



## **APPENDIX 1**

### **Planning Inspectorate Letter 10<sup>th</sup> December 2021**



# The Planning Inspectorate

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Mr Mark Johnson  
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Your Ref: 18/00017/OUTM

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

Date: 10 December 2021

**Sent by email:**

[mark@johnsonmowat.co.uk](mailto:mark@johnsonmowat.co.uk)

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Dear Mr Johnson

**TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 ('THE EIA REGULATIONS')**

**Appeal by: Redrow Homes (Yorkshire) Limited**

**Site Address: Site to the west of the A1237 and south of North Lane, Huntington, York, YO32 9WN.**

We refer to the above appeal which commenced on 01 October 2021.

The development proposed consists of outline planning application, with all matters reserved except access, for a phased residual development of circa 970 units with associated demolition, infrastructure works, open space, primary school and associated community facilities, and convenience store. By virtue of Regulation 5 of the EIA Regulations the development proposed is EIA development.

The content of the Environmental Statement (ES) accompanying the planning application that is the subject of the above appeal has been considered, having regard to Regulation 2(1) and Schedule 4 of the EIA Regulations.

Following examination of the ES, the Secretary of State notifies you by this letter, pursuant to Regulation 25 of the EIA Regulations, that, to comply with Schedule 4 of those regulations (Information for inclusion in environmental statements) the appellant is required to supply the following further information:

<https://acp.planninginspectorate.gov.uk/>

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>



## **Project description**

- Confirmation of the maximum building height envelope assumed for the photomontages. The Building Heights parameters plan (Figure 6) indicates houses of between two and three storeys but it is not clear what the maximum height parameters are;
- A description of any requisite demolition and earthworks;
- It is unclear, in the absence of a phasing plan, how assumptions relating to construction and operational traffic numbers have been made. Paragraph 4.4 of Chapter 4 states "*Given the scale of the site and in order to maintain adequate flexibility of delivery (to allow for market changes), a phasing plan has not been prepared as part of the EIA*", however, paragraph 4.3 and Table 4.1 refer to Phase 1 of the development and Appendix 1 of the LVIA chapter refer to a Phasing Plan, but these have not provided. A description of how construction phasing assumptions have informed the traffic and associated air quality and noise assessments should be provided.

## **Alternatives**

- A description of the reasonable alternatives and the reasons for the choices made. Paragraph 2.11 of Chapter 2 suggests that this is included within the ES but there is no obvious consideration of alternatives and reasons for choices made.

## **Baseline data**

- The ES submitted for the original application and with the appeal is dated 2017. Updated ecological surveys and assessments dated 2020 have been submitted with the appeal which were not part of the original ES. The Appellant is requested to confirm whether these should form part of the ES.
- The ES has assumed future baseline years of 2035 for Noise and Vibration and 2021 for Air Quality. Given the time that has lapsed since the application was submitted, can the Appellant confirm why these future baselines remain relevant and why the assessments remain valid;

## **Assessment methodology**

- A description of the specific assessment methodologies used to prepare all aspect chapters. Paragraph 2.8 of Chapter 2 states "*each topic chapter defines the methodology and basis upon which significant effects are assessed*" however this is not always the case as Flood Risk and Drainage, Ecology, and Ground Conditions chapters do not include a methodology. The Appellant should confirm the methodologies that have been applied to determine significance for these aspects. It is also noted that the Ecology chapter uses outdated CIEEM guidance (dated 2012). The Appellant is requested to confirm whether use of more recent e.g. 2018 guidance would have any implication for the assessment of significant ecological effects;

## **Assessment of effects**

- ES Chapters 8 (Flood Risk and Drainage) and 13 (Ground Conditions) are technical reports that do not provide a conclusion in respect of likely significant effects. The Appellant is requested to provide this information;
- Information regarding any significant effects relating to the loss of agricultural land. Paragraph 3.6.14 of the LVIA states "*the site is Grade 3a / 3b Agricultural Land Classification*" but it is not clear what the expected loss of best and most versatile agricultural land is as a result of the Proposed Development. The Appellant should quantify this loss and explain how the design has attempted to avoid impacts on the best and most versatile land;
- An assessment of lighting effects resulting from the Proposed Development, including their likely duration. Paragraph 3.6.3. of Chapter 7 (Landscape and Visual Impact Assessment) and paragraph 80 of Chapter 9 (Ecological Summary Report) identify site lighting as a potential impact, however the significance of effects from lighting during construction or operation has not been assessed;
- Information to demonstrate that cumulative impacts have been assessed. Figure 1.12 of Chapter 7 shows "cumulative development" within the vicinity of the proposed site yet in spite of occasional references to cumulative impact assessment in aspect chapters, the ES lacks conclusions relating to the significance of effects. The Appellant is also requested to confirm whether any additional 'cumulative developments' have been identified since the production of the ES;
- An assessment of any likely significant effects from requisite demolition and earthworks, or confirmation of where this has been assessed within the ES;

### **Statement of expertise**

- A statement outlining the relevant expertise or qualifications of the competent experts that prepared the ES. Some of the ES chapters identify the qualifications of the contributors but this is not consistent across all the chapters;

### **Reference list**

- A reference lists detailing the sources used for the descriptions and assessments included in the environmental statement. Some of the aspect chapters do not include a reference list of the sources used; and

### **Non-technical summary**

- A revised non-technical summary (NTS) incorporating all of the elements referred to above.

We would draw your attention to court cases which have stressed the need for all the relevant environmental information in an ES to be comprehensive and easily accessible.

You can access Regulation 25 of the EIA Regulations at the following direct link: <http://www.legislation.gov.uk/uksi/2017/571/regulation/25/made>

Although it is not a statutory requirement, in the interests of transparency and openness the appellant may wish to publicise the availability of the further information in

<https://acp.planninginspectorate.gov.uk/>

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>



accordance with Regulations 25(3), 25(4) and 25(8) of the EIA Regulations. Please can you advise the local planning authority if the further information is publicised.

We would be grateful if you could inform us, **within 2 weeks** of the date of this letter, how long you anticipate it will take to prepare this further information, so that an expected submission date can be identified. Please send your response for the attention of the Environmental Services Team using the contact details at the head of this letter.

Please note that in response to the UK Government advice on the COVID-19 outbreak, the Inspectorate's staff are working from home until further notice. In order to support the smooth facilitation of our service we strongly advise that you correspond via the email address at the head of this letter rather than by post. Unfortunately, the Inspectorate cannot guarantee that postal responses will be received promptly by the relevant staff member(s) at this time.

A copy of this letter has been sent by email to City of York Council.

Yours sincerely,

*Richard Hunt*

**Richard Hunt**  
**Operations Lead – Environmental Services**  
**(Signed with the authority of the Secretary of State)**

Cc: Gareth Arnold (Head of Development Control at City of York Council)

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through the Planning Portal. The address of our search page is:*  
<https://acp.planninginspectorate.gov.uk/>