

## Heslington Parish Council response to Proposed Modifications Consultation July 2019

*Proposed modification reference  
(PM1 to PM46):*

**PM10, PM26, PM24, PM27, Habitats Regulations  
Assessment 2019, Sustainability Appraisal Addendum 2019,  
TP1 Addendum 2019, TP1 Annex 5,**

*Document:*

City of York Local Plan Proposed Modifications June 2019  
Habitats Regulations Assessment Feb 2019 Sustainability  
Appraisal Addendum 2019 Natural England Comments 2017  
Topic Paper1 Addendum, Annex1, Annex 5 2019

*Page number: see below*

*Based on the proposed modification or evidence document, do you consider the  
Local Plan is legally compliant?:*

No, I do not consider the Local Plan to be legally compliant

*Do you consider the Local Plan to comply with the Duty to Cooperate?:*

No, I do not consider the Local Plan to comply with the Duty to Cooperate

*Please justify why you do/do not consider the Local Plan to be legally compliant or in  
compliance with the Duty to Cooperate:*

ST15 and indicative infrastructure is wholly within Heslington Parish. The site name  
“Land West of Elvington Lane” is misleading thereby decreasing the possibility of  
Heslington residents being aware and the likelihood of their responding.

Tillmire SSSI is variably spelt in CYC draft Local Plan creating barriers to digital  
search of the document for relevant information.

TP1 Addendum Annex 5 pA5.14 The map is incorrect. It does not show the SINC  
site (Elvington Airfield) which is to be built on in the proposal.

ST15 and OS10 The evidence for preference for a large green belt site with new  
infrastructure versus several smaller developments closer to existing settlements is  
not set out in the draft Local Plan. Natural England (Comments 2017) asks on what  
evidence the CYC has based its decision that wider sustainability reasons outweigh  
threats to Heslington Tillmire of ST15. It is not clear how this comment has been  
responded to.

PM26 York Council has not proved that compensation/mitigation area will protect  
SSSI Tillmire. No Independent environmental study of the whole green belt  
area SE of Heslington Village and its relationship to, and impact on, the Tillmire  
SSSI, appears to have been done.

ST27

Expansion of University Campus East ( SS22, ST27) TP1

Addendum p 61 7.52 (planned further expansion alongside the A64 to comprise Science Park activities, student accommodation and related uses).

This is an infringement of the planning agreement following the Secretary of State approval in 2007 of Heslington East for York University to include a clear landscape buffer between the university site and Heslington Village.

There is no evidence in the report that the existing Science Park is being fully used and requires a second site. There is a contradiction between CYC's stated preference for a garden settlement away from existing settlements (ST15) to avoid developmental spread alongside the A64 and the proposal for ST27.

*Based on the proposed modification or new evidence document indicated, do you consider the Local Plan to be 'sound'?:*

No, I do not consider the Local Plan to be sound

*Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:*

The Local Plan is not positively prepared

*Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:*

The Local Plan is not justified

*Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:*

The Local Plan is not effective

*Related to the proposed modification or evidence document indicated above, you do not consider the Local Plan to be 'sound' - which of the 4 'tests of soundness' are relevant to your opinion:*

The Local Plan is not consistent with national policy

*Please give reasons for your answer(s):*

**PM26 adverse effect on a National Site** (alone or in combination).

“...demonstrate that where loss or harm to a National site cannot be prevented or adequately mitigated, as a last resort, provide compensation for the loss/harm.

Development will be refused if loss or significant harm cannot be prevented, adequately mitigated against or compensated for”

York Council has not proved that a compensation/mitigation area will protect SSSI Tillmire (PM26).

Sustainability Appraisal Addendum June 2019 p34 5.4.12 “ST15 is considered still to have uncertain effects on Heslington Tillmire SSSI”. The Tillmire is very sensitive to increased footfall due to the nature of the vegetation (Natural England comments 2017).

Habitats Regulations Feb 2019 p58 5.5 significant effects of ST15 on Heslington Tillmire SSSI could not be ruled out because of increased recreational pressure, impact on bird communities and air pollution.

Sustainability Appraisal Report Addendum (April 2018): potential effects on Heslington Tillmire SSSI remain.

Sustainability Appraisal Addendum June 2019 p.37 5.4.15 ST15 was still considered to have potential for significant effects on Heslington Tillmore (sic) SSSI.

Natural England (Comments 2017) asks on what evidence the CYC has based its decision that wider sustainability reasons outweigh threats to Heslington Tillmire of ST15. It is not clear how this comment has been responded to.

Drainage run off from the ST15 will have an impact on the SSSI Tillmire and this has not been addressed.

Increased human footfall would have a serious effect on the Tillmire and domestic animals, especially cats as well as dogs, could decimate the bird population, particularly ground nesting birds.

This area has a large expanse of relatively dark skies which should be preserved. Light pollution from 3.3 households, associated shops, bus routes and vehicular traffic has not been addressed at all and would have a large impact on wildlife.

### ST15

ST15 proposes almost 50% of all the housing to be built on greenbelt on one site with no existing infrastructure and especially no viable road access. The yearly housing need forecast has been reduced from 867 to 790. Why has this site in the Green Belt and close to environmentally sensitive areas not been reduced?

The site requires an unacceptable amount of productive arable land within the green belt for mitigation (PM10), OS10 193 Ha (477 acres) and infrastructure (indeterminate amount) on top of the proposed garden village settlement 159 Ha (393 acres).

The only present access is to Elvington Lane. Another access will be required to the A64 for a site this large, taking more farmed Green Belt land.

A significant adverse impact on traffic congestion in Heslington is acknowledged in the Local Plan but the Plan gives no commitment to introduce adequate control measures arising from the combined cumulative effects of local development proposals. Additionally, there are traffic implications for York on already overloaded local roads. Fulford Road and Hull Roads are already highly congested and the A64 often gridlocked. There is increasing concern nationally and locally about air pollution.

### **PM24: new development should not cause noise disturbance and loss of amenity for nearby residents.**

Potentially every owned and tenanted farm in the area will be affected i.e. 10 working farms. Traffic will be brought into previously agricultural Greenfield land by the ST15 site, the road access to it, and by ST27. Overall the increase in traffic air and noise pollution is certain to rise. How does this square with PM24?

Access for existing residents and businesses to Heslington village and York from lanes South East of Heslington Village is unresolved. The proposal suggesting that Langwith Stray/Long Lane and Common Lane could become a combined pedestrian /cycle track from the development as well as accommodating the existing local traffic, large, wide farm vehicles and associated commercial vehicles connected to houses and business in those locations (fishing lakes, liveries, farming, animal movement) would be unworkable and unsafe. It is a narrow road with passing places

and high verges, grip holes and poor drainage. The increase in mixing all those elements together would be dangerous. Residents and businesses want to keep the same level of access, without restriction, to their village and to their visitors so that they are able to go about their daily lives unrestricted. Any widening would again take further land out of production and destroy the SSSI setting.

Heslington is in danger of losing its identity. A Local Plan should be right for the Community. What is the evidence from other similar developments that ST15 will provide the type of housing needed for York residents and that this will not be a dormitory town for other conurbations?

#### ST27

What is the evidence the York University needs additional capacity (21.5 Ha, 53 acres) for an employment or accommodation site? How well is the existing Science Park and Heslington East campus fulfilling this remit? It is unclear why expansion of York University into green belt land and adjacent to the A64 is acceptable, whereas development of affordable housing adjacent to an existing settlement (Heslington) is not (TP1 Addendum Annex 5 p5.15). It is also noted that Historic England advocate University expansion at ST4 not ST27, with ST27 remaining as green belt.

#### **OS10 (PM10, PM26, PM27)**

**Proposed Modification (PM) 10 explicitly requires OS10 linked to the development of ST15 as a prerequisite for ST15.** Natural England (Comments on draft Local Plan 2017) advocates provision of environmental compensation 5 years before development starts. How will this be enacted? What independent environmental assessment of the whole area will the compensation be based on? Any increase in public access of any kind from ST15 onto Langwith Stray/Long Lane and Common Lane will cause irreversible damage. Turning the lanes into pedestrian/cycleways will be detrimental for the SSSI Tillmire. The increase usage of the cycle ways/ footpaths will massively increase the footfall across the Tillmire. There is already a problem, throughout the year, with cyclists/ walkers straying off the tracks; dog walkers continue to cause problems especially with gazing stock and ground nesting birds. Taking traffic and pedestrians away from the Tillmire SSSI should be given the highest priority in decision making. What monitoring has been done of current recreational visits to the Tillmire and how will any increase in numbers be audited?

P27 whilst recognising the benefits to people provided from access to nature, where appropriate developments will be required to fully assess and mitigate for the impact of recreational disturbance on SSSIs, SACs and SPAs.

The precise status of OS10 remains unclear. OS10 will be a new re-wilded wetland habitat buffer to mitigate for the impact of recreational visitors from ST15 on Lower Derwent bird populations 7km distant. But TP1 Addendum Section 7 P72 7.95 advocates "significantly enhanced public access to high quality open spaces .... enhanced access to green belt beyond site boundaries." There is currently open access to Heslington Tillmire and a long distance footpath, Minster Way, runs through it. These contradictions need to be addressed and clarified.

## ST15 and ST27

Representation on the map TP1 annex 5 of ST15 is incomplete. The map of the proposed Langwith Garden Village site ST15 does not fully represent the existing Site of Nature Conservation Interest (SINC) across all of the airfield for skylarks. It is mentioned in the text but is not visually present on the map.

What environmental assessments have been carried out for ST15 and ST27 and environs, and by whom and when? Habitats Regulations Assessment Feb 2019 p31 3.22 indicates the landlords undertook their own ecological reports. There are populations of bats, brown hare, owls (barn, tawny and little) and numerous resident and migratory birds including lapwing, curlew, egrets across the area in addition to those of the SSSI and the SINC sites. There is very limited reference to the wildlife of this area compared with that of Strensall and Lower Derwent.

*I suggest the following change(s) to make the Local Plan legally compliant or 'sound':*

1. ST15 should make greater use of the brownfield site (Elvington airfield), be smaller and more towards Elvington Lane for access and have a buffer zone all round.

The Local Plan (ST15+OS10) is too large and takes too much productive Grade 2 agricultural land which comprises at least 400 Ha green belt. Moreover, York Council has not proved that the compensation/mitigation area will protect SSSI Tillmire as well as Lower Derwent bird populations. The proposed change would be more on a brown field site and would require less arable land for infrastructure. Access via the existing road to Elvington Lane will leave current Heslington residents' access to their village intact as well as protecting the SSSI and conserving arable land and associated businesses. The SSSI would be undisturbed.

2. Recreational access to OS10 and Heslington Tillmire needs greater clarity, particularly where there is to be a change in current access. Pre-development monitoring of recreational visiting is required, as has been conducted at Lower Derwent SPA and Strensall Common

3. An up to date independent and correctly represented environmental assessment of ST15 and ST27 sites and a significant extent of the rural area around them is required before the permanent loss of green belt and agricultural land and wild life habitation is sanctioned.

*If you are seeking a change to the Local Plan, do you want to participate at the hearing sessions of the Public Examination?:*

*If you wish to participate at the hearing sessions, please state why you consider this to be necessary:*

Yes, I wish to participate at the hearing sessions Heslington Parish arguably includes the largest acreage for development / change of use in the whole Local Plan, with 3 large sites within green belt land (ST15, ST27 and OS10), an indeterminate amount of green belt land for infrastructure, plus ST4. The risk to this special countryside has been made difficult to find in CYC documents because of the confusing name of the largest site ST15 and the variable spelling of the Tillmire SSSI. Moreover, the initial position that ST15 was a brown field site has only now been amended to a more

correct description as a green belt site.

Compared with, say, Lower Derwent wildlife protection and Strensall Common, there has been very little evidence gathering of the existing flora and fauna and hydrology of the area.

It is unclear that these very large developments with associated mitigation land and infrastructure will add to the type of housing stock most needed for York.

The irrevocable damage of the draft Local Plan to Heslington's productive grade 2 agricultural surroundings within green belt land, to the neighbouring SSSI of Heslington Tillmire and airfield SINC sites, is even more apparent in the proposed modifications and related documents than in the 2018 draft. The Local Plan remains an area of great concern for the environment around Heslington, for flora and fauna habitats, for local food production and for preservation of the green belt.