



# HAXBY TOWN COUNCIL

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Dear Sir/Madam,

## **OBJECTION TO APPLICATION 23/00160/OUTM**

### **OUTLINE APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS FOR CIRCA 800 DWELLINGS, PROVISION OF OPEN SPACE INCLUDING CEMETERY EXPANSION, PRIMARY SCHOOL, SPORTS AND RECREATIONAL FACILITIES, FLOOD STORAGE MEASURES, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE (REVISED DESCRIPTION).**

This letter has been prepared on behalf of Haxby Town Council to make clear the reasons why an objection is being raised in respect to application 23/00160/OUTM.

As well as setting out the reasons why it is considered the application must be refused planning permission, this letter also sets out matters where the application needs to be amended or updated, and matters that should be addressed by way of condition or planning obligation in the event City of York Council (CYC) is eventually minded to grant permission.

However, despite the additional information and amendments to the application that have been submitted during March 2024, it should be noted that the details of the application still do not allow the CYC to grant planning permission for the reasons set out below.

#### **Green Belt**

At this moment in time, the site is located within the general extent of Green Belt, as identified under policy Y1C of the Regional Spatial Strategy for Yorkshire and the Humber. Across the extent of the Green Belt there is a general presumption against development unless very special circumstances can be demonstrated with reference to paragraphs 152 and 153 of the National Planning Policy Framework (NPPF).

We note that the Landscape and Visual Impact Assessment does not provide any assessment of the potential visual or spatial impacts of the development on the openness of the Green Belt. Furthermore, the Landscape and Visual Impact Assessment does not include an assessment of the impacts of development on the purposes of Green Belt policy. As such, CYC has not been furnished with information to be able to assess the impacts of development on the fundamental aims of Green Belt, which is part of determining whether there are very special circumstances for the proposed development.

The application is also deficient in other supporting information and so any potential benefits from the development have not been demonstrated to outweigh adverse impacts. Furthermore, the proposal is contrary to draft Local Plan policy, as explained in this letter.

Consequently, the applicant has not demonstrated why very special circumstances exist such that any harm to the Green Belt, and any other harm, is clearly and demonstrably outweighed by other considerations in accordance with paragraph 153 of the NPPF. As such, the application must be refused because it is contrary to national policy and the fact that the Government attaches great importance to Green Belt policy with reference to paragraph 142 of the NPPF.

### **Allocation ST9**

The latest version of the draft Local Plan allocates land to the north of Haxby to accommodate 735 dwellings, where the Policies Map shows the area of land expected to accommodate development and the area that is to be provided for public open space.

The Indicative Masterplan and Land Use Plan submitted alongside the application do not correspond with the number of houses mentioned within the policy or else the extent of designations shown on the Proposals Map. This is on the basis that more homes are proposed than are allocated, and the area of open space is smaller than the annotation shown on the Policies Map. If very special circumstances are to be demonstrated then the proposal needs to conform with the draft Local Plan policy, as otherwise the proposal is contrary to planning policy and the strategy set out in the draft Local Plan.

Additionally, policy SS11 states that new local facilities, to include a range of shops, services and facilities should be provided, but no such facilities are shown on the Indicative Masterplan or Land Use Plan. Also, the supporting information does not address why such facilities and services are not included within the proposal, including medical facilities. Given that policy SS11 plainly states that provision is subject to viability then where is the viability appraisal explaining why such facilities are not included within the application scheme? The proposal is contrary to policy SS11, because it does not include new local facilities, which is a requirement of the draft Local Plan.

Given that the applicant must demonstrate exceptional circumstances due to the land currently being within the Green Belt, then it makes no sense for development to come forward that is not compliant with the draft Local Plan allocation.

Having read the various application documents, the applicant offers absolutely no compelling reasons why the development should be granted planning permission as an exception to national planning policy and contrary to draft Local Plan policy. Especially, as the technical matters are still not satisfied; the applicant has not demonstrated that adverse impacts can be overcome; or that the benefits of development outweigh the potential for harm, including to the Green Belt. Consequently, the proposal fails the tests set out under paragraph 11 of the NPPF. Given the failures of the application in both terms of principle and detailed considerations, then the Council should be minded to refuse the application.

As such, the application scheme simply does not accord with the draft Local Plan and must not be granted planning permission until the application proposal is in conformity with the proposed Local Plan allocation.

### **Number of Dwellings**

We are rather confused by the inconsistencies between the various documents in respect to the number of dwellings being proposed. The description of development suggests "circa 800", where the Landscape and Visual Impact Assessment suggests 761 dwellings and the Health Impact Assessment suggests 800 dwellings, but the Planning Statement now states 760 dwellings. What is the actual number of houses being proposed?

If it is now 760 dwellings then the description of development must be amended to reflect the actual nature of the proposal, as clearly 760 dwellings is nowhere near 800 dwellings. If it is that the number of dwellings now has to be no more than 760 to allow for changes to drainage design and the amount of open space then it is important that the description of development is updated to avoid any suggestion in the future that more houses are to be delivered if the applicant is now suggesting the higher number of 800 dwellings is not feasible.

In any event, the allocation of the site is for 735 dwellings where the area of open space is clearly defined on the Policies Map. How is it that the applicant is now proposing up to 800 dwellings if the Council has determined that the site is capable of accommodating 735 dwellings, but without encroaching into the area of land allocated for open space?

It is notable that the layout of houses has now been removed from the Illustrative Masterplan and less information is now provided to allow for an assessment of how the site might accommodate any number of houses. This is despite one of the main considerations in determining the application being that a suitability density can be achieved in accordance with draft Local Plan policy H2. It is noted that any indication of the number and location of proposed dwellings has been removed from the Illustrative Masterplan with the recent updated submissions so that it simply suggests the general area in which houses might be located across the extent of the site. This is considered to be a backwards step and wholly unhelpful given how there are conflicts and gaping holes within the supporting information in respect to justifying the number of houses, demonstrating that technical and policy considerations can be satisfied and ensuring sufficient open space is provided.

It is quite concerning that given the variations in the number of houses being proposed that there is no information now within the application to determine that the proposal can satisfy technical considerations and planning policy requirements. Until the applicant has demonstrated the capacity of the site is deliverable and ensured the application is consistent in the nature of development being proposed then planning permission must not be forthcoming. This includes updating the application to reflect the actual nature of the proposal, as, if it is that the number of houses being proposed is 760 then the description of development needs to be updated, as clearly 760 is nowhere near 800 and certainly note 'circa 800'.

However, the allocation makes clear that the site is to accommodate 735 dwellings on the basis that the Council has assessed this number to be reasonable and deliverable at a density of 40 dwellings per hectare and within a defined area of land to meet housing needs. Until the description of the development and the application itself conforms with the draft Local Plan policies then the application should not be allowed, especially as the application has not demonstrated how the site might accommodate more dwellings than are allocated or why it is necessary for more houses to be built in this location, either as an exception to national planning policy or contrary to draft Local Plan policy.

### **Scale and Layout**

Within the Health Impact Assessment, under paragraph 1.3.3, it is mentioned how the development of 800 dwellings is to be a maximum height of 3 storeys. In contrast, the Landscape and Visual Appraisal states under paragraph 3.2 that the development is to be predominantly 2 storeys, with up to 3 storeys centrally, but that the scheme is to comprise of up to 761 dwellings.

As the application is only in outline then layout and scale are not necessarily matters being determined through this application, but the Council still needs to be satisfied that development is deliverable and to undertake an assessment as to whether the development will give rise to any adverse impacts. As such, the applicant needs to demonstrate that the scale and layout for 735, 760 or even 800 dwellings is achievable and will not lead to adverse impacts or cause harm.

Given the proposed increase in density when compared to the allocation of ST9, it is therefore inappropriate to refer to the height being 3 storeys unless scale or layout are to be added to the

description of development. Especially, as the various supporting documents, including the Health Impact Assessment under paragraph 1.3.2, state that the housing mix is to be 1, 2, 3 and 4 bedroom dwellings, but then the Planning Statement and nature of application suggest the mix will come forward at Reserved Matters. How is it that the applicant can determine the height, but not housing mix at Outline stage?

Surely, the number of houses and density of development have been already been decided by the applicant with reference to housing mix and type, including both in terms of number of bedrooms and storeys, in order to ensure that sufficient distance can be achieved between properties to protect amenity? How can CYC determine the appropriateness of 3 storey houses without any indication of the proposed layout and mix of house types if amenity is to be protected?

Such matters as housing mix and scale would need to be known by the applicant at this stage in any event to be able to calculate sale values and potential revenue to ensure the development is viable, just as CYC needs to be assured that the various planning obligations can be delivered by way of a Section 106 Agreement. If such information is not available then there is a chance the developer could look to vary the Section 106 Agreement at a later date on the basis of viability, which would result in CYC needing to cover any shortfall falls in order to mitigate against the impacts of the development and deliver necessary infrastructure, especially in relation to school places.

We are therefore extremely concerned that the Illustrative Masterplan has been amended to exclude critical information required to allow an appropriate level of consideration to be made, as several matters that are pertinent in the determination of the application, even at Outline stage, are not addressed in the application. Given that CYC is required to satisfy itself that the development is deliverable and will not give rise to adverse impacts, and can be fully mitigated or compensated against then it is critical that sufficient information is provided. Especially, as the proposal is not in compliance with the draft Local Plan and as very special circumstances for the development need to be demonstrated with reference to Green Belt policy.

If the proposal is to be up to 3 storeys in height to a greater extent than has currently been appraised in the Landscape and Visual Appraisal then the assessment needs to be revised to ensure the actual impacts of development are fully appraised. This is because the potential landscape visual impact of 3 storey development on the landscape character to the north of Haxby will have a much greater potential impact than the predominantly 2 storey development for 761 dwellings described in the latest version of the Landscape and Visual Appraisal, or even the 2 storey development of 735 dwellings expected as a result of the allocation of the land.

If the developer is suggesting that the development is to be no more than 3 storeys then scale should have been included within the description of development so that the implications of the height and resulting density can be fully made. Alternatively, height should be conditioned by way of restricting the development to no more than 2 storeys on the basis of the information provided within the Landscape and Visual Appraisal, which only considers 2 storeys development around the edge of the site.

### **Accessibility**

It is understood that vehicular access is to be provided via Moor Lane to the west and Usher Lane to the east. The Land Use Plan indicates three pedestrian access points from Moor Lane and Usher Lane as well as four access points from the existing residential area to the south of the Site including from Larch Way, Lowfield Drive and Crooklands Lane. Pedestrian footways along Moor Lane and Usher Lane will be extended and the Development will provide new walking and recreational routes, as well as cycle routes.

It is noted that both Moor Land and Usher Lane are subject to the national speed limit, which means the two new junctions onto Moor Lane and one proposed access onto Usher Lane will require traffic to join a 60mph road. Given the speeds involved then it is necessary for the 30mph zone from Haxby to

be extended northwards and past the new junctions to reduce the speed of traffic into which development will be joining. In reducing the speed, it will encourage people to walk along Moor Lane and Usher Lane, thereby encouraging walking. The extended 30mph zone needs to be mentioned on the Land Use Plan and the sum required for CYC to introduce the Travel Order and new signage must be included within the Section 106 Agreement.

Furthermore, the Illustrative Masterplan suggests pedestrian routes are to be introduced to provide pedestrian routes from Haxby into the development. Also, we note how the various supporting documents, including the Transport Plan, refer to pedestrian access points connecting through to Haxby. However, simply referring to pedestrian routes is not acceptable because the development does not refer to how it will specifically accommodate cycling. This is unacceptable due to policy SS11 requiring cycling to be integrated into the development, whilst policy HW7 also required connections to be made for pedestrians and cyclists.

As well as accommodating pedestrians, the development must also be suitable for cycling. This is because it is necessary to encourage sustainable journeys, which means it is important for the development to accommodate both pedestrians and cyclists. A dedicated network of cycle paths must therefore be provided across the site that are separate to footpaths, or else accommodate a combined 3m wide paths for both cycles and walking together. We would ask that the Illustrative Masterplan and Land Use Plan are updated to make clear where cycle paths are to be provided. This is with a view to providing safety to all users and also to be consistent with decisions made by CYC elsewhere.

Furthermore, no indication has been provided as to how the proposed development is to be connected into the existing network of cycle routes. Clearly, for the development to be considered sustainable and comply with both national policy and the draft Local Plan then it is important for the development to be connected into the wider cycle network. Additionally, the cycle network should allow for routes through the development to connect Moor Lane to Usher Lane. As such, the Illustrative Masterplan needs to be updated to ensure it makes clear the network cycle paths to be provided and the Section 106 Agreement needs to include sums for offsite improvements in order to ensure the impacts of the scheme can be mitigated.

### **Travel Plan**

We note the Transport Plan refers to the provision of a new bus stop on The Village which is to be located on the south side of the carriage way opposite the existing bus stop, immediately west of the junction with Moor Lane (paragraph 2.7.2). The additional bus stop is welcomed and we expect its provision to be secured by way of a Section 106 Agreement.

Mention of is made of a new flagpole bus stop at Station Road located on the southern side of the carriageway opposite the existing bus stop, east of the junction with Usher Lane. Flagpole bus stops do not encourage people to use buses where there is no shelter provided from inclement weather. The developer should therefore be required to upgrade existing flagstop bus stops to provide shelters along both Moor Lane and Usher Lane in order to encourage use. Especially, as the Travel Plan relies upon the greatest modal shift of travel to be by way of an increase in bus use. Bus shelters should therefore be sought by way of the S106 Agreement.

The suggestion that a cycle hub is to be provided at The Village is welcome and we expect to see it included within the S106 Agreement where details of its delivery should be set out. It is however disappointing that the application does not then make clear how the new cycle hub is to be connected into the application site itself, which needs to be addressed through amendments to the Indicative Masterplan.

Table 4-1 of the Travel Plan includes targets for modal shift over the first five years of development. Given that it is reasonable to expect the development to take more than five years to complete, and as monitoring of the Travel Plan usually commences on completion of the development, then the Travel

Plan needs to be updated to make clear that Table 4-1 relates to the first five years following completion, as this is not currently clear within the document.

Also, it is inappropriate to suggest under paragraph 4.3.6 that the baseline for the travel survey is to be carried out within 3 months of 25% occupation of the residential units, as this could mean surveying less than 200 of the 800 proposed dwellings, which is clearly a minority and will not lead to effective implementation of the Travel Plan measures.

The targets within Table 4-1 are also disappointing and not at all aspirational for a development of the scale being proposed. Some of the improvements in modal shift are suggested to be accounted for by simply more people working from home. However, to include working from home as one of the improvements being sought is a nonsense given that those working from home will still need to leave the house during the day to buy lunch, take parcels to the post office, go to a meeting or else take children to school. Working from home should therefore be discounted as it is not itself a means of travel or a target that will result in a reduction of trips. We also believe that it is unreasonable to expect the greatest shift in travel to be by 'bus, minibus or coach' given the excessive walking distance from the development to the nearest bus stops. Instead, the Travel Plan should focus on increasing walking and cycling from the development, and an improvement in journeys to be taken by train should also be focused upon.

Also, shops, services and facilities need to be provided within the development itself, as to have such facilities within close proximity to the houses will have the greatest influence on reducing the need to travel. Given that policy SS11 states that such facilities are to be provided then the application scheme needs to be altered to include necessary facilities to serve the scale of development, which would include changing the description of development.

It is noted under paragraph 5.2.1 that the developer is expecting to appoint their own Travel Plan Coordinator. As the applicant has no experience of monitoring travel plans within the CYC area then it would be appropriate for the Council to provide the service, which is understood to be the usual means by which Travel Plans are monitored. It is therefore expected that the S106 Agreement will include a sum for a Council appointed Travel Plan Coordinator to monitor the effectiveness of the implementation of the Travel Plan. The Travel Plan should be monitored by way of condition requiring the outcome of each travel survey to be submitted to CYC annually for approval and so that if the targets are not achieved then CYC has the opportunity to require the targets to be revised. Without a mechanism for the survey to be reviewed and the targets amended where the Travel Plan proves to be ineffective then there is little purpose of the requirement in the first place so it is important that a suitable planning condition is put in place.

Having reviewed the measures being proposed to encourage a modal shift away from reliance on motorcars, it is considered that there are a number of further measures that should be incorporated with a view to encouraging residents to cycle, walk and take the bus. Mention is made of how CYC schemes encouraging cycling, walking and car sharing, but it appears the developer do not propose to actually provide any incentives beyond simply providing information. To this end, it would be reasonable for the developer to run their own car club, which should include dedicated car parking spaces within the development for car club vehicles. Additionally, the developer should be required to offer funding to occupants towards the purchase of a bicycle and also bus season tickets. We understand applicants of development elsewhere within York have recently been asked to offer each new property £200 towards bicycle and bus tickets where the scheme is to be rolled out by CYC's Travel Plan Coordinator, and so there is no reason why the developer of land to the north of Haxby should not be required to offer the same planning obligation.

Given the emphasis within the Travel Plan on encouraging residents to use the existing bus service, we would ask that the opportunity for existing bus services to loop through the development is accommodated within the layout of the development. It is important that the development is designed

with roads wide enough to accommodate buses, so as to allow for existing services to loop through the development to encourage use of buses and to avoid the need for residents to have to walk too far given the existing distances of bus stops to the development.

It is also important that a dedicated bus service is provided to Joseph Rowntree Secondary School. This is the secondary school that will serve the development, but it is beyond any reasonable walking or cycling distance from the development. In order to reduce car trips then it is important that a reasonable alternative is provided, where a bus would be a practical and reasonable means of children getting to and from school.

The draft Local Plan sets out a commitment to the provision of a new railway station in Haxby and it is understood that a planning application is currently being determined. Given the opportunity presented by a new station provides to the public railway network then it is important for new residents to be encouraged to use the new facility. To this end, the Travel Plan should include measures to encourage residents to use the new facility.

### **Accessibility of Properties**

It is noted under Table 4.1 as to how the applicant expects details of the number of dwellings to comply with Building Regulations Part M4 to come forward at Reserved Matters. However, leaving consideration of this matter to Reserved Matters stage means the proposal does not comply with policy H3, as the applicant has failed to demonstrate how the proposal will help support the creation of mixed, balanced and inclusive communities.

Given the importance of ensuring the adaptability of homes for future occupational need and the needs of wheelchair users then we see no reason why the percentage of homes to be required to satisfy Part M4(2) and M4(3) cannot be determined at this stage. Alternatively, a condition should be included in any decision notice setting out how a proportion of the dwellings are to satisfy the standards for adaptability and full wheelchair access. Until the matters covered by policy H3 are addressed then the application should not be determined.

### **Open Space**

The Illustrative Masterplan indicates that the development includes extensive areas of natural open space with circular pedestrian routes and a trim trail facility, two Locally Equipped Areas for Play (LEAPs) and proposed sports pitch facilities. Approximately 10.3ha of public open space is proposed, equating to approximately one third of the Site.

Within the Local Plan, policy GI6 allocates land for open space to the south of allocation SS11 for open space, as shown on the Policies Map under reference ST9.

Given that the Policies Map makes clear the open space is to be provided along the southern edge of the allocation, we are disappointed to see that the proposed children's play areas are to be located on the northern side of the proposed development and at the furthest point away from the existing community, and outside of the extent of open space shown on the Policies Map. As this is not in conformity with the allocation of land then the proposal is contrary to planning policy and should be refused.

Additionally, the Local Plan evidence base makes clear how the allocation is expected to deliver 10.45 ha of open space on the basis of 747 dwellings. The amount of open space mentioned in the evidence base was calculated on a pro rata basis to allow for the number of houses proposed at the time the assessment was undertaken.

As the development is now expects to deliver 800 dwellings then the amount of open space needs to be updated to reflect the increase in houses in order to ensure the development is provided with an appropriate level of provision. In order to be policy compliant, the development is therefore required to

provide 11.19ha of open space to serve the proposed 800 dwellings referenced in the description of the development.

However, it is understood from the application documents that the development is only expected to deliver 9.80ha of open space, which is clearly short of CYC's policy requirements to satisfy policies SS11, HW2 and HW3. As the amount of open space falls short of the policy requirement then the application is contrary to policy and must therefore be refused due to the harm that will arise from not delivering the necessary open space required to meet identified needs. Furthermore, the adverse impacts of not delivering sufficient open space means that very special circumstances have not been demonstrated and so the proposal is contrary to Green Belt policy.

### **Cemetery**

An area of the open space is shown to be intended as an extension to the existing cemetery. The reference within the draft Local Plan stems from the fact that the existing cemetery is unable to offer sufficient space to accommodate the first 99 year lease offered on each burial plot. On the basis of the current extent of the site and future need for space then an area measuring 2.47ha is required as an extension. Clearly, the proposal does not provide anywhere near sufficient space to accommodate an extension of an appropriate size to satisfy the requirement that is stated within policy SS11. The proposal therefore needs to be amended to show the correct amount of land in order to comply with the draft Local Plan policy.

### **Provision of a New School**

It is unclear how the location of the proposed Primary School has been decided upon. It is the view of the Town Council that any new Primary School would best be located to the west of the site and closest to Moor Lane in order to serve the wider community, which includes Wiggington. It is important that any new school is accessible to residents by a variety of modes of travel, which it will not be if located off Usher Lane due to the lack of bus stops and bus service. The position of the school therefore needs to be revisited to ensure it is in the most appropriate location in order to promote principles of sustainable development.

### **Biodiversity Net Gain**

It is understood that the proposal for 800 dwellings intends to rely on land outside of the allocated site to deliver 10% BNG. Given that a third of the site is expected to provide open space, and gardens and grass verges are also capable of accommodating net gains in biodiversity then there is no clear reason why even more land is required beyond the extent of the allocation.

Reviewing the Ecology Report, it is clear that the existing hedgerows are in poor condition and also are species poor. Reinforcing existing hedgerows with a greater variety of species mix therefore offers an opportunity for BNG. There are also opportunities for new shrub and tree planting, and also wildflower planting. Such planting offers an opportunity for BNG to offset the loss of cropland and grassland to make way for development.

We note from the Planning Statement that the applicant is suggesting the 10% BNG does not apply to the application because it was submitted in advance of legislation changing. We wish to remind CYC that the application is being made on the basis that it is an exception to Green Belt policy where it is necessary to demonstrate there are exceptional reasons for the development being allowed. Also, the NPPF makes clear how biodiversity net gain is a requirement, irrespective of separate legislation.

The fact that 10% BNG is not being delivered within the extent of the application boundary offers significant weight against the application scheme because even if it were the case that the proposal does not need to comply with legislation, it is still necessary to comply with planning policy, which it does not.

### **Strensall Common SAC**



We are concerned at the idea of setting aside land elsewhere and outside of the allocated site for BNG because the allocation and proposed compensation site are already located within the 'zone of influence' associated with the Strensall Common Special Area of Conservation (SAC), which is only 2.05km from the application site. Incorporating additional land into the proposal will only increase the potential for the development to impact on the SAC, especially as the additional land is expected to provide a recreational walking route.

Policy GI2a of the Draft Local Plan makes clear that any development must not adversely impact on the integrity of the SAC. Furthermore, open space within allocated sites, including ST9, is expected to secure natural greenspace to provide mitigation and reduce recreational pressures on the SAC. However, details of the proposed development do not appear to recognise requirements of policy GI2a in so far as the details of the landscaping and open space, as well as delivering 10% BNG, do not appear to provide sufficient mitigation to prevent adverse effects on the integrity of the SAC. Especially as the Ecology Report itself suggests that SANG quality guidance (Natural England, 2021a) suggest 14.4ha is required rather than 10ha that is suggested will be provided as part of the development.

However, this amount of open space is suggested within the Ecology Assessment to have been calculated on the basis of development resulting in 1800 new residents where the presumption is 761 dwellings are to be provided. Given the description of development suggests circa 800 dwellings then the amount of open space required to provide mitigation still falls short of what might be considered reasonable with reference to Natural England guidance because the application documents are based on false presumptions.

We cannot see how the amended scheme addresses the concerns previously raised by Natural England given that insufficient mitigation is being provided. As such the proposal is contrary to policy where the harm outweighs any potential benefits, and exceptional circumstances have not been demonstrated as to why permission should be forthcoming.

### **Ecology**

It is understood that there the site is populated by a number of priority species of moth, and that the site is home to more species of moth than Strensall Common. Given the requirements of legislation to protect priority habitats and priority species then the planning application must not be determined until the extent of the situation is understood and a full impact assessment has been undertaken. It is extremely important that harm is not caused to the existing ecology and that any established habitats are protected with a view to protecting priority species. Without such assessment and appropriate mitigation then the proposal is contrary to draft Local Plan policies DP3 and GI2.

### **Trees**

It is noted from the Ecology Report prepared by BSG that some of the trees on site are veteran trees. It is important that these trees are offered protection and retained as part of the proposed layout given their significance, which includes in relation to offering visual amenity.

It is noted that the supporting information suggests existing trees and hedgerows are to be removed. It is therefore suggested that a minimum ratio for replanting should be secured by way of condition to ensure the loss is suitably compensated at Reserved Matters.

### **Drainage**

We note from the response provided by the IDB that the Illustrative Masterplan (RevH) does not allow for the necessary easements as development is shown to encroach into the protected areas along existing watercourses. As such, CYC must not consider granting permission for the application until amendments to the Illustrative Masterplan have been provided that make clear how development can be accommodated outside of the necessary easements associated with watercourses.

Furthermore, CYC should be satisfied that any necessary further culverting of watercourses to allow for bridges to be erected to provide for footpaths or roads can be constructed in a safe and satisfactory manner. This means ensuring that the gradient is safe to allow for passage over and that the volume of any bridge or culvert is sufficient to prevent flood risk from occurring elsewhere in accordance with Draft Local Plan policy EN4.

It is the understanding of the Town Council that the sewage pumping station in Oaken Grove south east of the site is at capacity as reported in 2014 and Yorkshire Water has confirmed that the system has no capacity to take any further flow unless a major upgrade of the whole system is implemented. This requires any developer north of Oaken Grove to commit to such work.

### **Community Consultation**

We note in application submissions how reference is made to meetings with the Town Council, along with public consultation. A statement is made to say that the public consultation event allowed residents to view the plans and ask questions.

Policy SS11 states, quite clearly, how the creation of new open space must be assessed in detail and in liaison with the Town Council, along with local residents. This policy requirement has not, however, been complied with given that public consultation only allowed for the plans to be viewed and questions to be asked. There has been no liaising or discussions with the Town Council regarding the quantity of open space or its ongoing management and maintenance, despite the responsibilities that will fall to the Town Council in the future.

Consequently, the application must not be determined until the Town Council has been fully engaged in the masterplanning exercise and, particularly, in relation to the provision of open space and the cemetery.

### **In Conclusion**

The Town Council is extremely concerned that the application fails to comply with the policies within the draft Local Plan, and in particular policies ST9 and SS11. Furthermore, the supporting documents do not satisfactorily address material considerations, including potential impacts, technical standards and policy requirement, which means that the proposal gives rise to adverse impacts that have not been mitigated or compensated against. As such the development will cause adverse harm which renders the development unacceptable, including in respect to Green Belt policy. The applicant has failed to demonstrate very special circumstances exist, especially as the proposal fails to comply with the draft Local Plan, and so the Council must refuse planning permission due the great importance the Government attaches to Green Belt policy.

Yours faithfully,

Alan Draper  
Town Clerk  
Haxby Town Council