monks Cross Shopping Park. Only if the destination is defined as Sainsburys, rather than the whole shopping park or Asda, would the Alpha Court link perhaps make the distance marginally shorter. On any view, the link using Alpha Court is nice to have but not necessary.

49. The Garth Road link would reduce the walking distance from the northern part of the site to Huntington Primary School by 355m, to the secondary school by 275m and to the Garth Road Medical Centre by 340m. The maximum reduction in travel time would be around five minutes, which Mr Owen considers to be immaterial.

[14] The Framework, paragraphs 9, 104 and 112(a)
[15] Mr Owen's proof, tables 4.4 and 4.5 (CD2.09.00) and Appendix P (CD2.09.06)

That conclusion is reinforced when account is taken of the provision of a primary school, a nursery and retail facilities on site.

50. Ms Vergereau (the Council's transport witness) criticised Mr Owen's approach of measuring distances from centroids in the northern and southern halves of the site[16]. Although his approach was asserted to be "*non-standard*", no guidance on this point was identified. In the particular circumstances of this extensive site, it is logical to adopt reasonable and proportionate site-specific centroids. Use of a single centroid would be unrepresentative of actual travelling distances. Moreover, Ms Vergereau's evidence took no account of the provision of facilities on site.

51. As noted above, provision would be made for a bus service through the centre of the site. The disputed links would have no impact on the accessibility of that service to new residents. The Council emphasised the importance of access to other bus services in the locality, as part of maximising access generally. Services 5 and 5a run through Huntington. However, Mr Owen's evidence shows that the Garth Road link would not be necessary to access these services because there would be convenient access via North Lane in any event[17]. Moreover, the only additional destinations served by service 5 are the villages of Strensall and Acomb. All the other bus services could be accessed more easily via MCLR. The provision of either link would make no material difference to the ability to access bus services.

52. Manual for Streets 2 (MfS2) states that the preferred approach to accommodating pedestrian movement is on multifunctional streets[18]. Consistent with that approach, the appeal scheme would provide pedestrian/cycle links along North Lane and MCLR. Part of the suggested Garth Road link would pass between back gardens and a paddock. Ms Vergereau accepted that this would not be the preferred form of link envisaged by national policy, as set out in MfS2. The Council's approach to the need for the two disputed links, in order to maximise sustainable transport solutions, is unsupported by evidence and wholly undermined by the careful analysis of Mr Owen.

53. The Council relied on criteria (x) to (xiii) contained in eLP Policy SS10. However, there is nothing in Policy SS10 that requires either link to be provided. It is only in criteria (xii) and (xiii) that reference is made to "*maximising*". In both cases this relates to pedestrian and cycle routes. For the reasons set out above, the proposal achieves this expectation. Bullet point (xi) anticipates that 15% of trips would be undertaken by public transport. The Council suggests that, if additional walking and cycle routes are provided, that would make up for a likely deficit in the 15% bus modal share for travel to work. That is not a logical approach. The Garth Road link would only improve the sustainability of travel to work for those who live in the centre of the appeal site and work at the secondary school or the Garth Road Medical Centre.

54. Mr Owen concluded his evidence by stating that the proposal is:

[16] Mr Owen's Appendix K (CD2.09.04)
[17] Mr Owen's Appendix M (CD2.09.05)
[18] CD4.04, paragraph 5.1.3

"*fully compliant with the Framework and SS10, delivering pedestrian and cycle provision that will provide satisfactory access, that …is without touching on the fact that facilities are being provided on site…*"

55. The Council's approach to "*maximising catchment areas*" and "*maximising options*" extends beyond both local and national policy. It is an unreasonable approach that could be used to require access links to the *n*th degree, each additional link contributing to the claimed requirement to maximise accessibility. The correct approach is one of reasonableness and proportionality. The professional opinion of Mr Owen is unequivocal and persuasive. Whilst the Council would like to see these additional links, they would be an attractive addition to the development rather than a necessity. Whether or not the links are provided has no material impact on the overall sustainability of the appeal scheme, which would represent sustainable development in any event.

56. Should the Secretary of State conclude that either or both of the links are necessary, he can be satisfied that they can be delivered. There is therefore no bar to concluding that the appeal proposal is sustainable development.

Planning balance

57. It is accepted that the appeal proposal constitutes inappropriate development in the Green Belt and that very special circumstances will have to be demonstrated in order for the appeal to succeed[19]. This means that the totality of any harm identified must be clearly outweighed by the material considerations relied upon in favour of the proposal. It is not the material considerations themselves that must amount to very special circumstances. They can indeed be very ordinary when considered individually, but when considered cumulatively they must clearly outweigh the harm identified, such that overall the very special circumstances necessary for the grant of planning permission in the Green Belt exist.

58. The proposal would have a significant impact on the openness of the Green Belt as well as giving rise to definitional harm by reason of inappropriateness. However, for such a large greenfield site, the range of other harms is remarkably limited. Set against those is a range of material considerations which are described in the evidence of Mr Johnson[20]:

    - a failure to deliver a development plan in the last 65 years;
    - a general expectation from successive draft Local Plans since 2011 that the appeal site is a location for residential growth;
    - the continued slippage of the strategic sites in housing trajectory updates;
    - a general public expectation of housing on the appeal site that is manifested in a low level of objection;
    - the appearance of the draft allocation in the made HNP;

[19] The Framework, paragraphs 137, 138, 147 and 148
[20] Mr Johnson's proof, section 8 generally and paragraph 8.9 in particular (CD2.08.00)

- the lack of a five-year land supply and the significant benefit that is to be attached to the delivery of housing;
- the significant benefit associated with the delivery of affordable housing;
- the failure of the plan-led system to resolve the urgent need for housing generally and for affordable housing;
- the delivery of land and monies for a primary school to meet local educational needs – without this, capacity in local schools would continue to be stretched; and
- the provision of green space and new footpaths through the site and into a new country park, going beyond the needs of the appeal scheme for open space, such that it would lessen the impact of recreational pressures on Strensall Common SAC/SSSI.

59. These matters were endorsed by Mr Massey (the Council's planning witness), although he applied different weightings to Mr Johnson. Nevertheless, the Council accepts that very special circumstances exist and that the issue of Garth Road/Alpha Court only affects whether additional controls should be applied, not whether the appeal should be allowed.

60. The Council has not suggested that prematurity is a determinative issue.

61. Education is an important element of the appellant's case. Matters that were disputed have now been resolved through discussions. For example, it is now agreed that there is no need for temporary primary school accommodation at existing primary schools. In summary, the Agreement provides for:

- Plan A, whereby a site and funding would be provided for a new primary school and nursery within the appeal site;
- A review mechanism to determine whether a new school on site is necessary at the appropriate time, or whether Plan B is engaged;
- Plan B, whereby a smaller site (and funding) would be provided for a nursery within the appeal site and s106 funds would be used to provide primary school places elsewhere;
- Contributions to additional secondary school places, which would be provided off-site at defined stages of the development subject to a review mechanism; and
- Contributions to school places and transport for additional SEND pupils.

62. The approach to Plan A/Plan B would balance the need to ensure that sums are properly available with a requirement for further assessment and review at a point in time, possibly some years hence, when the extent of need would be better known. There is no development plan policy to establish a formula for education contributions. The agreed approach has been arrived at from first principles, by assessing likely land use consequences and trying to mitigate them. It is considered that the Agreement would achieve that objective.

63. Policy SS10 of the eLP includes a requirement for a primary school on site. Provision on site is also the appellant's preferred approach. The proposal is for a

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1.5 form entry school, although this would accommodate more children than are predicted to come from the appeal scheme. Alternatively, the Council could choose to start with a single form entry school, which could then be expanded in a modular way. The agreed size of the school site would be enough to accommodate a two form entry school, should that be required later on. As well as providing for an essential community service, providing a primary school on site is preferable from a planning perspective because it would contribute to sustainable travel patterns and place-making.

64. Under Plan A, £8 million would be paid towards the construction of a new 1.5 form entry primary school, 20% before any occupation of dwellings, 40% at occupation of 100 dwellings and 40% at occupation of 200 dwellings. This would enable the school to be delivered at no cost to the public purse. The review arrangements would begin at the occupation of 200 dwellings with a decision to be made at the occupation of 300 dwellings. If, at that stage, there were insufficient pupils coming forward for a new school, the Council could opt for Plan B. This would involve a contribution of up to £909,306 towards an early years/nursery facility on site and up to £5.7 million towards the provision of additional places at existing primary schools in the locality.

65. The Agreement would provide for a contribution of £909,306 to off-site nursery places, to be paid on the occupation of 100 dwellings. There would also be contributions of up to £5 million towards additional off-site school places at existing local secondary schools. These contributions would be staged, with payment triggers at the occupation of 399, 599 and 799 dwellings. They would also be subject to a review mechanism, to ensure that payments would only be made if there were insufficient places to meet the need arising from the appeal scheme.

66. Finally, there would be a contribution of £823,944 which would provide additional places for SEND pupils at schools in York. This would have the same payment triggers as the secondary education contributions, although without the review mechanism. There would be a further contribution of £180,000 towards associated transportation costs.

67. In summary, the principle of development is accepted by the parties. The proposal would deliver significant benefits in terms of meeting the urgent need for housing in York, where there has been a long term failure of the plan-led system. It would also make a significant contribution to the provision of affordable housing in an area which has a long history of serious under provision. There would be significant economic and social benefits, not least the education provision which would assist the capacity problems in local schools.

68. With regard to the planning balance, the tilted balance is engaged by paragraph 11(d) of the Framework, due to the virtually non-existent development plan being out of date, as well as the absence of a five year housing land supply. The issue is whether it should be disengaged by the fact that the appeal proposals comprise inappropriate development in the Green Belt, even if very special circumstances are demonstrated.

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69. In a recent appeal decision relating to development in the Bradford Green Belt[21], the Secretary of State took the approach that the tilted balance was not disengaged where very special circumstances were demonstrated. However, in this case the appellant does not rely on the tilted balance. Even without the tilted balance, Mr Johnson is firmly of the view that very special circumstances exist, as agreed between the parties.

Conclusions

70. For a scheme of this scale, in the putative Green Belt, the level of objection is remarkably low. There is no opposition to allowing the appeal from any elected local body at Parish or District level. Indeed, the appeal site features prominently in the HNP as an expected allocation. Nor is there any unresolved objection from any statutory or internal consultee. The site has been identified as a draft allocation in the eLP. Whilst that has limited weight as policy, the level of opposition to the draft allocation is remarkably low.

71. There is a general expectation locally that this site will be developed. The Parish Council has commended the appellant's positive engagement. Furthermore, this is a scheme which does not duck its responsibilities. The Agreement would deliver over £18 million worth of benefits of which £15,033,946 would be directed towards education. In addition, a site for a two form entry school would be provided at no cost. There would be highways contributions of £2,850,000, not including the cost of works along North Lane and MCLR which would be subject to a s278 agreement. A huge new country park would be provided. New Homes Bonus would amount to £7,760,000.

72. Whilst the approach should be to treat the site as being in the Green Belt, the merits of the case are overwhelming. The appeal should be allowed, subject to the Agreement and conditions.

THE CASE FOR THE COUNCIL OF THE CITY OF YORK[22]

73. This is an important site for meeting the housing needs of York. It is allocated as a strategic site in the eLP and has been proposed for residential development since 2011. The Council wants this site to come forward for much needed homes to be delivered. By the start of the Inquiry, the single issue between the Council and the appellant was ensuring that the proposal maximises its sustainability credentials and prioritises cyclists and pedestrians, in accordance with national and emerging local policy.

74. When proofs of evidence were exchanged, there was another area of dispute relating to education. That issue has since been resolved. The Agreement provides for:

    - a payment of £909,306 towards off-site early years/nursery provision;
    - a payment of up to £5,120,696 towards the expansion and/or reconfiguration of secondary school infrastructure to provide additional places at Huntington School and/or Joseph Rowntree School, payable in 3 instalments;

[21] Appeal relating to Burley in Wharfedale (CD5.05)
[22] This is a summary of the closing submissions, which are at ID.15

- a payment of up to £823,944 towards the provision of 11 school places for additional SEND pupils;
- a payment of up to £180,000 towards the costs of transport for SEND pupils to educational facilities;
- a payment of £8 million towards the construction of a 1.5 form entry primary school with adjoining early years facility and the transfer of land for the school to be constructed on site.

75. The Agreement also makes provision for Plan B, which would entail an early years/nursery facility on the site and the off-site expansion of primary education facilities. There is a presumption in favour of Plan A. Plan B would only be engaged after a review if there were "*compelling factors*" such as there not being enough children for a new primary school.

Whether it is necessary to provide pedestrian/cycle links at Garth Road and Alpha Court

76. The links are shown on the illustrative masterplan submitted with the application[23].

Accessibility and connectivity for pedestrians and cyclists

77. The Garth Road link would provide a direct route from the heart of the site. It would run along Garth Road with the rear gardens of properties in Keith Avenue to the left, and a pony paddock to the right, for a distance of around 140m. Then the route would have residential properties on both sides. It would provide a mainly traffic free route to Huntington Village, including the shops, post office, pharmacy, GP surgery, library and primary school. It would provide more direct access to the existing walking and cycling routes to two local secondary schools (Huntington School and Joseph Rowntree School)[24]. Without the Garth Road link, new residents would need to use North Lane or Woodland Way.

78. The Alpha Court link would provide a direct, mainly traffic free route between the site and the employment, shopping and leisure opportunities at Monks Cross Shopping Park and Vangarde. Without the Alpha Court link, new residents would need to travel to the eastern boundary of the site to use the proposed shared cycle and pedestrian route alongside MCLR.

79. The test the Secretary of State must apply is whether these links are necessary. Mr Owen agreed that necessity should be considered in the context of national and local policy, informed by relevant guidance[25]. Having regard to the Framework, the following points can be made:

- The promotion of walking, cycling and public transport is a primary aim of sustainable transport policy (paragraph 104).
- Choice of transport modes is key and sustainable solutions should be maximised (paragraph 105). Whilst the Framework recognises a difference in opportunities to promote sustainable travel between urban

[23] CD1.04
[24] The routes to various facilities are shown in Mr Owen's Appendix K, figure 9 (CD2.09.04)
[25] Inspector's note – agreed by Mr Owen, in answer to questions from Mr Robson

and rural areas, it is agreed that the appeal site is in a suburban location. Indeed, the number of bus stops within walking distance suggests that the site should be considered to be an urban location, for the purposes of this policy.

- Sites should provide attractive and well-designed walking and cycling networks (paragraph 106(d)). There is a marked difference between the attractiveness of cycling and walking down busy roads such as MCLR, compared with illuminated shared spaces passing through the public open space that would be provided by the appeal scheme.
- Applications for development should prioritise pedestrian and cycle movements, both within the site and with neighbouring areas (paragraph 112(a)).
- Layouts should maximise the catchment for bus services (paragraph 112(a)).

80. It is clear from national policy that development must maximise opportunities for sustainable travel, not do the minimum. Maximising the catchment area for buses means giving the greatest opportunity for users to reach as many services as they can. The eLP is still at a relatively early stage. However, much of the work on Policy SS10 has been undertaken in close consultation with the appellant because both parties are working towards bringing this site forward. Paragraphs (x) to (xiii) of Policy SS10 require:

    - enhanced safe and integrated pedestrian and cycle routes to maximise the sustainable location;
    - strategic connections for pedestrians and cyclists, in addition to existing road infrastructure; and
    - maximum pedestrian and cycle integration and connectivity to the city and surrounding areas, creating well connected internal streets and walkable neighbourhoods.

    Emerging policy may not name Garth Road and Alpha Court, but these are the only options for additional connections (other than Woodland Way) that would be in addition to the existing road infrastructure.

81. The parties agree that limited weight should be applied to the eLP. However, Mr Johnson recognises that the allocation weighs in favour of the proposal[26]. Whilst there are outstanding objections to Policy SS10, these objections do not relate to the provisions that seek to maximise sustainable transport opportunities[27]. The lack of such objections, including from the appellant, emphasises the importance that both parties attach to maximising the opportunities for sustainable transport. The Council considers that the Garth Road and Alpha Court links are key to this.

[26] Mr Johnson's proof, paragraphs 4.35 to 4.38 (CD2.08.00)
[27] CD2.05.01

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82. The guidance on walkable neighbourhoods and cycling infrastructure supports the provision of these additional links. Ms Vergereau[28] and Mr Owen[29] refer to the same guidance. There is a broad consensus that a comfortable walking distance for a walkable neighbourhood is 800m[30]. There is a general propensity to walk for journeys up to 1.6km to 2km[31]. Planning for Walking shows that walking comprises 80% of the modal split for journeys shorter than one mile (1.6km), dropping rapidly to 25% at one to two miles and less than 10% at two to five miles[32]. If schemes are to prioritise pedestrians, then shortening walking distances where possible is a requirement of national and local policy.

83. Mr Owen's evidence includes his calculation of the effect of the Garth Road and Alpha Court links on walking distances[33]. At the Inquiry, he accepted that this evidence is a starting point for the decision-maker's assessment, not the end. His evidence demonstrates walking distances from the centroids of the northern and southern halves of the site. The limitations of this approach must be understood.

84. This is an enormous site that would accommodate around 970 houses and significant areas for public open space. For those living in the centre of the site, the Garth Road link would shorten distances to services in Huntington and provide a more direct link. For those living in the south, the Alpha Court link would shorten distances, and provide a more direct route, to the shopping, employment and leisure facilities in and around Monks Cross[34]. Mr Owen's plan and table tells the decision-maker the distances to various destinations from just two points in the site. For the 970 households that would live within the site, the plan and table tell the decision-maker nothing. The decision-maker must exercise planning judgement on the basis of the whole site, not just two fixed points.

85. Furthermore, the routes used in Mr Owen's evidence are based on an indicative layout, with pedestrians following the site roads. Good place-making would require additional pedestrian routes that could shorten distances to the Alpha Court and Garth Road links.

86. Distance is not the only consideration. The guidance documents highlight the importance of the safety and attractiveness of pedestrian and cycle routes[35]. The Planning for Walking document refers to the five Cs – connected, convivial, conspicuous, comfortable and convenient. New residents walking to services in North Moor Road would have a choice between walking alongside the road, at North Lane, or through a public open space, past a children's play space and through a residential area. The latter would certainly be a more attractive route. Similarly, the Alpha Court route would be more attractive than being alongside the traffic on MCLR.

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[28] Ms Vergereau's proof, paragraphs 3.24 to 3.27 (CD2.12.00)
[29] Mr Owen's proof, paragraphs 4.2.1 to 4.2.6 (CD2.09.00)
[30] Planning for Walking (CD 4.12); Manual for Streets (CD 4.04); National Design Guide (CD 4.03)
[31] Providing for Journeys on Foot (CD 4.08)
[32] CD4.12, figure 1
[33] Mr Owen's proof, table 4.5 (CD2.09.00) and his Appendix P, figures 14 and 15 (CD2.09.06)
[34] Ms Vergereau's proof, table 1 (CD2.12.00). For example, the distance from the centre of the site to the leisure centre would be reduced from 1.9km to 1.4km
[35] Cycle Infrastructure Design, Local Transport Note 1/20 (CD 4.11)

87. At the Inquiry, the appellant raised a point about the safety of the Garth Road route. The focus was on the section between a pony paddock and the gardens of houses in Keith Road. It is difficult to conceive of a safety risk along such a short stretch of route that would have the benefit of houses on one side and a clear line of sight towards the residential area ahead, consistent with MfS2[36]. The relevant guidance must be read as a whole. In certain circumstances it may be appropriate to provide pedestrian routes next to roads. In other circumstances, keeping users away from traffic should be preferred.

88. Fundamentally, the necessity of the Garth Road and Alpha court links in national and local policy terms is about whether this large strategic site should provide the minimum, or whether it should maximise and prioritise the opportunities for cycling and pedestrian access.

Relationship between pedestrian/cycle links and trip rates for vehicles

89. The Council considers that the Garth Road and Alpha Court links are also necessary to achieve the stated aim of changing modal split. The journey to work data used for the transport assessment shows that, in 2011, 9.2% of journeys were undertaken by bus, 14.4% by bike and 12.26% by foot. The projected modal split used in the assessments was adjusted to 15% by bus, 15% by bike and 12.5% by foot. The proportion of trips by car was to go from 54.94% to 48.3%[37]. This would be a significant change from established transport patterns. The census data covers only journeys to work. However, the reduced trip rates, and the modal splits on which they rely, were for all trips generated by the scheme, not just work trips.

90. It is agreed that the provision of a bus service into the site will be the primary contributor to achieving the target modal split for bus journeys. However, the role of other bus services[38] cannot be discounted if a significant increase in bus use is to be achieved. Providing the most direct and attractive links for the most possible residents through Garth Road and Alpha Court would give residents choice and decrease the risk of the target modal split not being achieved. Other bus services serve different destinations[39] as well as offering alternative services to some of the same destinations.

91. There is also work to be done to get the modal split for walking and cycling up to the agreed levels for the reduced trip generation. Although the increase is less than for the bus modal split, it would still represent a significant number of actual trips. The links would provide more opportunities for residents to walk or cycle to shops and services, either in Huntington or Monks Cross. This would be needed to achieve the target modal split.

Deliverability of the Garth Road and Alpha Court links

92. The Council and the appellant agree on the legal and policy approach to the use of Grampian conditions[40]. Such conditions can be imposed to secure off-site works unless there is no prospect of the works being delivered. It is agreed that

[36] CD4.04, paragraph 5.1.3, second bullet point
[37] Mr Owen's proof, tables 5.4 and 5.5 (CD2.09.00)
[38] CD2.09.05
[39] CD1.37, pages 18 to 19
[40] Agreed note on Grampian conditions (ID.14)

there is a reasonable prospect of both links being provided, whether this is by private sale or, if necessary, by Compulsory Purchase. The owner of the land required for the Alpha Court link wrote to the Inspector confirming their willingness to negotiate with the appellant. Moreover, they would not object to a Compulsory Purchase Order subject to a valuation being agreed. The appellant is confident of reaching an agreement in relation to Garth Road. There is no legal or policy barrier to including the necessary Grampian conditions to deliver the links if they are deemed necessary by the Secretary of State.

Conclusions on the Garth Road and Alpha Court links

93. We know from the evidence of Mr Owen that if:

- residents live at either of the centroids; and
- the scheme is built out as per the indicative layout; and
- they walk only on pavements next to estate roads or cycle only on the roads; and
- they walk next to the busy MCLR or North Lane;

then the walking distance to services along these circuitous routes would all be more than the 800m which represents a comfortable walk. They would however be less than 1.6km, except for the secondary school which would be over 2km away. Mr Owen concludes that this is "*a satisfactory level of accessibility*". Most dwellings would not be at the centroids. Future residents would have no choice but to follow Mr Owen's "*satisfactory*" routes, whether or not they wanted to take a more direct route or to avoid walking next to a busy road. For some, the distances on Mr Owen's routes may be shorter, but still less attractive. For others, these routes would be both longer and less attractive than Garth Road or Alpha Court.

94. Making walkable neighbourhoods must be about giving residents the best opportunities to walk or cycle rather than take the car. This means providing the greatest choice of routes for the largest number of people. Maximising and prioritising walking and cycling must be about providing the best available links, not just the satisfactory ones.

Planning balance

95. The site is within the Green Belt, so it is necessary to demonstrate very special circumstances. It is agreed that there would be harm to the Green Belt by virtue of inappropriateness, and harm to the openness and purposes of the Green Belt. The Framework states that substantial weight must be given to these harms.

96. In terms of the benefits of the proposal, there is broad agreement with the appellant:

- significant weight to market housing;
- significant weight to affordable housing;
- substantial weight to the provision of a strategically important site that is being supported by the Council through the local plan process;
- moderate weight to the provision of the country park;

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- positive weight to the provision of the primary school, considering that some pupils would be drawn from outside the site; and
- positive weight to the economic benefits.

97. When those benefits are weighed against the harms to the Green Belt, and any other harms, it is the Council's very firm view, with the provision of the Alpha Court and Garth Road links, that the benefits clearly outweigh the harms and very special circumstances exist. On that basis, the Council submits that the appeal should be allowed.

OTHER PARTIES WHO APPEARED AT THE INQUIRY

Councillor Keith Orrell

98. Councillor Orrell is one of those representing Huntington Ward on the Council of the City of York. The eLP was agreed by Councillors in 2018 and there is frustration that it has not yet been adopted. There are many reasons why York has not had an adopted plan for such a long time. Most recently, Covid has affected the process. The HNP was agreed by 87% of residents and has now been agreed by the Council.

99. Any development in this area can affect flooding and it is essential that effective mitigation measures are provided. Although Redrow have provided opportunities for public consultation, local people have not been fully listened to. They consider that vehicular access to North Lane would be unsafe. Roads in the locality have become increasingly congested since the opening of Vangarde. It is important to maximise opportunities for walking and cycling and to reduce traffic. Redrow has met with the Parish Council and said that it is working to provide the Garth Road and Alpha Court links. If these links are not provided, there would be more pressure on the Woodland Way route.

100. There must be no HGV traffic through Huntington during the construction phase. Biodiversity should be protected and enhanced. The new houses should become an exemplar of sustainability standards. It is essential that the primary school is built on site. There are already significant traffic problems at existing primary schools. The affordable housing agreement should be tightly drawn to avoid provision being reduced later on. Roads should be completed to adoptable standards as soon as possible once houses are occupied.

101. No other interested parties appeared at the Inquiry.

WRITTEN REPRESENTATIONS

Huntington Parish Council

102. The Parish Council acknowledges the need for residential development within Huntington Parish. This area is identified for such use in the HNP. The Parish Council wants the development to benefit both existing and future residents. It should be well designed, future-proofed and sensitive to its environment. No objection is raised but the following comments are made:

a) There is concern about traffic congestion on MCLR and in the wider Monks Cross/Hopgrove area, given that this is already recognised as the tenth most congested road in the UK. The traffic flow study dates from

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2014 and does not take into account the new Vangarde development and the community stadium.

b) There should be no access from North Lane because this road is very narrow.

c) The existing sewers on Southdown Road and Woodland Way were not designed to take this extra volume of waste and a new separate system or upgraded system should be installed.

d) Whilst the intention of storing surface water in the country park is supported, there is concern that, should the ponds become overwhelmed, water would then enter the drainage system adjacent to the A1237 which would lead to flooding.

e) There should be two new footpaths installed to tie the development to the wider community, one from Garth Road and the other from Woodland Way, with a drop off/turning point at the end of Woodland Way.

f) The new school must be provided on the site, once 50% of the housing has been built.

g) There should be a drop off point/one-way system for the new school.

h) There should be a small car park in the country park and a bus stop to allow users from the wider community to access this area without causing traffic issues.

i) Pedestrian access to the country park via a zebra crossing would be very dangerous due to the speed and volume of vehicles on the MCLR. Footbridges should be installed.

j) The housing mix must reflect need within the community, including one and two bedroomed houses, apartments and bungalows as well as three and four bedroom houses.

k) Affordable housing must be 30% of the total number of dwellings.

l) The location of the self-build houses next to the school is questioned as these will probably be the last units to be completed and would be a physical and noise hazard for school children.

m) Play areas need to be visible from dwellings.

n) It is not clear if rear access would be available to terraced houses, for bin collection.

o) It is not agreed that there would be negligible impact on health care facilities.

p) The illustrative masterplan is wrong to show land that belongs to another developer as open space.

q) The play area to the north of the site is not ideally located, being close to North Lane with limited opportunities for natural surveillance from surrounding houses.

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r) There are concerns about local wildlife, in particular the barn owl population and great crested newts, which should be protected.

Barratt Homes and David Wilson Homes Limited

103. The application site excludes land over which BDW has an option. This represents piecemeal development and fails to address the principles set out in the proposed allocation, most notably that the whole allocation should be master planned to maximise the full potential of the site. The illustrative masterplan shows the BDW land as open fields. It should be updated to demonstrate how the two parcels of land would sit together, such that the strategic allocation could be developed in a comprehensive manner. If permission is granted, there should be a condition requiring a vehicular access up to the site boundary to ensure the remaining section of the strategic allocation can be delivered.

Portakabin Limited

104. Portakabin occupies a 20ha site, adjacent to the south west corner of the appeal site, which facilitates the design and construction of modular and portable buildings. Portakabin is an extremely important local business and a major employer. It has an annual turnover in excess of £300 million and employs around 650 people in York. The noise surveys are out of date and not sufficiently robust to establish the noise climate from the Portakabin site. It is unlikely that the surveys recorded the operation of a brass band that practises at a building close to the site boundary. The noise assessment does not allow for potential 24 hour working.

105. The Framework indicates that existing businesses should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established. Portakabin wishes to continue operating from its existing site and may have to change the nature of its operations over time, or expand, as the needs of the business dictate. The proposal has the potential to introduce sensitive development close to a source of noise and light pollution.

106. Portakabin does not object to the principle of the development but it is essential that an up to date noise assessment is undertaken to inform the appeal process. This should reflect Portakabin's potential future use of its site. Further surveys should be undertaken when a detailed scheme is produced for each phase of development in order to ensure that the internal and external noise climates are acceptable. Any updated noise assessment should inform the specification for noise attenuation in the form of acoustic fencing and glazing to ensure that adequate amenity can be provided. Portakabin welcomes the area of open space shown on the illustrative masterplan separating its premises from the new housing. A condition should be imposed to ensure that this open space is created.

Shepherd Group Brass Band

107. The Shepherd Group Brass Band rehearses in a building at the north east corner of the Portakabin site. Sound leakage will always occur, especially when the doors are open for extra ventilation. There are more than 150 playing members in five bands and the organisation has received an award for the musical education work it does in the community. There is concern that band playing and associated educational activities may be prejudiced by noise complaints from new

Pinnacle Estates

residents. A further noise survey should be carried out and any significant noise outcomes should be dealt with by sound attenuation measures.

Christopher Smith and Dawn Young

108. Mr Smith and Ms Young own land at Garth Road adjacent to the appeal site. They became aware of a possible link to Garth Road, over part of their land, at a consultation exhibition in 2017. However, the first approach they had from Redrow about purchasing their land was not until November 2021. This approach was declined. In January 2022 Redrow supplied them with a letter from the Council entitled "*Monks Cross CPO – Letter of Intent*". Mr Smith and Ms Young are confused as to whether their land is actually involved in this appeal. They are aggrieved that the Council has been discussing their land with the developers without involving them. They consider that, if their land does form part of the appeal scheme, then they should have received formal notice of the appeal, together with plans showing the layout of the proposed link.

109. North Lane is a high speed rat-run. The 3m pedestrian/cycleway along North Lane now shown on the plans would be vital in terms of highway safety. Probably 200 new homes would make the North Lane junction their main entry/exit point and anyone accessing the local shops, sports club, football field, GP surgery and pub would use North Lane. The proposed pedestrian/cycle route along North Lane makes the "*Monks Cross CPO – Letter of Intent*" redundant as there would be excellent cycle links to all parts of the site.

Monks Cross LLP

110. Monks Cross LLP is part owner of commercial developments to the north of Monks Cross Shopping Park, including the roads at Alpha Court and the land that would be needed for the Alpha Court link. There is no objection to the scheme in principle. The Alpha Court link is necessary to ensure pedestrian and cycle integration. The access adjacent to Alpha Court is suitable to provide the necessary connection, which would facilitate integration of the proposal into the Monks Cross neighbourhood.

111. Redrow has only been in touch once regarding the possibility of acquiring the land. There has been no meaningful engagement, although Redrow has provided a letter from the Council confirming its willingness to use Compulsory Purchase powers. Despite this unhappy start, Monks Cross LLP would welcome discussions with Redrow or the Council with a view to securing the link. If such discussions were unsuccessful, there would be no objection to the use of compulsory powers. Any issue over valuation could be referred to the Upper Tribunal and would not delay the scheme.

Thomas Varlow

112. Mr Varlow is a local resident. The proposal would remove views of open fields from his home on the edge of Huntington. North Lane is a rat run to the A1237 and many cars do not observe the speed limit when entering the village. It is often congested at weekends with parked cars. Roads and sewers are already inadequate for the demands placed on them. Development of this scale is out of proportion with the village of Huntington. The noise and disruption during construction would be immense. The proposals would be harmful to wildlife, including owls which are seen flying around the area. There are several

Redrow Homes Estates

brownfield sites around the city which would be better places to accommodate development of this scale.

Representations to the Council at application stage

113. The officer's report records that there were 13 letters of objection from local residents and businesses. Some of those parties have also submitted representations on the appeal, which are referred to above. Other matters raised included:

- the need to improve highway infrastructure;
- the need to extend the footpath and 30mph speed limit along North Lane;
- pedestrian and cycle links to Monks Cross at McDonalds and Taco Bell;
- impacts on the high water table;
- the secondary school would be oversubscribed;
- the proposals have little architectural merit;
- lack of self-build plots; and
- the need for electric vehicle charging points.

There were two letters of support which referred to the opportunity to provide much needed housing and the designation of the site in recent iterations of the local plan.

CONDITIONS

114. There was much agreement between the Council and the appellant on the conditions that should be imposed if the appeal is allowed. The suggested conditions are set out in schedules[41] which also include notes on points of disagreement and suggested alternative drafting. I have considered the suggested conditions in the light of the policy tests for conditions in the Framework, Planning Practice Guidance and discussion at the Inquiry. Other than where indicated below, the recommended conditions set out in Annex E are substantially the same as those discussed at the Inquiry. In some cases I have adjusted detailed wording, mindful of the Guidance and in the interests of clarity and internal consistency. Some conditions require matters to be approved before development commences. The appellant is in agreement with the pre-commencement conditions. These are necessary either because they address impacts that would arise during construction or because they may affect the design in a way that would need to be settled at an early stage.

115. Condition 1 requires development to be in accordance with the approved access plans, in the interests of clarity and certainty. Conditions 2 and 3 are based on the standard conditions for reserved matters. These have been adapted to enable reserved matters to be submitted in phases over a period of years. This is appropriate due to the scale of the development, which would take around 12 years to be built out. Condition 4 requires the approval of a phasing strategy.

[41] ID.06 and ID.13

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This would ensure that infrastructure and community facilities would be provided at the right time as the development of new housing proceeds. Closely linked to this is Condition 5, which would require the approval of a Development Framework Document and revised masterplan. This would enable the site to be developed in a comprehensive manner. It would provide the framework in which reserved matters applications for individual phases could be considered. This is necessary in the interests of achieving good design across the site as a whole.

116. Condition 6 sets out landscape details that would require approval. It is necessary in the interests of achieving good design and enhancing biodiversity. Conditions 7, 8 and 9 require submission of a further Preliminary Ecological Appraisal, a site-wide Strategic Biodiversity Management Plan and detailed Biodiversity Management Plans for each phase. These conditions are necessary to protect habitats and species within the site and in order to achieve biodiversity net gain. Condition 10 requires implementation of a scheme of archaeological investigation and evaluation, in order to protect the significance of as yet unidentified archaeological remains which may exist on the site, as recommended in the ES. Condition 11 requires the submission of a scheme for the proposed country park. This is necessary to meet the recreational needs of new residents and to provide mitigation for potential impacts on Strensall Common SAC, as described in Annex D.

117. Condition 12 requires the submission of a Construction Environmental Management Plan in the interests of highway safety and managing impacts on the environment and the living conditions of nearby residents during construction. Condition 13 requires further noise surveys and a review of mitigation for each phase. This is necessary to protect the living conditions of new residents and to ensure that the activities of an existing employment use and an established community facility are not unduly constrained by the introduction of new noise sensitive development. Condition 14 requires details of noise output and mitigation for any plant or equipment required by new non-residential buildings. This is necessary to protect the living conditions of future residents of the site and existing residents nearby.

118. Conditions 15, 16, 17 and 18 contain measures to ensure that any contaminated land is identified, assessed, remediated and made fit for its new use. They are necessary in the interests of controlling risks of pollution. Condition 19 requires separate systems for foul and surface water drainage. Condition 20 requires approval of a site-wide drainage strategy and details of foul and surface water drainage within each phase. These conditions are necessary in the interests of managing risks of pollution and flooding. Condition 21 requires approval of materials, in the interests of the character and appearance of the area. Conditions 22 and 23 relate to the provision of facilities for charging electric vehicles, in the interests of sustainable development. Conditions 24 and 25 limit the total number of dwellings and building heights. This is to ensure that the scheme remains within the parameters that have been assessed in the ES. Condition 26 requires non-residential buildings to achieve a BREEAM "*excellent*" rating in the interests of sustainable development.

119. Condition 27 requires submission of a site-wide strategy for the provision of 5% self or custom build plots. This is necessary to meet the needs of people wishing to commission or build their own homes, consistent with the Framework and the eLP. Condition 28 requires submission of a scheme for the provision and

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management of sports pitches and open spaces and Condition 29 requires submission of details of play areas. These conditions are necessary in the interests of meeting the needs of new residents for outdoor recreation and in the interests of achieving good design across the site as a whole. Condition 30 requires submission of details of cycle parking, in the interests of sustainable transport. Conditions 31 and 32 require further details of the pedestrian and cycling facilities to be provided along North Lane and Monks Cross Link road, in the interests of highway safety and promoting sustainable transport choices.

120. Condition 33 requires details of measures to avoid the creation of a vehicle route though the site from North Lane to Monks Cross Link road, in the interests of highway safety and protecting the environmental quality of the new residential areas. Condition 34 requires submission of details of how access is to be provided to a parcel of land in the western part of the site that is excluded from the red line boundary. This is necessary in the interests of securing the comprehensive development of the site as a whole and achieving good design. Condition 35 requires the dwelling mix to be considered in the context of the site-wide development framework and again for each successive phase. This is necessary in the interests of meeting housing needs as they evolve over the long construction period.

121. Condition 36 requires a scheme of community use in relation to the primary school and condition 37 requires a scheme for the provision of social infrastructure, including retail facilities. These conditions are necessary in the interests of meeting the needs of new residents. They would also contribute to the objectives of place-making, community identity and promoting sustainable transport choices. Conditions 38 and 39 relate to road safety audits to support detailed highway design and the closure of accesses that would become redundant as a result of the proposed development. These conditions are necessary in the interests of highway safety.

Suggested conditions that are not recommended

122. A suggested condition sought to achieve higher environmental standards than those contained in the current Building Regulations. This condition would serve no purpose because the Building Regulations will have changed, requiring higher standards, by the time the first houses could be constructed. A suggested condition sought further details of junctions. However, access is not a reserved matter. To the extent that further safety audits are required, that would be addressed by Condition 38. A suggested condition would require submission of an updated travel plan. However, this would duplicate the provisions of the Agreement, which include a Travel Plan Contribution. This contribution is to be used by the Council to provide, implement and monitor a travel plan[42]. A suggested condition would require pre-commencement condition surveys of the highways adjoining the site. This condition relates to the management and maintenance of the public highway, rather than land use planning, so is not necessary for the grant of planning permission.

[42] ID.18, Definitions section and Schedule 1, paragraphs 2.4 and 2.5

Rigby Group Estates

INSPECTOR'S CONCLUSIONS

The numbers in square brackets [n] refer to earlier paragraphs in this report

123. Taking into account the oral and written representations, the Secretary of State's reasons for recovering the appeal and my observations on site, the main issues are:

a) the effect of the proposal on the Green Belt, including any effects on openness and the purposes of including land within the Green Belt;

b) the effect of the proposal on transport networks and the extent to which it would support the objective of promoting sustainable transport;

c) the nature and extent of any economic, social and environmental benefits which would result from the proposal; and

d) whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations such as to provide the very special circumstances required to justify development in the Green Belt.

Policy Context

124. The development plan comprises the saved policies of the Yorkshire and Humber Plan Regional Spatial Strategy (2008) (RSS) and the Huntington Neighbourhood Plan (2021) (HNP). The general extent of the Green Belt around York has been established by saved RSS Policy Y1(C)1. The detailed inner boundaries will be defined through the local planning process, in order to establish long term development limits that safeguard the special character and setting of the historic city as required by saved RSS Policy YH9(C). However, the inner boundaries have not yet been defined in any adopted local plan. I comment below on how the appeal site should be treated in these circumstances. [18]

125. The HNP does not itself allocate strategic housing sites because that is a matter for the Local Plan. The HNP notes that there is a strategic housing allocation, ST8 *Land North of Monks Cross*, in the emerging Local Plan. If adopted, this allocation would include the residential elements of the appeal scheme. In advance of the adoption of a Local Plan, HNP Policy H14 states that decisions on whether land should be treated as falling within the Green Belt should follow the approach supported in *Wedgewood*. [19, 20]

126. I consider that the HNP Policies that are of most relevance to the appeal are:

- H1 - criteria for new residential development;
- H2 - mix of housing types and tenures;
- H3 - affordable housing; and
- H4 - proposals should respect the character of their local environment.

[21]

127. The Publication Draft City of York Local Plan (2018) (eLP) was submitted for examination in May 2018. The residential element of the appeal scheme would be within an area allocated as a strategic housing site (ST8). The proposed country park would be in an area to the east of Monks Cross Link Road (MCLR) which is

Rydon Property Estates

allocated as open space (OS8). Policy SS10 of the eLP applies to allocation ST8 and sets out criteria that are to be applied to development proposals. [22, 23]

128. The examination of the eLP is continuing and, at the time of the Inquiry, further hearing sessions were set to commence in February 2022. There are unresolved objections to allocation ST8, albeit that some objections relate to matters of detail rather than the principle of development. In these circumstances, I consider that only limited weight can be attached to the eLP as a statement of emerging policy. Nevertheless, the fact that this site has been identified as a suitable location for a strategic housing development is a material consideration that weighs in support of the proposal. [22]

129. The Draft Local Plan 2005 incorporating the Fourth Set of Changes was approved by the Council for development management purposes in April 2005. I consider that very little weight should be attached to this plan because it is not being taken forward towards adoption and has been overtaken by the eLP. [25]

The effect of the proposal on the Green Belt, including any effects on openness and the purposes of including land within the Green Belt

130. The appeal site lies well within the general extent of the Green Belt, which extends about 6 miles from the city centre. The *Wedgewood* case indicates that, in the absence of a defined inner boundary, the decision-maker should apply the high-level RSS policy rationally, having regard to site-specific features. The appeal site comprises an extensive area of mainly open land. On the ground, the distinction between the built-up areas of Huntington and Monks Cross and the predominantly open agricultural land on either side of the MCLR, including the appeal site, is readily apparent. I consider that the appeal site has the characteristics of Green Belt and should be treated as such for the purposes of this appeal. My conclusion on this matter is consistent with the HNP and the views of the Council and the appellant, as recorded in the Statement of Common Ground (SoCG) and their respective submissions to the Inquiry. [19, 20, 29(a), 36, 95]

131. The proposed dwellings, primary school and convenience store would be new buildings in the Green Belt. There was no dispute that this would amount to inappropriate development and no suggestion from any party that any of the exceptions set out in paragraph 149 of the National Planning Policy Framework (the Framework) would apply. The proposed country park would be a change of use of land for the purposes of outdoor recreation. The proposed sustainable drainage infrastructure that would be created within the country park would amount to engineering operations. Having regard to paragraph 150 of the Framework, these elements of the proposal would not in themselves amount to inappropriate development because they would preserve the openness of the Green Belt and would not conflict with the purposes of including land in it. Nevertheless, looked at in the round, the proposal as a whole would represent inappropriate development. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. [29(a), 36, 95]

132. The appeal site is predominantly open agricultural land, with a group of farm buildings accessed from North Lane. As a result of the proposal the land to the west of MCLR would become a built-up area, mainly comprised of two storey housing, albeit with some areas of open space. The site would be very much

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more built-up than it is now, resulting in significant harm to the openness of the Green Belt.

133. It its current condition, the site contributes to two of the five purposes of Green Belt set out in paragraph 138 of the Framework. These are checking the unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment. The Council and the appellant agreed that the proposal would conflict with these purposes. I share that view. [29(a)]

134. The Council and the appellant also consider that there would be conflict with the purpose of preserving the setting and special character of the historic city. However, no party has identified any views of the historic city, or specific historic features within it, that would be harmed. The experience of approaching the historic city from the north is already affected by the presence of extensive commercial development around Monks Cross. Although the urban area would be extended northwards, I do not consider that the experience of arriving at the historic city from this direction would be significantly affected. To my mind this is not a matter that weighs against the appeal.

135. In conclusion, the proposal would amount to inappropriate development in the Green Belt. It would also result in significant harm to the openness of the Green Belt and the purposes of including land within it, namely checking the unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment. In accordance with paragraph 148 of the Framework, substantial weight should be given to these harms. The proposal would conflict with saved Policy Y1(C)1 which establishes a Green Belt around York.

The effect of the proposal on transport networks and the extent to which it would support the objective of promoting sustainable transport

Effect on the highway network

136. The A1237 York Outer Ring Road (YORR) adjoins the north eastern part of the appeal site. Traffic to and from the appeal scheme would access the YORR by the roundabout junction with MCLR and North Lane. The YORR is subject to significant congestion at peak times, with lengthy queues at four roundabout junctions. There are proposals for a dualling scheme which would improve the capacity of the YORR and its associated roundabouts. [14]

137. The application was supported by a Transport Assessment (TA). Other than the question of trip rates, which I shall return to below, there was a significant level of agreement between the Council and the appellant on the inputs to the TA, including the scope of the study, baseline flows and the distribution of generated traffic. The TA shows that queue lengths at the YORR roundabouts would increase due to traffic growth on the network, even without the traffic that would be generated by the appeal scheme. Without mitigation, the appeal scheme would add further to congestion at these junctions. The Council and the appellant agreed that, with the dualling scheme in place, the traffic generated by the appeal scheme could be accommodated. [29(r)]

138. The scale of the appeal scheme is such that it would take several years to be built out, by which time it is anticipated that the dualling scheme will have been implemented. However, the s106 Agreement (the Agreement) includes provisions

Rightmove Estates

to address the possibility that this does not happen. Mitigation works have been identified at each of four roundabout junctions, including the MCLR junction, such that the traffic generated by the appeal scheme would not add to the levels of congestion that would otherwise be experienced. The Agreement would provide for financial contributions to those works, which would only become payable in the event that either the dualling scheme had not commenced before first occupation of the 350th dwelling or the dualling scheme was amended to exclude any of the roundabouts in question[43].

139. The Agreement would also provide for a proportionate contribution to improvements to the Malton Road/Stockton Lane/Heworth Green roundabout junction. This would mitigate the impact of traffic resulting from the appeal scheme on this junction[44].

140. The primary accesses to the appeal scheme would be from two roundabout junctions with MCLR. No technical concerns have been raised in connection with these junctions. As noted above, the northern roundabout would also incorporate a fourth arm providing access to the country park. The design of the roundabout would include facilities for pedestrians crossing MCLR to access the park safely. Whilst it is to be expected that most visitors to the park from the appeal site would walk or cycle, it may be that some visitors, including some from Huntington, would choose to drive. I consider that the proposed access point, linked to a modest level of parking provision, would accommodate those visitors in a safe and suitable way. Further details of the visitor car park could be controlled by a condition. [5]

141. A third vehicular access is proposed from North Lane. A local Councillor and Huntington Parish Council have objected to this aspect of the proposal, on highway safety grounds. Access is not a reserved matter and a plan of the proposed priority junction has been submitted for approval at this stage[45]. The plan shows that appropriate visibility splays could be provided within the highway boundary. A 3.0m shared footway/cycleway, with a 0.5m verge, would be provided on the south side of North Lane between the proposed access and the edge of the built-up area of Huntington. The 30mph speed limit would be extended from the existing edge of the built-up area to a point east of the new access. No technical objections have been raised to the proposed access. Having regard to the design features described above, I see no reason to think that this aspect of the proposal would be harmful to highway safety. [27, 99, 102(b)]

142. The Council's agreement to the trip rates used in the TA was dependent on the provision of pedestrian and cycle links at Garth Road and Alpha Court. The need for those links is discussed further below. In this part of the report I shall comment only on the Council's contention that, without the links, the modal share assumed in the TA may not be achieved, resulting in more vehicle trips being generated. The Council did not make any other criticism of the trip rates used, nor were any alternative trip rates suggested. The modal shares assumed in the TA are based on Census data[46] with some projected changes relating to

[43] The Agreement (ID.18), Schedule 1, paragraph 2.6
[44] The Agreement (ID.18), Schedule 1, paragraph 6.1
[45] CD1.39.01 North Lane Access, 13035/GA/03 Revision C
[46] Inspector's note – in answer to my questions it was confirmed that the Census data from 2011 is for journeys to work

proposed transport measures. The most significant of these changes is an increase in the share by bus from 9.2% to 15%. Having regard to the proposed measures to improve access to bus services, which are described in more detail below, that seems to me to be a reasonable approach. Notwithstanding other measures that would support sustainable transport choices, the TA makes the robust assumption that there would be only minor changes in the modal shares for walking and cycling as compared with the baseline. In my view, the modal shares that have been used in the TA, together with the trip rates, have been justified. This would be the case whether or not the Secretary of State decides that it is necessary to require provision of pedestrian and cycle links at Garth Road and Alpha Court. [51, 53, 89, 90, 91]

143. Subject to the mitigation measures provided for in the Agreement, I conclude that the proposal would not result in any unacceptable impacts on the highway network, either in terms of safety or capacity.

Public transport

144. There are frequent bus services between the city centre and Monks Cross, serving both the park and ride site and Monks Cross Shopping Park. It is proposed to extend an existing bus route to pass through the centre of the appeal site along a spine road linking the two proposed roundabouts on MCLR. The service improvements have been discussed with the bus operator. The Agreement would provide funding for an improved service for a period of five years[47], by which time it is anticipated that the service would become self-sustaining. I consider that these aspects of the proposals would make bus transport a convenient and attractive option for trips to the city centre and other locations within York. [15, 27, 47]

145. There are also bus services passing through Huntington. For most new residents these would be less convenient than the bus route through the site. However, the proposed new pedestrian routes at Woodland Way and North Lane would provide access to bus stops for any new residents wishing to use these services. [51, 80]

Walking and cycling

146. In general terms, the appeal site is well located to enable walking and cycling trips to be made for a wide range of purposes. Within the adjoining settlement of Huntington there are primary and secondary schools, two medical practices, a library, a post office and convenience store, a sports pitch and community facilities. To the south of the appeal site there is a large retail park, including supermarkets, comparison shopping and food outlets. A little further away is a community stadium, further large scale retail premises and leisure facilities. [15]

147. It is also important to take into account the facilities that would be provided within the site itself. The proposal includes a primary school, an early years facility, a convenience store, open spaces and sports pitches. The proposed country park would also be close by. The application is in outline so walking and cycling routes within the site are not fixed at this stage. However, walking and cycling routes would be considered in more detail in a proposed Development

[47] The Agreement (ID.18), Schedule 1, paragraph 2.1

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Framework Document and revised masterplan, which would be submitted for approval pursuant to a suggested condition. Those documents would provide a comprehensive design framework as a basis for detailed reserved matters submissions for individual phases. Subject to this design process, the facilities within the site should be reasonably accessible to new residents by walking and cycling. [26]

148. The appeal scheme would include three pedestrian/cycle links to the site. These would be along the site frontage from the North Lane access to the edge of Huntington, along the site frontage from the southern MCLR roundabout to Monks Cross Drive and from the south west corner of the site to Woodland Way. There would also be off-site works to create improved links to the local area. These would comprise an upgraded pedestrian/cycle facility from the edge of the appeal site along North Lane to the junction with North Moor Road and an extension to pedestrian and cycling facilities along Monks Cross Drive from the appeal site, past Alpha Court to an existing pedestrian crossing near Sainsburys. An existing 20mph zone and associated traffic calming measures near a primary school in Huntington would be extended southwards, past Woodland Way to Hambleton Way, and there would be mitigation measures at the junction of North Moor Road/North Lane/Keswick Way[48]. The Agreement would provide for contributions to fund the off-site works[49]. [27]

149. Two additional links were discussed at the Inquiry, at Garth Road and Alpha Court, to the west and south respectively. The Council argued that these links are necessary to provide the degree of connectivity that is required by local and national policy. The appellant considers that the links would be an attractive addition to the development but does not agree that they are necessary to make the development as a whole acceptable in planning terms. [44 to 46, 88]

150. The Council and the appellant provided evidence regarding the distances to various facilities with and without the two further links, albeit with some differences in methodology and the facilities considered. The distances that would be saved by the introduction of either link, to any facility, were generally in the range 300m to 500m. This scale of change is unlikely to be significant to the travel choices of those wishing to cycle, so I consider that the case for the additional links turns on their effect on walking trips.

151. The guidance documents reviewed by both parties indicate that around 80% of all journeys of one mile (1.6km) or less are made on foot. As journey length increases, the proportion of journeys made on foot reduces. A comfortable walking distance for a walkable neighbourhood is thought to be around 800m. The documents note that the distance people will walk is affected by the destination. For schools, 1000m is regarded as an acceptable distance with 2000m being a preferable maximum. Distance is not the only matter to consider because travel choices will also be affected by factors such as the attractiveness and safety of walking routes. [82, 86]

152. The additional links would require the use of third party land which is not in the control of the appellant. The appellant states that it has approached the

[48] Inspector's note – the locations of the various links and off-site works are shown on a plan at Appendix I of Mr Owen's proof of evidence (CD2.09.03)
[49] The Agreement (ID.18), Schedule 1, paragraph 2.7

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relevant owners with a view to securing the necessary rights by agreement. The Council has indicated that it would be willing to consider the use of Compulsory Purchase powers if agreement cannot be reached. The Council and the appellant agree that there is a reasonable prospect of the links being delivered, such that a Grampian condition requiring delivery could properly be imposed if the Secretary of State considers that such a condition would meet the relevant tests. If the Secretary of State concludes that the additional links should be secured by such a condition, then the Council and the appellant agree that the triggers for providing them should be 200 units (for Garth Road) and 260 units (for Alpha Court). [40, 45, 92]

Garth Road

153. The link to Garth Road would follow a private track that currently serves a paddock. Christopher Smith and Dawn Young state that the Garth Road link would cross their land. They say that they have declined an approach from the appellant regarding their land. They do not think that a link to Garth Road is necessary because the proposed pedestrian/cycleway along North Lane would provide a good link to the site. [108, 109]

154. The Garth Road link would primarily benefit those living in the northern part of the site. For those living in the southern part, Woodland Way would provide a more direct route to facilities in Huntington. The appellant's analysis shows that those visiting facilities towards the northern end of Huntington, such as a GP surgery and the post office/convenience store, would be likely to use the route along North Lane whether or not there was a link at Garth Road. The Garth Road link would however reduce the walking distances to Huntington Primary School by 355m, to Huntington Secondary School by 275m and to a medical centre at Garth Road by 340m. The savings in walking time would be three to five minutes. [49]

155. The Council criticised the appellant's approach of measuring distances from two centroids, one in the northern part and one in the south. I take into account that the actual walking distances and the potential reductions in such distances would vary across the site. However, the northern centroid would be reasonably representative of a significant proportion of the proposed units and I do not think that the Council's criticism undermines the broad conclusions to be drawn from the appellant's assessment. In any event, the Council's assessment, which used a single measurement point in the centre of the site, did not produce results that differed widely from the appellant's assessment. [50, 84, 85]

156. The Council suggested that the Garth Road link would be more attractive to pedestrians. I note that walking the short stretch alongside the paddock would be a pleasant experience which may attract some to use the route. However, the North Lane route would offer a safe, flat and direct walking route to Huntington, passing adjacent to a newly landscaped area forming part of the proposed development. Some pedestrians may prefer a route that is overlooked by housing. I see no reasons to think that this route would be unattractive to pedestrians. [52, 86]

157. Without the Garth Road link, the distance to Huntington Secondary School (from the northern centroid) would be 2035m, slightly above the 2000m which is regarded as a preferred maximum. Even so, I saw that the route is flat, safe and

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attractive. I do not think that a saving of 275m would result in a significant change in the propensity for secondary pupils to walk to school.

158. With or without the Garth Road link, the distances to the medical centre and primary school would be below 1.6km. I do not consider that the scale of reduction in walking time or distance resulting from the link would be sufficient to bring about a significant change in the likelihood of people walking to these facilities. Moreover, it is important to take into account that a primary school is proposed on the site itself. This would significantly improve the potential for school trips to be made on foot. To my mind the Garth Road link would be a useful facility which would offer an additional travel choice to new residents. However, having regard to the alternative walking routes that would be provided, I do not think it would bring about a significant change in the proportion of trips made on foot.

Alpha Court

159. The existing road at Alpha Court ends just short of the boundary with the appeal site. From what I saw, there are no obvious physical constraints to creating a pedestrian/cycleway into the site at this point. Monks Cross LLP has stated that it is a part owner of the roads at Alpha Court and the land that would be needed. Monks Cross LLP considers that the link would be necessary to ensure pedestrian and cycle integration into the Monks Cross neighbourhood. It states that there has not yet been any meaningful engagement with the appellant but it would welcome discussions with a view to securing the link. [110, 111]

160. Alpha Court would provide an alternative route into the Monks Cross area. The Monks Cross Shopping Park provides a range of comparison goods as well as a supermarket, all of which would be walkable from the appeal site. The appellant's assessment shows that the shortest walking route from either of the centroids would be along MCLR, whether or not the Alpha Court link was provided. Having regard to the plans that supported the assessment, I consider that the same conclusion would be reached for most of the new dwellings, other than for a small group in the south west corner of the site. The Alpha Court link would result in a small reduction in the walking distance for these dwellings. [48]

161. The Council suggested that the Alpha Court link would be more attractive to pedestrians than a route beside MCLR. However, as at North Lane, the route would be adjacent to a landscaped area forming part of the new development. The introduction of roundabouts along MCLR would have a traffic calming effect and this section of the road would have become part of the extended built-up area. To my mind this would be a safe and attractive route to the retail park which is likely to be well used by pedestrians. [86]

162. The Council's evidence also considers distances to a Sainsburys supermarket, a leisure centre, community stadium, Vangarde Park and the park and ride site. In each case the walking distance from the centre of the appeal site would be reduced by around 500m. For example, the walking distance from the centre of the site to the leisure centre would be reduced from 1.9km to 1.4km. This reduction would be likely to result in some impact on the number of trips to these destinations on foot. However, in terms of an overall assessment, it seems likely that commercial leisure facilities would be visited less frequently than facilities such as schools and convenience shops. [84]

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163. My overall assessment is that the Alpha Court link would be a useful facility which would offer an additional travel choice to new residents. However, having regard to the alternative route that would be provided, and the wide range of facilities available to new residents, I do not think that it would bring about a significant change in the proportion of trips made on foot.

Other transport measures

164. The Agreement would provide for a contribution to sustainable transport measures. These would include incentives for the first occupiers of each dwelling to choose sustainable modes of transport. There would also be a contribution to implementing and monitoring a travel plan for the development[50].

Conclusions on transport

165. The Framework states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Safe and suitable access to the site should be achieved for all users. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Opportunities to promote walking, cycling and public transport use should be identified and pursued. Planning policies should provide for attractive and well-designed walking and cycling networks and applications for development should prioritise pedestrian and cycling movements[51].

166. The appeal site is well located to enable walking and cycling trips to be made for a wide range of purposes. There are frequent bus services between the city centre and Monks Cross. The proposal would extend an existing bus route to pass through the centre of the appeal site. The Agreement would provide funding for an improved service for a period of five years. These aspects of the proposals would make bus transport a convenient and attractive option for trips to the city centre and other locations within York.

167. The proposal includes safe and suitable access to MCLR and North Lane. It is anticipated that improvements to the YORR will be carried out during the time in which the appeal scheme would be built out. This would enable the traffic generated by the proposal to be accommodated on the wider highway network in a satisfactory way. However, if those improvements do not come forward at the right time, the Agreement includes a contingency arrangement whereby mitigation works would be funded at roundabouts along the YORR. There would be a contribution to the improvement of the Malton Road/Stockton Lane/Heworth Green roundabout junction in any event. Subject to these mitigation works (to the extent that they may be required) the proposal would not result in any severe impacts on the road network.

168. I consider that the proposal has identified and pursued opportunities to promote walking, cycling and public transport use, through attractive and well-designed pedestrian and cycle links, off-site pedestrian and cycle facilities, off-site traffic calming and measures to support sustainable transport choices by new

[50] The Agreement (ID.18), Schedule 1, paragraphs 2.2 to 2.5
[51] The Framework, paragraphs 104, 105, 106, 110, 111 and 112

residents. Overall, I consider that the proposal accords with those policies of the Framework that seek to promote sustainable transport.

169. Policy H1 of the HNP sets out criteria for new residential development. These include providing safe pedestrian and cycle links to Huntington Village, local schools and the existing network of pedestrian and cycle routes and, more generally, promoting transport links for pedestrians, cyclists, and public transport. For the reasons given above, I consider that the proposal would accord with Policy H1, insofar as the policy relates to transport.

170. Policy SS10 of the eLP sets out key principles for site allocation ST8. The proposal would accord with these principles in various respects. It would provide access from the MCLR, address impacts on the wider highway network, deliver frequent and accessible bus services through the site and provide safe and attractive pedestrian and cycle routes to Monks Cross. The Council argued that the proposal would not provide the necessary strategic connections as required by criterion (xii), nor would it maximise pedestrian and cycle connectivity as required by criterion (xiii), unless the Garth Road and Alpha Court links were secured by a Grampian planning condition. [80, 81]

171. The Council and the appellant both consider that there is a reasonable prospect of the Alpha Court and Garth Road links being delivered. On that basis, they agree that a Grampian condition could be imposed if the Secretary of State finds it necessary for the grant of planning permission. I agree that there is a reasonable prospect of delivery in respect of the Alpha Court link, on the basis that the owners of the land in question appear to be supportive. The owners of the Garth Road link are opposed to the use of their land. Even so, such conditions can be imposed unless there is no prospect at all of the condition being fulfilled[52]. In this case, the Council has indicated that it would be prepared to consider the use of Compulsory Purchase powers[53]. There is, therefore, at least some prospect of the link being delivered. Accordingly, I agree with the Council and the appellant that it would be open to the Secretary of State to impose a Grampian condition, in respect of either or both links, if found to be necessary. [40, 56, 92, 108, 109, 110, 111]

172. However, whilst I have concluded that the Alpha Court and Garth Road links would be useful facilities which would offer additional travel choices to new residents, in my view neither link would bring about a significant change in the proportion of trips made on foot. Taking account of the totality of the transport measures proposed, I do not think that delivery of either link is necessary for the grant of planning permission.

173. The Council argued, by reference to paragraph 105 of the Framework, that there is a policy imperative to maximise sustainable travel solutions. I do not read the Framework in that way. To my mind, for decision making, the requirement is that "*appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location*"[54]. For the reasons given above, I consider that the proposal meets that

[52] ID.14 – Note on Grampian conditions
[53] Inspector's note – it is not for me to comment on the likely outcome of such powers being used. That would be the subject of a separate statutory decision making process.
[54] The Framework, paragraph 110(a), read in context with the rest of section 9

requirement (with or without the disputed links) when all of the transport proposals are looked at in the round. [55, 79, 80]

174. I note that criterion (xii) of eLP Policy SS10 calls for "*further strategic connections*" (plural), other than those associated with existing roads. The Woodland Way link would be the only such connection. To this extent, there would be a conflict with the emerging policy. Moreover, the Council drew attention to criterion (xiii) of the same policy, which seeks to "*maximise pedestrian and cycle integration*". To my mind this wording should not be applied too literally, but rather in a reasonable way. On that basis, the proposal would be in conformity. In any event, however the words are interpreted, the eLP is some way from being adopted. The Council and the appellant agree that limited weight should be attached to it at this stage. I agree. [53, 54, 55, 80, 81]

175. In my view a Grampian condition, which would have the effect of restricting housing delivery until such time as the disputed links had been secured, would not be necessary for the grant of planning permission. The Secretary of State may conclude, contrary to my recommendation, that such a condition would be necessary. I have included suggested wording at Appendix F which could be used in those circumstances.

176. My overall conclusion is that the proposal would not cause harm to the safety or the capacity of the highway network. Opportunities for travel on foot, cycle or bus have been considered and appropriate provision has been made, consistent with those policies of the Framework that seek to promote sustainable travel. The proposal would accord with HNP Policy H1, insofar as the policy relates to transport.

The nature and extent of any economic, social and environmental benefits which would result from the proposal

Housing and affordable housing

177. The proposal is for about 970 dwellings. The site is not subject to significant constraints and the supplementary ES indicates that first occupations could take place from 2024, with the scheme built out over the following 10 years. It would therefore make an important contribution to housing delivery in York over an extended period. The Council is unable to demonstrate a five year supply of housing sites, as required by the Framework. Based on a recent appeal decision, the current housing land supply is agreed to be between 2.79 years and 3.45 years. There is an urgent need for housing in York and the Council wants to see this site brought forward to contribute to meeting that need. I consider that significant weight should be attached to the social and economic benefits of housing delivery. [28, 29(b), 30, 73]

178. The Agreement would secure 30% of the units as affordable housing. This would be consistent with Policy H10 of the eLP. It would be a further social and economic benefit to which I attach significant weight

Primary school and early years facility

179. The Agreement would secure the transfer of a site sufficient for a two form entry primary school together with an early years facility. There would also be a financial contribution that would be sufficient for a 1.5 form entry primary school. In some cases the provision of contributions to early years, primary, secondary

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and special needs places would do no more than mitigate impacts on educational requirements arising from development. However, in this case, I consider that the provision of an early years facility and a primary school on site should be regarded as an important benefit. This is, in part, because a 1.5 form entry school would be slightly larger than the anticipated pupil yield from the scheme. Moreover, the site could be developed in a modular way, ultimately meeting the needs of an area wider than the appeal site. [9, 63, 74]

180. In addition, it is important to note that the proposal would do more than merely meeting the need for a given number of school places. Creating a school within the appeal site would contribute to place-making and community identity within this strategic housing proposal. In addition, both the primary school and the early years facility would be within a reasonable walking distance of all parts of the site. This would contribute to sustainable transport objectives and reduce car travel from the site to other schools in the locality. [63]

181. The Agreement makes provision for "*Plan B*", whereby the Council could elect not to build a new school in the event that there are insufficient pupils. However, the appellant, the Council and the Parish Council agree that the provision of a school on site is the preferred approach. This would also be consistent with Policy SS10(viii) of the eLP and Policy H1(5) of the HNP. I consider that Plan B is a sensible contingency arrangement, given the inevitable uncertainty involved in projecting needs some years ahead. If the school turns out not to be viable, the need for school places arising from the development would still be met in an appropriate way. However, based on the evidence before the Inquiry, the likelihood is that the school would be delivered on site. I have taken account of the significant social and economic benefits of providing the school and associated early years facility within the site on that basis. [9, 64, 75, 96]

Country park

182. The proposed country park would provide a substantial area of informal open space on the edge of the built up area. It would be readily accessible from the appeal site on foot or cycle. It would also be accessible from existing residential areas within Huntington. It would include green spaces, circular walking routes and areas for nature conservation. There would be a small car park with access from MCLR. This is likely to be attractive to visitors who choose to drive to open spaces, including those who drive because of restricted mobility or for exercising dogs, thereby reducing the impact of recreational pressures on Strensall Common Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). Whilst the detailed design of the park would be approved at a later stage, the illustrative plans show how it could be laid out as an attractive space with a rural character. This would result in social and environmental benefits to which I attach moderate weight. [5, 29(l), 96]

Other matters

Character and appearance of the area

183. The appeal site comprises generally flat agricultural land with hedgerows and some mature trees. It is not subject to any landscape designations. Built-up areas at Monks Cross and Huntington are readily visible to the south and west respectively. The Environmental Statement (ES) included a landscape and visual impact assessment. Although some adverse visual effects were identified during

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the construction phase, these would be temporary. The assessment concluded that landscape effects during the operational phase would be beneficial, due to a new residential character and country park, enhanced tree cover and a positive transition to the countryside edge. All matters of design and landscape would be considered at reserved matters stage.

Flood risk and drainage

184. The site is in Flood Zone 1 and is therefore currently at low risk of flooding. The ES found that development could result in a potential risk of shallow flooding on site. This would be managed by a new sustainable drainage system throughout the site. Surface water would be collected in ponds within the proposed country park, then discharged to an adjacent watercourse at a controlled rate. The ponds would be designed to retain all flows within the site for the 1 in 100 (plus climate change) flood event. The floor levels of the proposed dwellings would be set 150mm above ground level to mitigate any residual risks from blockage and/or exceedance events. A written representation has referred to the high water table and the Parish Council has raised a concern that the drainage ponds could be overwhelmed. However, the Council and the appellant agree that an appropriate drainage strategy could be secured by conditions. I share that view. [29(o), 102(d), 113]

Biodiversity

185. The Parish Council and interested parties have raised concerns about wildlife. The ES includes consideration of biodiversity, noting that much of the site is of low ecological interest. Hedgerows, mature trees and ponds represent areas of slightly better habitat but none are considered to be of greater than site level importance. Great crested newts are present on site, water voles are present in adjacent ditches and otters were noted at the south eastern corner. The site also provides suitable habitats for nesting birds and commuting and foraging habitats for bats. The Council and the appellant agree that there are opportunities to provide biodiversity net gain within the proposed residential areas and the country park. Protection of species and habitats during construction, and management and maintenance of mitigation measures, could be secured by conditions. Taking account of the proposed mitigation measures, the ES did not identify significant adverse effects on biodiversity. [29(m) and (n), 102(r), 112]

186. The site is within the zone of influence of Strensall Common SAC and SSSI. The Council's Habitats Regulations Assessment identified a likelihood of increased recreational impact on the SAC/SSSI as a result of development. I consider that the open spaces and pedestrian/cycle network that would be created within the site, together with the country park, would provide suitable alternative locations for informal outdoor recreation. This would mitigate the potential recreational impact on the SAC/SSSI. The Secretary of State will be the competent authority for the purposes of the Conservation of Habitats and Species Regulations. Information to support the Secretary of State's assessment is included at Annex D. [29(l)]

Noise

187. The ES included a noise assessment which found that internal noise levels would meet the relevant criteria for bedrooms and living rooms and that the road traffic noise impact on existing noise sensitive properties would be negligible.

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Noise and vibration during the construction phase could be controlled through a Construction Environmental Management Plan, which could be secured by a planning condition. Portakabin Limited is a major employer operating from a 20ha site close to the south west corner of the appeal site. Portakabin considered that the noise survey information was out of date and did not take account of the potential need for it to move to 24 hour working. Concern was expressed regarding the potential for noise sensitive development to be introduced close to its operations. Shepherd Group Brass Band practises in a building within the Portakabin site, close to the boundary of the appeal site. Both Portakabin and the brass band are concerned that the educational and community activities of the band could be prejudiced by noise complaints. [104, 105, 106, 107]

188. An updated noise assessment was carried out for the Inquiry[55]. This included measurements at the boundary of the Portakabin site, including rehearsals of the Shepherd Group Brass Band. The updated assessment states that glazing and ventilation has been specified to allow internal sound levels to meet the relevant criteria for living rooms and bedrooms, taking account of the character of the sound (including gantry crane movement alarms) and allowing for future intensification of the Portakabin operations. The updated assessment concluded that the brass band would be audible in the gardens of some of the proposed dwellings, but unlikely to be significantly disturbing. Brass band rehearsals are unlikely to be audible within dwellings with windows closed.

189. The illustrative masterplan shows that there would be an area of open space between the Portakabin site and the nearest of the proposed houses. At this stage it seems unlikely that acoustic fencing or bunding would be required. However, the updated noise assessment recommends that the assessments are repeated when the layout and design of the proposed houses is considered. This would enable mitigation to be adjusted (if necessary) to ensure that appropriate sound levels could be achieved. I agree with that approach.

Excluded land

190. Barrett Homes and David Wilson Homes Limited state that they have an option over a block of land which is excluded from the western part of the appeal site (the BDW land). They commented that the masterplan should be updated to demonstrate how the BDW land could be developed together with the appeal site, so that the strategic allocation could be developed in a comprehensive manner. At the Inquiry, witnesses for the Council and the appellant stated that the BDW land could be served by a single access from the tree-lined boulevard shown on the illustrative masterplan[56]. The Council and the appellant have agreed wording within a suggested condition relating to the submission of a masterplan which would require details of links to the BDW land to be identified. No party at the Inquiry suggested that the exclusion of this land from the application site gave rise to any planning objections. [16, 103]

[55] CD1.60.06
[56] Inspector's note – in answer to my questions, Ms Vergereau and Mr Owen both said that they thought that a single access would be sufficient, although Ms Vergereau suggested that an emergency access may also be needed.

Other matters raised by interested parties

191. Other matters raised by interested parties, that have not already been discussed above, included provision for foul water drainage, the location of play areas, rear access to terraced houses, the need for more secondary school places, the design merits of the proposed houses, the location and number of self-build plots and the need for electric vehicle charging points. The Agreement would address the need for secondary school places. The other matters would be considered at reserved matters stage and/or pursuant to conditions. [102, 112, 113]

Conclusion - other matters

192. Subject to appropriate conditions, the matters discussed in this section of the report do not weigh against the appeal.

Public Sector Equality Duty

193. There was no formal equalities impact assessment before the Inquiry. However, the evidence included matters pertinent to equalities. The transport measures would include improvements to pedestrian routes and traffic calming that would improve accessibility for persons with a disability and persons with limited mobility. This would be a positive impact in that it would advance equality of opportunity for persons sharing relevant protected characteristics. No party identified any negative impacts.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations such as to provide the very special circumstances required to justify development in the Green Belt

194. The proposal would amount to inappropriate development in the Green Belt. It would also result in significant harm to the openness of the Green Belt and the purposes of including land within it, namely checking the unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment. In accordance with paragraph 148 of the Framework, substantial weight should be given to these harms.

195. Subject to the imposition of appropriate planning conditions, I have not identified any other harms that would weigh against the appeal.

196. In my view the most important considerations that weigh in favour of the appeal are:

- Housing delivery – the proposal would make a significant contribution to housing land supply over an extended period. Having regard to the scale of the shortfall in housing land supply, I attach significant weight to this factor.
- Affordable housing – the proposal would make a significant contribution to the delivery of affordable housing. I attach significant weight to this factor.
- Primary school and associated early years facility – in addition to meeting the numerical need for primary school and pre-school places, the delivery of these facilities within the appeal site would have

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important benefits for place-making and sustainable transport objectives. I attach significant weight to this factor.

- Country park – the park would provide an extensive area of informal open space with a rural character that would be attractive to new residents as well as existing residents of Huntington. I attach moderate weight to this factor. [58, 96]

197. The saved policies of the RSS and the HNP comprise the development plan. However, there is no adopted development plan document that has the function of identifying housing sites in York. There has not been such a plan for many years. Although the eLP is now being examined, there is some way to go before that can be adopted. Consequently, there is not currently a plan-led route to meeting housing needs. In my view this is a factor which adds further to the weight to be attached to housing delivery. [58]

198. The appeal site is an allocated site in the eLP. That carries very little weight as a matter of planning policy because the eLP is part way through the examination process. Nevertheless, it is a material consideration. First, the fact that this site has been proposed for residential development since 2011 is a clear indication that there are no overriding planning constraints that would preclude housing here. Second, given the scale of the proposal, the level of objection to this appeal is unusually low. It is reasonable to infer that this reflects widespread (if not universal) acceptance that this land will be brought forward at some point to meet the need for housing in York. [58, 70, 73]

199. Drawing all this together, I find that the other considerations in this case clearly outweigh the harm to the Green Belt that I have identified. I have not identified any other harm. Looking at the case as a whole, I consider that very special circumstances exist which justify the development.

Conclusions

200. The proposal is for development that requires Environmental Impact Assessment. I have taken the environmental information into account in reaching my conclusions on the appeal.

The development plan

201. The proposal would conflict with saved Policy Y1(C)1 of the RSS which establishes a Green Belt around York.

202. I conclude that the proposal would:

- be well-related to the existing urban area of Huntington;
- provide recreational and sporting facilities;
- deliver new school provision;
- promote transport links for pedestrians, cyclists and public transport;
- provide safe pedestrian and cycle links to Huntington and to local schools; and
- include significant landscape and green areas.

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203. In these respects it would accord with Policy H1 of the HNP. Other elements of the policy, relating to housing mix, design, tree protection, energy efficiency and sustainable drainage would be considered in more detail at reserved matters stage or pursuant to planning conditions. I consider that the proposal complies with Policy H1, as far as it can at this outline stage.

204. Policy H2 deals with housing mix, which would be considered at reserved matters stage. The Agreement would secure 30% of the development as affordable housing, consistent with Policy H3. Policy H4 relates to design principles. These are matters that would, in the main, be considered at reserved matters stage. However, based on the illustrative material submitted with the appeal and the Design and Access Statement, I see no reason to think that this outline proposal would not result in a satisfactory detailed design in due course.

205. These are the HNP policies that are of most importance to the determination of the appeal. I consider that the proposal is in accordance with the HNP. However, due to the conflict with RSS Policy Y1(C)1, the proposal should be regarded as being in conflict with the development plan as a whole.

Other material considerations

206. I have considered the policies of the eLP which were identified in the Statement of Common Ground. Other than the conflict with part of Policy SS10, as discussed above, no party at the Inquiry identified material conflict with the eLP. In any event, I attach only limited weight to the eLP.

207. The Council cannot demonstrate the five year supply of housing sites required by the Framework. Consequently, the approach to decision-taking set out in paragraph 11(d) of the Framework is engaged. Footnote 7 identifies policies in the Framework that are relevant to this approach, one of which is land designated as Green Belt. In this case I have found that very special circumstances exist, such that approving the proposal would be consistent with those policies of the Framework that relate to Green Belt.

208. The adverse effects and the benefits of the proposal are set out above in my discussion of the Green Belt balance. For the same reasons, I conclude that the adverse effects of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole.

209. The approach to decision-taking set out in the Framework is a material consideration that outweighs the conflict with the development plan. Accordingly, I shall recommend that the appeal be allowed.

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RECOMMENDATION

210. I recommend that the appeal be allowed and planning permission be granted, subject to the conditions set out in Annex E.

211. I recommend that is it not necessary to impose a Grampian condition relating to the delivery of pedestrian and cycle links at Alpha Court and Garth Road. However, if the Secretary of State finds that such a condition is necessary, I have included suggested wording in Annex F.

David Prentis

Inspector

Richborough Estates

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Philip Robson, of Counsel,	instructed by Ruhina Choudhury, Senior Solicitor to the Council
He called	
Helene Vergereau MA PGDip LLM	Traffic and Highway Development Manager
Claire Tempest	PFI Contracts Manager, Education Support Services
Neil Massey BSc(Hons) DipTP DipUD	Planning Officer

FOR THE APPELLANT:

Paul Tucker, Queen's Counsel,	instructed by Mark Johnson, Johnson Mowat
He called	
Philip Owen BEng(Hons) CEng MICE MIHT	Optima Highways and Transportation Ltd
Heather Knowler BA(Hons) MA	EFM
Mark Johnson MRICS MRTPI	Johnson Mowat

INTERESTED PERSONS:

Councillor Keith Orrell	Huntington Ward Councillor

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Annex B – Abbreviations used in the report

Agreement	The s106 Agreement dated 10 February 2022
BDW	Barratt Homes and David Wilson Homes Limited
eLP	Publication Draft City of York Local Plan 2018
ES	Environmental Statement
Framework	National Planning Policy Framework
Habitats Regulations	Conservation of Habitats and Species Regulations 2017 (as amended)
HNP	Huntington Neighbourhood Plan
MCLR	Monks Cross Link Road
MfS2	Manual for Streets 2
RSS	Yorkshire and Humber Plan Regional Spatial Strategy 2008
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SSSI	Site of Special Scientific Interest
SEND	Special Educational Needs and Disabilities
TA	Transport Assessment
YORR	York Outer Ring Road

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Annex C – Documents

Planning Application Documents

Core Doc Ref	Document Title	Drawing Reference
CD1.01	Application cover letter	
CD1.02	Planning Application Form	
CD1.02.01	Amended Application Certificate B	
CD1.02.02	Amended Appeal Certificate B	
CD1.02.03	Landowner Response to Certificate B	
CD1.03	Red Line Plan/Location Plan	PL1377-VW-016-5-04
CD1.04	Illustrative Masterplan	PL1377-VW-016-03
CD1.05.00	Monks Cross Link Southern Access	13035/GA/01 Rev C
CD1.05.01	Monks Cross Link Northern Access	13035/GA/02 Rev C
CD1.05.02	North Lane Access	13035/GA/03
CD1.06	Planning Case Report	
CD1.07	Design and Access Statement	
CD1.08	Statement of Community Involvement	
CD1.09	Section 106 Heads of Terms	
CD1.10	ES Volume 1: Chapter 1	Contents and Introduction
CD1.11	ES Volume 1: Chapter 2	Methodology
CD1.12	ES Volume 1 :Chapter 3	Site and Development Description
CD1.13	ES Volume 1: Chapter 4	Construction Methodology and Phasing
CD1.14	ES Volume 1: Chapter 5	Socio Economics
CD1.15	ES Volume 2: Chapter 6	Transport Assessment and Travel Plan
CD1.16	ES Volume 2: Chapter 7	LVIA
CD1.17	ES Volume 2: Chapter 8	Flood Risk and Drainage
CD1.18	ES Volume 2: Chapter 9	Ecology Summary Report
CD1.19	ES Volume 2: Chapter 10	Air Quality
CD1.20	ES Volume 2: Chapter 11	Noise and Vibration
CD1.21	ES Volume 2: Chapter 12	Heritage
CD1.22	ES Volume 2: Chapter 13	Ground conditions
CD1.23	ES Volume 2: Chapter 14	Summary and Conclusions
CD1.24	ES Volume 3:	Non-Technical Summary
CD1.25	Tree Survey Report	
	2020 updates	
CD1.26	Preliminary Ecological Assessment 2020	Updated
CD1.27	Ecological Impact Assessment	Updated
CD1.28	Bat Activity Survey	Updated
CD1.29	Riparian Mammal Survey	Updated
CD1.30	Ecology Reptile Survey	Updated
CD1.31	Breeding Bird Survey	Updated

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CD1.32	Great Crested Newt Survey	Updated
CD1.33	GCN DNA	Updated
CD1.34	Habitat Reg Assessment Screening Report	Updated
CD1.35	Traffic Impact Addendum	Transport Assessment Addendum ref 2306260
CD1.36	Transport Assessment Summary	Updated
CD1.37	Draft Travel Plan	
	ACCESS PLANS	
CD1.38.00	Proposed Northern Access onto Monks Cross Link	13035/GA/04 Rev A
CD1.38.01	Northern Site Access roundabout on Monks Cross Link	13035/GA/04 Rev B
CD1.39.00	Proposed Site Access onto North Lane	13035/GA/03 Rev B
CD1.39.01	Proposed Site Access onto North Lane	13035/GA/03 Rev C
CD1.40.00	Proposed Southern Access onto Monks Cross Link	13035/GA/01 Rev D
CD1.40.01	Proposed Southern Access onto Monks Cross Link	13035/GA/01 Rev E
	ES PARAMETER PLANS	
CD1.41	Figure 2 Development Area Parameter Plan	PL1377-VW-016-1 Issue No. 05
CD1.42	Figure 3 Land Use Parameter Plan	PL1377-VW-016-06 Issue No. 04
CD1.43	Figure 4 Movement and Access Parameter Plan	PL1377-VW-016-4 Issue No. 04
CD1.44	Figure 5 Green Infrastructure Parameter Plan	PL1377-VW-016-3 Issue No. 04
CD1.45	Figure 6 Building Heights Parameter Plan	PL1377-VW-016-2 Issue No. 04
CD1.46	Figure 7 Indicative Masterplan Parameter Plan	Illustrative Sketch Masterplan Sept 2020
CD1.47	Landscape Strategy Plan - Country Park area only	P20-2894.001 Rev A
CD1.48	Design and Access Statement – Rev A	
CD1.49	Number not used	
	2021 updates	
CD1.50	Landscape Strategy Plan	P20-2894.001 Rev C
CD1.51	Updated ES Chapter 8 Flood Risk Assessment	
CD1.52	Development Drainage Strategy	Ref 1012-010 Rev B
CD1.53	Ecology: Biodiversity Calculation	
CD1.54	Ecology: HRA Screening Report	
CD1.55	Highways Technical Note 1 – Response to Highways England Part 1	
CD1.56	Technical Note 1 – Response to Highways England Part 2	
CD1.57	Highways Technical Note 2 – Response to Highways England	
CD1.58	Figure 7 Indicative Masterplan Parameter Plan Rev A	Illustrative Sketch Masterplan Rev A

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CD1.59	Woodlands Way Cycling and Walking Link Plan	13035/GA/20 Rev A
CD1.60.00	Supplementary Environmental Statement	
CD1.60.01	Appx 1 PINS Letter	
CD1.60.02	Appx 2 Updated Fig 6 Building Heights Plan	
CD1.60.03	Appx 3 Fig 9 Parameter Plan Demolition	NLMC-16-02-02
CD1.60.04	Appx 4 Earthworks Review Plan	1012-030
CD1.60.05	Appx 5 Fig 8 Parameter Plan Phasing – Dec 2021	
CD1.60.06	Appx 6 Supplementary Noise Assessment	
CD1.60.07	Appx 7 Air Quality Supplementary Statement	
CD1.60.08	Appx 8 Flood Risk & Drainage Supplementary Statement	
CD1.60.09	Appx 9 Agricultural Land Classification Technical Note	
CD1.60.10	Appx 10 Ecological Supplementary Information	
CD1.60.11	Appx 11 Supplementary Statement & updated LVIA Figures	
CD1.60.12	Appx 12 ES Non-Technical Summary Update January 2022	

Appeal Documents

CD2.01.00	Statement of Common Ground
CD2.01.01	SoCG Appendix D
CD2.02.00	Draft Section 106 Agreement
CD2.02.01	Draft Section 106 Agreement
CD2.02.02	CIL Compliance Statement
CD2.02.03	Appx A.1 Strategic Housing Market Assessment 2016
CD2.02.04	Appx A.2 Strategic Housing Market Assessment Addendum 2016
CD2.02.05	1of2 of Appx B.1 Local Plan Viability Assessment Update 2018
CD2.02.06	2of2 of Appx B.1 Local Plan Viability Assessment Update 2018
CD2.02.07	Appx C.1 Primary and Secondary pupil yield background
CD2.02.08	Appx D.1 Monks Cross contribution calculation Final
CD2.02.09	Appx E.1 Waste Information for Developers 12 12 2021
CD2.03.00	Draft Conditions
CD2.03.01	Update by Inspector
CD2.04	Appeal Questionnaire
CD2.05.00	CYC Statement of Case
CD2.05.01	Appendix A - Schedule of Representations in Policy Order May 2018 - Policy SS10
CD2.05.02	Appendix B Composite Modifications Schedule - April 2021 - PM60 p11 - PM70 p17-21
CD2.05.03	Appendix C Topic Paper 1 Approach to defining Green Belt Addendum - January 2021
CD2.05.04	Appendix C.2 Topic Paper 1 Green Belt Addendum - January 2021 - Annex 3 - Inner Boundary - Part 2
CD2.05.05	Appendix D The High Court Judgment in Wedgewood v CYC (2020) EWHC 780 (Admin)
CD2.06	Appellant Statement of Case
CD2.07.00	Planning Committee Report - 18/00017/OUTM
CD2.07.01	Draft Minutes of Committee Meeting 04.11.2021
CD2.08.00	Appellant Proof of Evidence - Planning

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CD2.08.01	Appellant Appendices 1-6
CD2.08.02	Appellant Summary Proof
CD2.09.00	Appellant Proof of Evidence – Highways
CD2.09.01	Highways Appendices A-C
CD2.09.02	Highways Appendices D-E
CD2.09.03	Highways Appendices F-J
CD2.09.04	Highways Appendices K-L
CD2.09.05	Highways Appendices M-O
CD2.09.06	Highways Appendices P-T
CD2.09.07	Highways Appendices U-AA
CD2.10	Appellant Proof of Evidence – Education
CD2.11.00	CYC Proof of Evidence – Planning and Education Statement
CD2.11.01	Education Annex (Excel)
CD2.11.02	Securing developer contributions for education
CD2.11.03	Local Authority Scorecard
CD2.11.04	National School Delivery Benchmark
CD2.11.05	Summary of CYC Proof
CD2.12.00	CYC Proof of Evidence - Highways
CD2.12.01	Summary of Highway Proof
CD2.13	Planning Rebuttal
CD2.14	Education Rebuttal
CD2.15	Highways Rebuttal

Consultee responses

	Statutory Consultee Responses
CD3.01.00	Highways England including Appendix A
CD3.01.01	Highways England –Technical Memorandum from Systra
CD3.02	Highways England
CD3.03	Highways England
CD3.04	Highways England
CD3.05	Highways England dated 31/01/2020
CD3.06	Highways England dated 5/08/19
CD3.07	Highways England
CD3.8.01	Highways England
CD3.8.02	Highways England
CD3.8.03	Highways England Review Note
CD3.09	Highways England
CD3.10	North Yorkshire Police
CD3.11	Environment Agency
CD3.12	North Yorkshire Fire and Rescue
CD3.13	Natural England
CD3.14	Huntington Parish Council
CD3.15	Foss Internal Drainage Board
CD3.16	Foss Internal Drainage Board
CD3.17	Yorkshire Water
	CYC consultation Responses
CD3.18	Flood Risk Management Team
CD3.19	Flood Risk Management Team

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CD3.20	Flood Risk Management Team
CD3.21	Archaeology
CD3.22	Landscape Architect
CD3.23	Landscape Architect
CD3.24	Housing Development Officer
CD3.25	Ecology
CD3.26	Rights of Way
CD3.27	Education Request Summary
CD3.28	Education Contribution
CD3.29	Environmental Health – Public Protection
CD3.30	Environmental Health – Public Protection
CD3.31	Forward Planning
CD3.32	Forward Planning Annex A
CD3.33	Forward Planning Annex C
CD3.34	Conservation Architect
CD3.35	Housing Strategy and Policy
CD3.36	Community Sports Development
CD3.37	Heritage Project Officer
CD3.38	Highways Network Management checklist
CD3.39	Highways – Network Management
CD3.40	Waste Services
	Public Comments
CD3.41	Jackie Stephenson
CD3.42	John Reeves
CD3.43	John Reeves
CD3.44	John Reeves, Helmsley Group
CD3.45	John Reeves
CD3.46	John Reeves, Helmsley Group
CD3.47	Anthony Reeves
CD3.48	DPP on behalf of Portakabin Ltd
CD3.49	Portakabin Ltd
CD3.50	Councillors Orrell, Runciman and Cullwick
CD3.51	Mr Ian Thornton
CD3.52	Suzanna Young
CD3.53	Alasdair Mcintosh
CD3.54	Mr Mike Watson
CD3.55	Mr Peter Ruane
CD3.56	Mr Stephen Fenton
CD3.57	Mr Stephen Fenton – Objection Withdrawal
	Appeal Interested Party Representations
CD3.58	DPP - Portakabin Limited
CD3.59	Shepherd Group Brass Band – David Gregg
CD3.60	Barratt Homes
CD3.61	T Varlow
CD3.62.00	Christopher Smith and Dawn Young
CD3.62.01	NYK Registry Plan

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Planning Policy

	National Planning Policy
CD4.01	National Planning Policy Framework
CD4.02	National Planning Policy Guidance
CD4.03	National Design Guidance
CD4.04	Manual For Streets
CD4.05	Securing Developer Contributions for Education
CD4.06.00	Area Guidelines for Mainstream Schools
CD4.06.01	Developer Contributions_Guidance_update
CD4.07	Extracts from Guidelines for Planning for Public Transport in Developments
CD4.08	Extracts from 'Guidelines for Providing for Journeys on Foot'
CD4.09	'Home to School Travel and Transport' statutory guidance document
CD4.10	Extracts from Local Transport Note 2/08
CD4.11	Cycle Infrastructure Design (LTN1/20)
CD4.12	Planning for Walking
	Regional Planning
CD4.13	Yorkshire and Humber Regional Spatial Strategy
CD4.14	Yorkshire and Humber SI 2013 No. 117
	Neighbourhood Plan
CD4.15	Huntington Neighbourhood Plan
	Local Planning Policy
CD4.16	City of York Draft Local Plan Incorporating the 4th set of Changes
CD4.17.00	City of York Local Plan – Publication Draft (Regulation 19 Consultation)
CD4.17.01	Extract from City of York Local Plan – Publication Draft (Regulation 19 Consultation)
CD4.18	City of York Local Plan – Composite Modifications Schedule
CD4.19	Topic Paper 1 – Green Belt Addendum
CD4.20	Topic Paper 1 – Green Belt Addendum Annex 3 Inner Boundary Part 2. Section 5 – 6
CD4.21	Topic Paper 1 – Green Belt Addendum Annex 7 Housing Supply Update
CD4.22	Topic Paper 1 – Green Belt Addendum Annex 7 Housing Supply Update Trajectory
CD4.23	City of York Local Plan Infrastructure Delivery Plan
CD4.24	CYC Section 106 Agreements from June 2019 (pending review December 2019)'
CD4.25	Full Year Housing Monitoring Update
CD4.26	Affordable Housing Note Final February 2020
CD4.27	Education SPG 2019

Appeal Decisions and High Court Judgments

CD5.01	APP/C2741/W/21/3271045 Boroughbridge Road, West of Trenchard Road, York – Yorkshire Housing Association, Karbon Homes Limited and Karbon Developments Limited
CD5.02	APP/C2741/W/19/3227359 Boroughbridge Road, south of Millfield Lane, York Miller Homes Ltd
CD5.03	APP/C2741/W/19/3233973 Moor Lane, Woodthorpe, York. Barwood Strategic Land

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CD5.04	Wedgewood v City of York Council (March 2020)
CD5.05	APP/W4705/V/18/3208020 Land west of Burley in Wharfedale at Sun Lane and Ilkley Road. CEG Land Promotions Ltd
CD5.06	APP/B1930/W/20/3265925 and 3265926 Roundhouse Farm, off Bullens Green Lane, Colney Heath, St Albans.
CD5.07	APP/L3245/W/21/3267148 Land to south of the Meole Brace Retail Park, Shrewsbury
CD5.08	APP/G1630/W/20/3257625 Land off the A38, Coombe Hill, Gloucestershire. Bovis Homes

Highways

CD6.01	A1237 York Outer Ring Road Study Executive Summary 2005
CD6.02	Buses in Urban Developments
CD6.03	Building Sustainable Transport into New Developments: A Menu of Options for Growth Points and Eco-towns
CD6.04	Checklist for Strategic Transport Assessments
CD6.05	Traffic Flow Diagrams
CD6.06	Updated TA addendum to include traffic growth assumptions, updated modelling outputs, etc
CD6.07.00	Monks Cross Link Proposed Junction Improvements - Highway Geometry
CD6.07.01	Monks Cross Link Proposed Junction Improvements - Highway Geometry
CD6.07.02	Email from Phil Owen to CYC re Junctions
CD6.08.00	Strensall Road/A1237 Ring Road Roundabout
CD6.08.01	Strensall Road/A1237 Ring Road Roundabout
CD6.09.00	Haxby Road/A1237 Ring Road Roundabout
CD6.09.01	Haxby Road/A1237 Ring Road Roundabout
CD6.10.00	Wigginton Road/A1237 Ring Road Roundabout
CD6.10.01	Wigginton Road/A1237 Ring Road Roundabout

New Lane, Huntington Appeal Evidence

CD7.01	Proof of Evidence – J Kenyon on behalf of City of York Council
CD7.02	Proof of Evidence – R Wood on behalf of City of York Council
CD7.03	Proof of Evidence – Huntington Parish Council

Documents submitted at the Inquiry

ID.01	Northern Roundabout Site Access – drawing 13035-GA-05-Rev A
ID.02	Opening submissions for the appellant
ID.03	Opening submissions for the Council
ID.04	Supplementary Statement of Common Ground
ID.05	Pedestrian/cycle links - Figure 20 – Rev A
ID.06	Schedule of suggested planning conditions - 25 January 2022
ID.07	Draft s106 Agreement - 26 January 2022
ID.08	Summary of s106 Agreement
ID.09	Letter from Helmsley Group – 27 January 2022
ID.10	Summary of s106 Agreement with Council's comments
ID.11	Draft s106 Agreement – 27 January 2022
ID.12	Appellant's agreement to pre-commencement conditions
ID.13	Appellant's suggestions for conditions 7, 8 and 12

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ID.14	Note on Grampian Conditions
ID.15	Closing submissions for the Council
ID.16	Closing submissions for the appellant
ID.17	Pre-engrossment s106 Agreement - 28 January 2022
	Submitted after the end of the Inquiry:
ID.18	S106 Agreement dated 10 February 2022
ID.19	Note of post-Inquiry corrections to s106 Agreement
ID.20	EIA update

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Annex D - Information to inform the Secretary of State's Habitats Regulations Assessment

INTRODUCTION

The proposal is for around 970 dwellings on land to the west of the Monks Cross Link Road. Land to the east of the link road would become a country park. This area would include ponds forming part of the surface water drainage system. The proposal would also include a primary school, retail units (a maximum of 200sqm), public open spaces, play areas and sports pitches. The illustrative masterplan shows the location for the school, areas for self-build/custom build housing, open spaces and a tree-lined boulevard linking the various residential areas.

Article 6 of the Habitats Directive, which has been transposed into UK law through the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (for plans and projects beyond UK territorial waters (12 nautical miles)), requires that where a plan or project is likely to result in a significant effect on a European site either alone or in combination with other plans or projects, and where the plan or project is not directly connected with or necessary to the management of the European site, a competent authority (the Secretary of State in this instance) is required to make an Appropriate Assessment of the implications of that plan or project on the integrity of the European site in view of the site's conservation objectives.

PROJECT LOCATION

The appeal site extends to around 59ha of land on either side of Monks Cross Link Road, on the northern edge of York. It mainly comprises agricultural fields, subdivided by hedgerows which include some trees, and is generally flat and open in character. There is a group of farm buildings in the northern part of the site. There is further open countryside to the east and north of the site. Huntington lies to the west, although the proposals would leave some undeveloped land between the proposed development and the existing built-up area. To the south, there are business parks and other commercial and leisure premises around the Monks Cross Shopping Park. Beyond Monks Cross is Vangarde Park, which includes large retail units and leisure facilities, and the Monks Cross park and ride site.

The site is situated around 2.3km to 3.2km south west of Strensall Common Special Area of Conservation (SAC). Strensall Common is a 570ha site supporting extensive areas of wet and dry heath. The Annex 1 habitats that are the qualifying features of the site are:

- 4010 Northern Atlantic wet heaths with Erica tetralix; and
- 4030 European dry heaths

HRA IMPLICATIONS OF THE PROJECT

There is no likelihood of direct physical loss or damage to habitat because the appeal site is well separated from the SAC. The separation is also sufficient to make it unlikely that there would be any contamination from site traffic or air pollution. There is no hydrological link between the appeal site and the SAC because drainage ditches

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on the appeal site will flow southwards, away from the SAC, towards the River Foss and the River Ouse.

There is however potential for additional recreational pressure that could affect the habitats within the SAC.

PART 1 – ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

The SAC is used for training by the MOD, although this is not thought to compromise the interest of the site. The main issue is scrub encroachment, resulting from a lack of management. This is being controlled through management agreements. Public access is permitted via rights of way and permissive paths at times when military training is not taking place. The lack of open access limits the exposure of the qualifying habitats to visitor pressure.

Following submission of the Council's Local Plan in May 2018, Natural England advised that adverse effects on the integrity of the SAC resulting from developments proposed in the plan could not be ruled out. The Council commissioned a visitor assessment survey. This identified that 75% of visitors came from within 5.5km, with the median distance travelled being 2.4km. 73% of interviewed visitors brought their dogs. Recreational impacts were noted, typically comprising trampling, fires and eutrophication from dog fouling. These impacts were limited in extent and severity and generally found close to car parks. Worrying of livestock by dogs may jeopardise future grazing which could hinder the restoration of the SAC to favourable condition.

The assessment concluded that, without mitigation, adverse impacts on the integrity of the site could not be ruled out given the predicted increase in visitor pressure arising from the developments proposed in the plan.

The appeal site is 2.3km to 3.2km from the SAC. Having regard to the visitor surveys, it seems likely that some new residents would choose to travel to the SAC for recreation, including for the purposes of exercising dogs. Consequently, in the absence of mitigation, a likely significant effect cannot be ruled out.

CONSERVATION OBJECTIVES

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

- the extent and distribution of the qualifying natural habitats;
- the structure and function (including typical species) of the qualifying natural habitats; and
- the supporting processes on which the qualifying natural habitats rely.

PART 2 – FINDINGS IN RELATION TO ADVERSE EFFECTS ON INTEGRITY

The potential for an adverse effect on integrity arises from increased recreational pressure, relating to dog walking and walking generally. The proposed mitigation is the provision of open space within the development area together with a new country park to the east of Monks Cross Link Road.

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Natural England was consulted on the planning application. No comments were made in relation to the SAC.

The illustrative masterplan shows that there would be extensive areas of public open space within the area proposed for development. These would be provided with footpaths and dog litter bins. Green corridors would provide attractive walking routes within the development area. These would link to the eastern side of the site, where safe crossing points to the country park would be provided at the two new roundabouts. This would make the country park readily accessible to new residents on foot and cycle.

The country park would extend to 14.4ha. The landscape strategy plan shows that this would be an attractive area of informal open space, with a rural character, well suited to recreational walking and exercising dogs. There would be circular walking routes providing walks of differing lengths. There would be a small car park with direct access from the proposed northern roundabout.

Taken together, the proposed open spaces would provide extensive areas for informal recreation, including exercising dogs. These would represent a convenient and attractive alternative to travelling to the SAC, not only for new residents but also for existing residents of Huntington who could walk or cycle to the country park through the development area. Some existing and future residents may choose to drive to the country park, perhaps for reasons of limited mobility or to transport dogs. The proposed car park would meet the needs of these visitors. The visitor surveys at the SAC show that visitor pressure is closely associated with the location of car parks.

Overall, I consider that the proposed public open space would provide mitigation. It would attract trips from new and existing residents, such that there would be no increase in residential pressure at the SAC. The proposal would not therefore hinder the achievement of the conservation objectives for the site.

The appellant submitted a HRA screening report which considered the potential for cumulative impacts. Two large potential housing sites were identified within the zone of influence of the SAC. The screening report concluded that each site would provide its own mitigation in the form of public open space. In any event, the appeal scheme would not add to any potential cumulative effect because it would address its own recreational needs and attract some recreational trips from existing residents of Huntington who might otherwise have travelled to the SAC.

The application is in outline and the masterplan and landscape strategy plan are illustrative. Detailed layouts and designs for the open spaces and country park would be subject to approval at reserved matters stage. There would be specific conditions dealing with the design of the country park (Condition 11) and a phasing strategy which would cover the timing for delivering the various elements of the proposed development (Condition 4). Under Schedule 1 (section 3) of the s106 Agreement, "*On-site Public Open Space and Landscaping Schemes*" would be submitted for the approval of the Council for each phase of the development. These would secure public access to the open spaces together with arrangements for management and maintenance.

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HRA CONCLUSIONS

These conclusions represent my assessment of the evidence presented to me but do not represent an Appropriate Assessment as this is a matter for the Secretary of State to undertake as the competent authority.

It is not possible to exclude the possibility of an adverse effect on the integrity of the SAC in the absence of mitigation. This is due to the potential for increased recreational pressure at the SAC as a result of new housing. Mitigation measures have been identified, in the form of public open space which would include a 14.4ha country park. These measures would provide a convenient and attractive alternative to travel to the SAC for informal recreation, both for future residents of the proposed development and for some existing residents of Huntington. The measures would be secured by planning conditions and a s106 Agreement.

With mitigation having been secured, it would be reasonable to reach a conclusion of no adverse effects on the integrity of the Strensall Common SAC.

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Appendix – relevant documents

CD1.34 – HRA Screening Report – Strensall Common SAC (October 2020)
CD1.47 – Landscape Strategy Plan for Country Park
CD1.54 – HRA Screening Report - Strensall Common SAC (February 2021)
CD1.58 – Illustrative Masterplan (August 2021)
CD3.13 – Natural England's response to consultation on the planning application, dated 14 February 2018
ID.18 - S106 Agreement dated 10 February 2022

Annex E – Conditions

1) The development hereby permitted shall be carried out in accordance with the following plans:-

   PL1377-VW-016-5-04 – Location Plan

   13035/GA/03 Rev C - Proposed Site Access onto North Lane

   13035/GA/05 Rev A - Proposed Northern Access onto Monks Cross Link (Alternative Country Park Option)

   13035/GA/01 Rev E - Proposed Southern Access onto Monks Cross Link

2) Fully detailed drawings illustrating all of the following matters (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4), and the development shall be carried out in accordance with such details:

   Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out.

   In the case of any self-build or custom build plots forming part of the Phasing Strategy approved pursuant to Condition 4, the reserved matters may be submitted for individual plots.

3) Application for the first reserved matters shall be made to the Local Planning Authority not later than the expiration of two years beginning with the date of this permission. Application for approval of all reserved matters for the remaining phases shall be made to the Local Planning Authority not later than the expiration of eight years beginning with the date of this permission.

   The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters in the first phase to be approved and in line with the approved Phasing Strategy.

4) No development shall commence until a detailed Phasing Strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the provisions of the approved Phasing Strategy and/or any subsequent amendment to it that has been submitted to and approved in writing by the Local Planning Authority.

   The strategy will outline the key elements and projected timeline of each phase of development, and how they will be delivered. The strategy shall include the phasing of:

   a) enabling works;

   b) infrastructure (including all new junctions and accesses to the site, internal roads including how the development interfaces with the area of land positioned centrally within the site that is excluded from the red line boundary, pedestrian and cycle routes);

   c) drainage and other utility works;

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d) primary school;

e) community hub;

f) playing pitches and amenity open space;

g) community facilities including retail shop(s);

h) country park;

i) play areas;

j) residential areas;

k) self and custom build housing; and

l) landscaping (hard and soft).

5) Prior to the approval of the first reserved matters application, a Development Framework Document including a revised masterplan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved Development Framework Document and masterplan.

The Development Framework Document and masterplan shall provide indicative locations for infrastructure and other key principles including:

a) all new junctions and accesses to the site, internal roads and pedestrian and cycle routes, including:

i. a pedestrian and cycle link to Woodland Way,

ii. how the layout would limit the number of dwellings served from North Lane,

iii. how the layout would avoid a through route being created between North Lane and Monks Cross Link Road, and

iv. how the development would link to the area of land positioned centrally within the site that is excluded from the red line boundary;

b) drainage and other utility works;

c) primary school;

d) community hub;

e) playing pitches and amenity open space;

f) community facilities including retail shop(s);

g) country park;

h) play areas;

i) bus stops;

j) residential areas, including indicative mix of type and size of dwellings for each area;

k) self and custom build housing;

l) landscaping (hard and soft) including retained trees and hedges and green corridors;

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m) design principles having regard to the principles of a garden village; and

n) statement of crime prevention measures to be included within the design of the development, relating to the whole site and to each phase of the development.

6) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until landscape reserved matters for that phase have been submitted to and approved in writing by the Local Planning Authority. The landscape reserved matters shall include:

a) a detailed landscaping scheme which shall show the number, species, height and position of trees and shrubs;

b) details of earthworks in connection with the formation of all landscaped areas, including the levels and contours to be formed and the relationship of the proposed earthworks to the surrounding landform;

c) details of the position, design and materials of all means of enclosure;

d) details of surface materials for all roads, footpaths and hard landscaped areas; and

e) a lighting scheme for ecologically sensitive areas, cycle routes, public footpaths and public areas.

Development shall be carried out in accordance with the approved landscape reserved matters.

7) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until an up to date (no more than 2 years old) Preliminary Ecological Appraisal for that phase has been submitted to and approved in writing by the Local Planning Authority.

If the Preliminary Ecological Appraisal recommends any further habitat or species surveys these shall also be submitted to and approved in writing by the Local Planning Authority. Any enabling or other works in that phase shall be undertaken in accordance with any recommendations set out in the approved Preliminary Ecological Appraisal.

8) Before or concurrently with the first application for the approval of reserved matters, a site wide Strategic Biodiversity Management Plan (SBMP) shall be submitted to and approved in writing by the Local Planning Authority. The site wide SBMP shall include the following:

a) strategic aims and objectives of management, including securing biodiversity net gain using the most up to date DEFRA metric;

b) description and evaluation of the features to be managed;

c) framework of management options to achieve aims and objectives;

d) detail of the roles and responsibilities of personnel involved in delivery of the SBMP;

e) framework for the monitoring of ecological features, target condition and remedial measures;

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f) framework for long term monitoring and management including funding.

The approved SBMP shall be adhered to and implemented throughout the construction period.

9) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until a detailed Biodiversity Management Plan (BMP) for that phase has been submitted to and approved in writing by the Local Planning Authority.

Each BMP shall demonstrate how it accords with the principles in the SBMP approved under Condition 8 including biodiversity net gain using the most up to date DEFRA metric.

Each BMP shall include details of the following:

a) details of the ecological features to be monitored and managed;

b) management prescriptions which demonstrate how aims and objectives can be met;

c) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period);

d) details of the body or organisation responsible for implementation of the plan, including evidence of relevant skills and experience;

e) details of ongoing monitoring, reporting and remedial measures.

In addition, each BMP shall include details of the following in relation to the construction phase:

f) risk assessment of potentially damaging construction activities;

g) identification of biodiversity protection zones;

h) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);

i) the location and timing of sensitive works to avoid harm to biodiversity features including a plan and schedule of all trees and shrubs on the site along with the spread of each tree as well as identifying those trees and shrubs to be retained and those to be felled;

j) the times during construction when specialist ecologists need to be present on site to oversee works;

k) responsible persons and lines of communication;

l) the roles and responsibilities on site of an ecological clerk of works or similarly competent person;

m) use of protective fences, exclusion barriers and warning signs; and

n) how trees and shrubs to be retained will be protected during the development of the site, including by the following measures:

i. a chestnut pale or similar fence not less than 1.2 metres high shall be erected at a distance of not less than 4.5 metres from any trunk;

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ii. no development (including the erection of site huts) shall take place within the crown spread of the trees;

iii. no materials (including fuel or spoil) shall be stored within the crown spread of the trees;

iv. no burning of materials shall take place within 3 metres of the crown spread of any tree; and

v. no services shall be routed under the crown spread of any tree without the express written permission of the Local Planning Authority.

Each BMP shall be adhered to at all times during the construction of that phase and thereafter shall endure for the lifetime of the development.

10) No development shall commence until an archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation (Prospect Archaeology 2018 Report No. RED06/02); provision has been made for analysis, publication and dissemination of results; archive deposition has been secured and a verification report confirming the steps than have been taken has been submitted to and approved in writing by the Local Planning Authority.

A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified shall be deposited with City of York Historic Environment Record to allow public dissemination of results within six weeks of completion or such other period as may be approved in writing by the Local Planning Authority.

Where archaeological features and deposits are identified, proposals for preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings, shall be submitted to and approved in writing by the Local Planning Authority before development commences. Development shall be implemented in accordance with the approved proposals.

11) A scheme for the Monks Cross Country Park shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of the park. The scheme shall include the provision of appropriate car parking and cycle storage, a range of routes (mown or naturally trodden), a main circular route that is suitably surfaced to accommodate wheelchairs and buggies, variety in the shapes of ponds, some large stand-alone trees and smaller tree groups.

The country park shall be implemented in accordance with the approved scheme and the Phasing Strategy approved pursuant to Condition 4 and shall thereafter be retained as such for the lifetime of the development.

12) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period for that phase.

The CEMP shall include the following details:

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a) arrangements for parking of vehicles for site operatives and visitors;

b) storage areas for plant and materials used in the construction of the development;

c) the location of site compounds;

d) HGV routes that avoid the main existing Huntington settlement and details of how HGV records are kept;

e) facilities for cleaning the wheels of vehicles leaving the site;

f) road sweeping measures;

g) a programme of works including phasing and measures for the control of construction traffic to and from the site, and within the site, during construction;

h) a scheme for recycling/disposing of waste resulting from demolition;

i) a risk assessment of dust impacts in line with the guidance provided by the Institute of Air Quality Management together with mitigation measures commensurate with the risks identified in the assessment;

j) hours of construction and deliveries;

k) noise mitigation measures and monitoring arrangements;

l) activities which may result in excessive vibration, such as piling, and details of monitoring arrangements and mitigation measures; and

m) artificial lighting and measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

The CEMP shall provide a complaints procedure. The procedure shall include how a contact number will be advertised to the public, what will happen once a complaint had been received, monitoring arrangements, how the complainant would be kept informed and what would happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and forwarded to the Local Planning Authority every month.

13) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until a noise survey and scheme of noise insulation measures for protecting the approved dwellings in that phase from externally generated noise has been submitted to and approved in writing by the Local Planning Authority. The noise insulation measures shall be installed as approved and a noise report demonstrating compliance with the approved noise insulation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling in that phase.

14) Prior to the occupation of any non-residential building that requires installation of any machinery, plant or equipment which is audible outside of that building, details of that machinery, plant or equipment shall be

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submitted to and approved in writing by the Local Planning Authority. The details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be implemented and operational prior to the first occupation of any such building and shall be retained in accordance with the approved details for the lifetime of the development.

15) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until an additional investigation and risk assessment has been undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by a competent person and a written report of the findings shall be produced. No development shall take place in that phase until the report of the findings has been submitted to and approved in writing by the Local Planning Authority. The report of the findings shall include:

a) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

b) an assessment of the potential risks to:

i. human health,

ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

iii. adjoining land,

iv. groundwaters and surface waters,

v. ecological systems,

vi. archaeological sites and ancient monuments; and

c) an appraisal of remedial options and proposal of the preferred option(s).

The investigation and risk assessment shall be conducted in accordance with DEFRA and the Environment Agency's *Model Procedures for the Management of Land Contamination* CLR 11.

16) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until a detailed remediation scheme for that phase to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

17) Prior to first occupation or use of any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) the remediation scheme for that phase approved pursuant to Condition 16 must be carried out as approved and a verification report that demonstrates the effectiveness of

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the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

18) In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing to the Local Planning Authority immediately. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

19) The site shall be developed with separate systems of drainage for foul and surface water on and off site.

20) No development shall commence until a site-wide strategy for foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority.

No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until details of foul and surface water drainage for that phase have been submitted to and approved in writing by the Local Planning Authority.

All drainage works shall be carried out in accordance with the timescales in the Phasing Strategy approved pursuant to Condition 4 and in accordance with the strategy and details approved pursuant to this condition.

21) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until samples of each external material (including materials for walls and roofs) for each new building within that phase have been submitted to and approved in writing by the Local Planning Authority. The samples shall include the colour, texture and bonding of brickwork, mortar treatment and the colour and texture of render.

22) Prior to the occupation of any dwelling with in-curtilage car parking (or allocated off-plot parking), each dwelling shall incorporate sufficient capacity (including any necessary trunking/ducting) within the electricity distribution board for one dedicated radial AC single phase connection (minimum 32A) for electric vehicle charging.

23) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until a scheme for the provision of electric vehicle charging facilities for non-allocated parking, shared off-plot parking, non-residential and commercial parking within that phase has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the location, specification and timescales for installation of all active electric vehicle charging facilities and provide details of the passive provision proposed across the phase. Charging points shall be located in prominent positions and shall be for the exclusive use of electric vehicles. Where additional parking bays are identified for the future installation of electric vehicle charging points (passive provision) they shall be provided with all necessary ducting, cabling and groundworks.

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The scheme shall include a Management Plan detailing the management, maintenance, servicing and access/charging arrangements for each electric vehicle charging point for a minimum period of 10 years. The Management Plan shall be implemented as approved.

24) The total number of residential units shall not exceed 970.

25) Building heights shall not exceed 12m and shall be in general conformity with the Building Heights Parameter Plan (Ref: PL1377-VW-016-2 Issue 04).

26) All non-residential buildings hereby approved with a total internal floorspace of 100sqm or greater shall achieve BREEAM "*excellent*" or equivalent. Prior to the construction of any non-residential building, details of measures to secure compliance with this condition shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

27) Before or concurrently with the first application for the approval of reserved matters, a strategy for the development of at least 5% self or custom build plots across the whole site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include a design code setting out the following details:

a) appearance

b) landscaping

c) layout

d) scale

The self and custom build plots shall be provided with services (access to a public highway and connections for electricity, water and waste water) to the extent that they can be defined as serviced plots, as defined in The Self-build and Custom Housebuilding Regulations 2016.

The development of the self and custom build dwellings hereby approved shall not be carried out unless as "*self-build or custom-build*" development as defined in the Glossary in Annex 2 of the National Planning Policy Framework or any subsequent replacement document.

All applications for approval of reserved matters for the self or custom build dwellings shall be in accordance with the approved strategy.

28) No development shall commence until a scheme for the provision of sports pitches and open spaces has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out details of the size, location, type, design and specification of the sports pitches, changing facilities and open spaces as well as their management and maintenance. The sports pitches and open spaces shall be provided in accordance with the Phasing Strategy approved pursuant to Condition 4, shall be completed in accordance with the scheme approved under this condition and shall thereafter be managed and maintained in accordance with that scheme for the lifetime of the development.

29) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until details of the equipped play areas within that phase have been submitted to and approved in

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writing by the Local Planning Authority. The details shall include the on-site management and maintenance of the play areas. The play areas shall be provided in accordance with the Phasing Strategy approved pursuant to Condition 4, shall be completed in accordance with the details approved under this condition and shall thereafter be managed and maintained in accordance with those details for the lifetime of the development.

30) No development shall commence in any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) until details of the location, design and materials of covered and secure cycle parking for all dwellings and other buildings in that phase have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall accord with guidance within Local Transport Note 1/20 *Cycle Infrastructure Design*. It shall be implemented in accordance with the approved details prior to the first occupation of the dwelling or building to which it relates.

31) Prior to the commencement of works to North Lane, which shall be generally in accordance with plan 13035/GA/03 Rev C - *Proposed Site Access onto North Lane* hereby approved, further details of the works to pedestrian and cycling facilities to link to existing facilities to the west of the site and speed management measures to slow traffic to the proposed 30mph speed limit (including signage, lighting, drainage and other related works) shall be submitted to and approved in writing by the Local Planning Authority. The works to North Lane shall be carried out in accordance with the details approved pursuant to this condition and the Phasing Strategy approved pursuant to Condition 4.

32) Prior to the commencement of works to Monks Cross Link Road, which shall be generally in accordance with plan 13035/GA/01 Rev E - *Proposed Southern Access onto Monks Cross Link* hereby approved, further details of the works to pedestrian and cycling facilities along Monks Cross Link Road to Monks Cross Drive including signage, lighting, drainage and other related works shall be submitted to and approved in writing by the Local Planning Authority. The pedestrian and cycle facilities along Monks Cross Link Road shall be carried out in accordance with the details approved pursuant to this condition and the Phasing Strategy approved pursuant to Condition 4.

33) Details of the internal design of the spine road (tree-lined boulevard) together with modal filters to preclude vehicular access through the site between North Lane and Monks Cross Link Road, other than for emergency access, pedestrian or cycle access, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) which includes part of the spine road (tree-lined boulevard). The modal filters shall accord with the Development Framework Document approved pursuant to Condition 5. Any modal filters so approved shall be installed before the occupation of the phase in which they are located and shall thereafter be retained as approved for the lifetime of the development.

34) Details of how access is to be provided to the area of land in the western part of the site that is excluded from the red line boundary shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on any phase (as defined in the Phasing Strategy approved pursuant to Condition 4) which includes part of

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the access route to the said land. The access details shall accord with the Development Framework Document approved pursuant to Condition 5. Any access details so approved shall be completed before the occupation of the phase in which they are located and shall thereafter be retained as approved for the lifetime of the development.

35) The indicative mix of type and size of dwellings included in the Development Framework Document approved pursuant to Condition 5 shall include an indicative dwelling mix for each residential area and shall demonstrate how the mix of dwellings across the site will contribute to meeting the housing needs of the city, taking account of up to date information on housing needs including evidence in the most recent Strategic Housing Market Assessment. Reserved matters for each phase (as defined in the Phasing Strategy approved pursuant to Condition 4) shall demonstrate how they conform to the Development Framework Document, with regard to housing mix, having regard to any other relevant evidence of housing needs at that time.

36) No part of the primary school site shall be occupied until a scheme of community use has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of what facilities will be made available for community use and at what times, booking arrangements and management responsibilities. The school shall be operated in accordance with the approved scheme of community use.

37) A scheme for community facilities and social infrastructure to be provided on site, including retail provision, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, location, type(s), design and specification of any community facilities as well as their on-site management and maintenance. The community facilities and social infrastructure shall be provided in accordance with the Phasing Strategy approved pursuant to Condition 4 and in accordance with the scheme approved under this condition and shall thereafter be maintained and managed in accordance with that scheme for the lifetime of the development.

38) A three stage road safety audit shall be carried out in line with advice set out in GG119 Road Safety Audit for all new junctions and access points, the improvements to pedestrian and cycle facilities along North Lane, the pedestrian and cycle facilities along Monks Cross Link Road and the pedestrian and cycle link to Woodland Way. Reports for Stages 1 and 2 shall be submitted to and approved in writing by the Local Planning Authority prior to highway works commencing on site. The Stage 3 report shall be submitted to and approved in writing by the Local Planning Authority prior to the highway works becoming operational.

39) All existing vehicular crossings on North Lane not shown as being retained on the approved plans shall be removed and a matching surface introduced to correspond with adjacent levels within six months of such crossings becoming redundant.

End of schedule of conditions

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Annex F – condition relating to Garth Road and Alpha Court links

The following wording is suggested in the event that, contrary to the Inspector's recommendation, the Secretary of State concludes that a condition such as this is necessary and otherwise consistent with the legal and policy tests for conditions.

No development shall commence on the construction of any dwelling hereby approved until the detailed designs of pedestrian and cycle links to Garth Road and Alpha Court have been submitted to and approved in writing by the Local Planning Authority. The links shall be installed and completed in accordance with the approved details and the following trigger points:

a) the Garth Road link shall be completed and available for use prior to the occupation of the 200th dwelling hereby approved; and

b) the Alpha Court link shall be completed and available for use prior to the occupation of the 260th dwelling hereby approved.

If the Secretary of State is minded to impose this condition, the following consequential changes are suggested to the conditions in Annex E:

In Condition 5(a)(i)

Amend to "pedestrian and cycle links to Woodland Way, Garth Road and Alpha Court"

In Condition 39

Amend first sentence to "A three stage road safety audit shall be carried out in line with advice set out in GG119 Road Safety Audit for all new junctions and access points, the improvements to pedestrian and cycle facilities along North Lane, the pedestrian and cycle facilities along Monks Cross Link Road and the pedestrian and cycle links to Woodland Way, Garth Road and Alpha Court."

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Department for Levelling Up, Housing & Communities

www.gov.uk/dluhc

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand,London,WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act
With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act
Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

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