

# MATTER 4



**JohnsonMowat**

Planning & Development Consultants

Examination of the City of York Local Plan

Matters, Issues and Questions for the Examination

**Phase 2 Hearings**

**Matter 4 – Spatial Strategy – Site Selection Process**

March 2022

CLIENT: KCS Development Limited



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## 1.0 INTRODUCTION

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- 1.1 This response has been prepared on behalf of KCS Development Limited in relation to their land interests immediately west of Chapelfields on the western edge of York City.
- 1.2 Previous submissions have been made to the various draft Local Plan iterations Phase 1 Examination Hearing Statements, and most recently a detailed response to the June 2021 Modifications and Evidence Base Consultation, the content of which remains relevant.
- 1.3 It is maintained that the site at Chapelfields is available for development of circa 90 dwellings and would create a small sustainable urban extension to the existing settlement of Chapelfields.
- 1.4 In addition to this statement relating to Examination Matter 4, it should be noted that statements have been prepared for Matter 2 and 7 on behalf of KCS Development Ltd and Johnson Mowat will be representing KCS Development Ltd at the Phase 2 Examination Hearing sessions relating to Matters 2, 4 and 7.



## 2.0 TEST OF SOUNDNESS

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2.1 The City of York Local Plan is being tested against the 2012 National Planning Policy Framework (NPPF 2012) which at Paragraph 182 states that:

“The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”



## 3.0 RESPONSE TO INSPECTOR'S QUESTIONS

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### Matter 4 Spatial Strategy – Site Selection Process

#### Spatial Strategy

#### 4.1 Is the Spatial Strategy set out in the Plan based on an appropriate and reasonable assessment and justified by robust evidence?

The addition of explanatory text to Policy SS1 contained in the April 2021 Proposed Modifications (PM55) explains the Council's spatial strategy to build upon the 5 spatial principles contained in Policy SS1. The proposed additional wording states:

“Explanation The Plan's strategic policies set out an overall strategy for the pattern, scale and quality of development over the Plan period. The Plan focusses on identifying sufficient land to meet housing and economic growth (spatial drivers) in a pattern of development aligned to the factors which shape growth (spatial shapers) set out in SS1.

Development is directed to the most sustainable locations, making as much use as possible of suitable previously developed land (with some release of green belt land). As is set out in SS1, sustainable growth for York emphasises conserving and enhancing York's historic environment. The scale and pattern of development is guided by the need to safeguard a number of key elements identified as contributing to the special character and setting of the historic City. These include the City's size and compact nature, the perception of York being a free-standing historic city set within a rural hinterland, key views towards the City from the ring road and the relationship of the City to its surrounding settlements. Development is focussed on the main urban area of York and in new free-standing settlements with some urban and village extensions. The development strategy limits the amount of growth proposed around the periphery of the built-up area of York. While new settlements will clearly affect the openness of green belt in those locations, their impact is considered to be less harmful to the elements which contribute to the special character and setting of York. Their size and location has taken into account the potential impact on those elements, and on the identity and rural setting of neighbouring villages. There will also be opportunities for rural exception sites, including for Gypsy and Travellers not meeting the PPTS definition of a gypsy or traveller; these small scale developments provide affordable homes in locations where new homes would not usually be appropriate. The proposed distribution of development identified in the Plan's allocations and deliverable unimplemented consents is described in the following table



(Table 1). The anticipated pattern of development as identified in the Plan’s strategic allocations is shown on the Key Diagram.”

We have previously raised concerns with the spatial strategy and portfolio of sites included in the Local Plan that appears to be a combination of urban expansion, provision of isolated new settlements and restricted growth in existing settlements. The inclusion of a significantly large housing allocation in an isolated location significantly separated from the main urban area does not promote sustainable patterns of development. The additional explanatory text does not justify the continued approach, which includes a new isolated settlement in less sustainable location.

There is little information on the alternative options considered.

**4.2 Is the approach taken in informing the Spatial Strategy and the distribution of development across the Plan area justified, effective and in accordance with national policy?**

As outlined in response to question 4.1 our concern remains with the distribution of development and the isolated new settlement proposed west of Elvington (ST15). This is not considered to be the most sustainable option. It is considered an appropriate alternative approach would be to focus growth in the York urban area, and to expand the existing main urban edge and outlying existing settlements before considering isolated new settlements. This approach would make best use of existing infrastructure.

**4.3 Does Policy SS1 provide an appropriate basis for the delivery of sustainable development and growth within the City of York?**

The five spatial principles in Policy SS1 as amended via the April 2021 Proposed Modifications are

1. Conserving and enhancing York’s historic and natural environment. This includes the city’s character and setting and internationally, nationally and locally significant nature conservation sites, green corridors and areas with an important recreation function.
2. Prioritise making the best use of previously developed land.
3. Directing development to the most sustainable locations, ensuring accessibility to sustainable modes of transport and a range of services.
4. Preventing unacceptable levels of congestion, pollution and/or air quality.
5. Ensuring flood risk is appropriately managed.

Spatial principle 3, directing development to the most sustainable locations is a welcome addition, however the spatial distribution of development in the Plan does not align with this principle.



Our position remains that the housing requirement in Policy SS1 is insufficient to meet the housing needs of York, as discussed in Matter 2. We therefore consider that Policy SS1 does not form an appropriate or adequate growth strategy to deliver the growth required.

**4.4 Policy SS1 sets out a spatial principle for sustainable modes of transport and Paragraph 3.12 of the submitted Plan says support will be provided for a pattern of development that favours and facilitates the use of more sustainable transport to minimise the future growth of traffic.**

**a) How does the Plan deliver this?**

The emphasis in the Framework (2021) is to actively manage patterns of growth, with paragraph 105 of the Framework stating that “Significant development should be focused on location which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.... However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”

The 2012 Framework, which this Plan is tested against, informs at paragraph 34 that “Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.” Minimising the need to travel by locating development in sustainable locations, accessible to sustainable modes of transport, is different from minimising the future growth in traffic.

The Framework (2012 and 2021) does not advocate minimising future growth of traffic but seeks ways to maximise sustainable transport solutions, and allowing for development to be focused on locations which can be made sustainable if they are not currently as sustainable as they can be. It is recommended that reference to minimising the future growth in traffic in paragraph 3.12 is reworded.

**b) What evidence is there that the Spatial Strategy delivers what Paragraph 3.12 of the submitted Plan says?**

The Council need to identify this evidence.

A number of City Wide highway improvements and localised highway enhancements are programmed to accommodate growth associated with allocations (Key Infrastructure Requirements Updated Gantt Chart January 2022). This clearly acknowledges future growth in traffic. The management of growth is planned for (rather than minimising future growth in traffic), which aims to maximise sustainable modes of transport, includes highway enhancements / improvements, but still allows for inevitable growth.



**c) Is it the most appropriate strategy when assessed against alternatives?**

The Addendum to the Green Belt Topic Paper (January 2021) informs that the alternative spatial distribution of growth option 4 – ‘Prioritise development within and/or as an extension to the urban area along key sustainable transport corridors’ had a significant positive effect on transport, although was assessed as having a negative effect on cultural heritage and landscape due to the potential adverse impacts on the setting and special character of York (paragraph 4.61).

**4.5 Is the proposed approach to new development and its location, as outlined by Policy SS1, sufficiently clear within the submitted Plan and is it supported by a robust and up to date evidence base?**

Our position remains that the housing requirement in Policy SS1 is insufficient to meet the housing needs of York, as discussed in Matter 2.

Whilst we have no objections to the 5 spatial principles, as modified, it is not considered that the principles are borne out in the proposed allocations. For example, we maintain that the inclusion of a new isolated settlement does not amount to sustainable development.

**Spatial distribution of development**

**4.6 Are the (broad) locations for new development the most appropriate locations when considered against all reasonable alternatives?**

The January 2021 Topic Paper 1 Approach to defining Green Belt Addendum outlines the 4 options for the spatial distribution of growth that were considered at the Preferred Options stage. These were:

- Option 1: Prioritise development within and/or as an extension to the urban area and through the provision of a single new settlement;
- Option 2: Prioritise development within and/or as an extension to the urban area and through provision in the villages subject to levels of services;
- Option 3: Prioritise development within and/or as an extension to the urban area and through the provision of new settlements;
- Option 4: Prioritise development within and/or as an extension to the urban area along key sustainable transport corridors.

The Sustainability Appraisal assessed Option 1 as the best performing option.





**4.7 What factors have influenced the distribution of development proposed?**

This is primarily for the Council to answer.

The Green Belt Topic Paper 1 Addendum (January 2021) provides information on the proposed strategy of development distribution, and refers to spatial principles of sustainable development set out in Figures 3.1 – 3.3 of the Local Plan which are the Historic Character and Setting of York; Green Infrastructure, Green corridors and Open Space; and Flood Zones.

**4.8 Are the factors which shape growth, as set out in Section 3 of the Plan, clearly explained, justified and set out and are they supported by robust and up to date evidence?**

We have no further comments in relation to the factors as set out in Section 3.

The four factors outlined in the Plan which shape growth are:

- The Character and Setting of the City
- Green Infrastructure, Nature Conservation, Green Corridors and Open Space
- Flood Risk
- Transport

**4.9 With regard to the impact of distribution of development on the transport network:**

**a) What role has the transport appraisal had in influencing the distribution of development?**

We have no comments on this question and await the Council's response.

**b) Is the Council's transport evidence robust and adequately up to date?**

We have no comments on this question and await the Council's response.



**c) What are the cumulative impacts on the transport network of the spatial distribution of development set out in the Plan and are any adverse impacts severe? If so, how has that been addressed?**

Any cumulative impacts as a result of development allocations will be addressed by proposed highway enhancements, as outlined in the updated Key Infrastructure Requirements January 2022 (EX/CYC/70).

**4.10 What role has the sustainability appraisal had in influencing the distribution of development?**

This question is for the Council to answer.

The Sustainability Appraisal assesses the spatial options and individual development sites against 15 Sustainability Objectives.

**Site selection process**

**4.11 With regard to the sites proposed for all types of development (i.e. housing and non-housing):**

- a) How have the sites been identified, assessed and selected?**
- b) Is the methodology used for each justified?**
- c) What role has the Sustainability Appraisal had in this process?**
- d) Have any site size thresholds been applied in the site selection process? If so, what, how and why?**

**For the above question, we ask the Council to set out the site selection process for each different use of sites including housing, employment and education.**

We await the Council's response to this question. It is not clear what the site selection process is for each different use.

We have raised concerns with the methodology in the Green Belt TP1 Addendum regarding defining detailed Green Belt boundaries, which have had an impact on the site selection process. We therefore refer to our comments made to the June 2021 Further evidence consultation which outlines our concerns.



#### **4.12 How has the Council taken into account Green Belt issues in the site selection process?**

A number of concerns have been raised with the methodology to defining detailed Green Belt boundaries which has influenced the site selection process.

The 2021 TP1 Addendum revisions has made no material difference to the outcome of the Green Belt boundaries, as put forward in 2019.

In summary, the methodology identifies five criteria with which to assess individual boundaries which fall within the three established relevant Green Belt purposes. Three criteria relate to the primary Green Belt purpose 4 – preserving the setting and special character of historic towns. These are compactness; landmark monuments; and landscape and setting. One criterion is identified against each of the other relevant Green Belt purposes 1 and 3. These are urban sprawl and encroachment. There are a number of questions asked within each of these criteria which form the basis of the individual boundary analysis contained in the Addendum Annexes 3, 4 and 5.

There are criticisms of how the Council's methodology regarding the 5 criteria relates to the bearing of Green Belt purpose 4. For example, in relation to Landmark Monuments, not all views of the Minster will contribute in the same way to the understanding and significance of the historic core, with not every single view of the Minster being significant or worthy of protection or contributing towards the understanding of the historic core. It is not considered that the methodology is robust in identifying Green Belt boundaries that would serve the function of purpose 4 of Green Belt.

A criticism of the Methodology for defining detailed boundaries is the lack of explanation for the derivation of the boundaries that are individually analysed against the 5 criteria in the detailed TP1 Annexes. It is not clear how the individual boundaries have been decided. It is not explained in the Methodology Section, nor the individual boundary assessments. It is considered that the lack of explanation for the boundary derivation fails the justified and effective soundness tests.

A further criticism of the Methodology is the lack of consideration of the potential development put forward and the potential for an alternative boundary which allows for appropriate development to be accommodated in the longer term. Whilst baseline mapping is referenced in TP1 Section 8 methodology, including ground data, topography and key approaches and access routes, there is no reference to the consideration of proposed development put forward by interested parties.

The methodology does not define parcels of land and so is unable to quantify how much land extending from the suburban edge should be kept open to safeguard against sprawl, encroachment etc. TP1



currently only assesses boundaries. The methodology does not define parcels of land, and is therefore unable to quantify how much land extending from the suburban edge should be kept open.

**In particular:**

- a) has the openness of the sites considered, and the degree to which that openness contributes to the fundamental aim of Green Belt policy (preventing urban sprawl by keeping land permanently open), been taken into account?**

The TP1 Addendum considers openness in various aspects of Green Belt purposes. That said, we disagree with the methodology, which does not define parcels of land and is therefore unable to quantify how much land extending from the suburban edge should be kept open.

- b) has the degree to which land does or does not serve the purposes of including land in the Green Belt been an influencing factor?**

This is detailed in the TP1 Addendum. Our concerns with the TP1 Addendum methodology remain.

- c) have any reasonable alternative sites been rejected on the basis that the Council considered that it could not demonstrate the 'exceptional circumstances' it considered necessary to justify including the site in the supply? If so, in the light of our views concerning 'exceptional circumstances' (which is set out in our letter dated 12 June 2020 (EX/INS/15)), is that a problem?**

**4.13 Have any other factors come forward - or steps been taken - since the sites identified in the Plan were selected which would exclude any sites from inclusion in the Plan for any particular reason? If so, what and why?**

Site ST35 was removed as a result of the outcome of HRA.