



York Civic Trust

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Inquiry into York's draft Local Plan: Phase 2 Written statement in connection with Matter 4 4th March 2022

This statement in relation to Matter 4 is submitted by York Civic Trust. We respond to all questions except 4.7, 4.8, 4.11, 4.12 and 4.13, though some of our answers are also relevant to Question 4.11. It has been suggested by the Programme Officer that we might not be entitled to the represented on Matter 4 because, in April 2018, we offered no specific recommendations for modifications to Policy SS1. Yet we said: *"the creation of satellite settlements [can] only contribute to the well-being of the City if they are connected, in every sense, to the city centre, and [] are sustainable in their own right. The process of bringing forward such developments should mandate the creation of transport and economic links for the benefit of York as a whole."* We had intended that this should lead to a modification of Policy SS1. Moreover, the Inspectors in their Questions for Matter 4 have added two questions, 4.4 and 4.9, which relate directly to issues which we raised in our 2018 submission. While we have been able to address some aspects of Question 4.4 in our responses on other Matters, the points raised under Question 4.9 can only be answered within Matter 4. York Civic Trust currently acts informally as coordinator for the views of civil society bodies in York on matters related to transport in the city. It is therefore important that we are able to represent these views in the Inquiry. We very much hope, on that basis, that we will be enabled to participate in this part of Phase 2 of the Inquiry.

York Civic Trust is a membership organisation representing some 1300 individuals. Our vision is 'promoting heritage, shaping tomorrow'. Our Mission is to: protect and contemporise York's unique heritage; champion our environment and its sustainability; encourage the city's economic development in line with its character, and engage with all sectors of the community.

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This statement has been prepared by Professor Anthony May OBE FEng CEng FICE, with contributions by Dr Roger Pierce RIBA MRTPI and John Stevens MCD FRGS MRTPI. Professor May, who chairs our Environment Committee, is Emeritus Professor of Transport Engineering at the University of Leeds. He is an expert on urban transport policy, and has advised the World Bank, the OECD, the International Transport Forum, the European Commission, several national governments, the Houses of Parliament and several UK cities. Professor May will appear at the Inquiry to answer any questions on this submission.

York Civic Trust is committed to helping to secure a Local Plan, based broadly on the current draft. We are concerned, however, that there are weaknesses in the way in which the Plan has been formulated, and aspects of its resulting content, which render it unsound. We have endeavoured throughout the process to work with the City of York Council to secure improvements which overcome these deficiencies. In autumn 2021 we offered to prepare a Statement of Common Ground with the Council, so that our proposals for enhancement could be seen in the context of our strong support for the overall approach. The Council has very recently agreed to do so, but too late for input to Phase 2 of the Inquiry. We hope that our observations can be interpreted in that light.

The Inspectors ask us to:

- explain which particular part of the Plan is unsound;
- explain why it is unsound, having regard to the Framework;
- explain how the Plan can be made sound; and
- explain the precise change/wording that is being sought.

We have endeavoured to do this, though where we have concerns over the process of plan-making, we are clearly unable to answer the last of these. Our explanations for the last two are shown underlined at the end of the relevant sections of our submission.

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

The spatial strategy is set out in Policy SS1. We support the two priorities for development and the five spatial principles. However, as we indicate in subsequent answers, we do not consider that the following spatial principles have been appropriately applied:

1. Ensuring accessibility to sustainable modes of transport and a range of services.
2. Preventing unacceptable levels of congestion, pollution and/or air quality.
3. Where viable and deliverable, the re-use of previously developed land will be phased first.

Moreover, as we indicate in our answer to Question 4.3, we consider that two further principles need to be added.

Question 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?

Major new housing developments at the edge of the urban area have often been frustrated in York by persistent, strident objections from parish councils and their articulate and well-resourced residents. This has been documented in, for example *Uxcester garden city* (2014) and *Urban extensions: planning and participation - Lessons from Derwenthorpe and other new communities* (2009). In particular, the new housing developments at Derwenthorpe and Germany Beck were delayed for many years by inquiries and court actions.

The council has therefore adopted a strategy of locating greenfield development some distance from the edges of the build-up area and across a number of locations. The approach is pragmatic rather than principled. Such developments may be more deliverable in terms of gaining public approval, but at a price of economic and social viability, and sustainability. This is counter to government advice in NPPF12. The new Local Plan provides the opportunity to pursue the best possible scale and distribution of development. We believe that the Local Plan, as currently drafted, fails to take advantage of this opportunity to take a long-term view of the development that is best for the city.

No consideration has been given to the minimum settlement size necessary to support and sustain the range of local services which it will require to be sustainable. Recent reports by Transport for New Homes advocate minimum settlement populations of 15,000. Even the largest in the draft Plan (SS15) falls well short of this level. We recommend that this threshold be adopted for the two largest strategic sites.

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

Policy SS1 does not clearly encapsulate the need to develop York in line with nationally recognised sustainability principles. At no point does it refer to:

1. The need for new free-standing developments to be constructed as sustainable communities – of sufficient scale to support a range of local services and facilities, as well as viable, high-quality public transport. This should involve a consideration of density and the appropriate mix of land uses, as well as a mix of tenures to create diverse and socially sustainable communities.
2. The need for new developments that are integrated into the existing urban fabric in such a way as to maximise the viability of local facilities and services, as well as exploiting any spare capacity in those facilities and related public transport infrastructure.

Given their importance, we recommend that these two principles are added to Policy SS1.

Question 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?
- b) What evidence is there that the Spatial Strategy delivers what Paragraph 3.12 of the submitted Plan says?
- c) Is it the most appropriate strategy when assessed against alternatives?

Policy SS1 includes two principles related to transport:

- *'ensuring accessibility to sustainable modes of transport and a range of services*
- *preventing unacceptable levels of congestion, pollution and/or air quality.'*

Para 3.12 states that it is "important that future development does not lead to an unconstrained increase in traffic ... [which] could lead to increased congestion ..." and that *'the Local Plan will support a pattern of development that favours and facilitates the use of more sustainable transport to minimise the future growth in traffic'*.

We fully support these principles, but are not satisfied that they have been effectively applied in the draft Local Plan.

The only source of evidence for Question 4.4 is the Transport Policy Paper. As we indicated in our submission on Matter 1, this document is incomplete. It fails to address the requirements specified by the Department for Transport in its 2015 guidance on assessing the transport implications of Local Plans as formulated under NPPF 2012.

As far as we can judge, the Transport Topic Paper only assesses one pattern of distribution of new development. In that assessment it predicts a 55% increase in congestion, which in our experience would be considered unacceptable, thus failing the draft Plan's second principle above.

The Government guidance on the transport assessment of Local Plans (DfT, 2015 in relation to NPPF 2012) that any such assessment should:

- *assess the existing situation and likely generation of trips over time by all modes and the impact on the locality in economic, social and environmental terms*
- *assess the opportunities to support a pattern of development that, where reasonable to do so, facilitates the use of sustainable modes of transport*
- *highlight and promote opportunities to reduce the need for travel where appropriate*
- *identify opportunities to prioritise the use of alternative modes in both existing and new development locations if appropriate.*

The clear implication is that, where a particular pattern of development fails to satisfy the principles, alternative land use options should be considered, and that alternative transport strategies should also be assessed. The Council has failed to do this, and it is thus unclear whether the proposed Spatial Strategy could satisfy the Plan's principles if associated with an alternative transport strategy, or whether an alternative combination of Spatial Strategy and transport strategy would be more effective and thus more appropriate.

Thus, in answer to the Inspectors' three sub-questions:

- the Plan does not appear to deliver the principles cited above
- the Transport Topic Paper currently indicates that the Spatial Strategy fails to deliver the expectations of Para 3.12
- no alternatives have been identified or assessed.

As we said in our submission on Matter 1, it is not possible as yet to amend the Local Plan to reflect these points, but there is still time to do so before transport matters are

considered in detail in Phase 4 of the Inquiry. We strongly recommend that the Inspectors accept that, in this regard, the draft Local Plan and its Spatial Strategy are as yet not justified, and ask the Council to carry out the necessary further analysis and assessment of alternatives, as specified by Government, so that it can be considered in Phase 4 of the Inquiry.

Question 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?

The proposed approach to new development and its location is not supported by a robust and up-to-date evidence base. There is no evidence of an analysis of relevant data, reflecting the principles set out in Policy SS1. There are a small number of maps of relevant characteristics from which the locations and sizes might arise, but these are far from comprehensive.

Some data is presented on the historic and natural environment, including flood risks. However, there is no data about availability of sustainable modes of transport, access to key facilities and services, air quality, pollution or carbon emissions.

There is no evidence of site size thresholds being applied to the site selection process. The sites would appear to have been selected largely on the basis of political and public acceptability, without regard to considerations of creating really sustainable communities. Discussions with developers suggest that the proposed allocations have been whittled away over a period of years, such that they no longer provide the basis for the development of sustainable communities. They are now too small to support a range of viable local services, including education and public transport provision. We recommend that a more comprehensive assessment be made of a fuller range of sites based more directly on the spatial principles in Policy SS1, and the two additional principles which we propose above.

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

We do not believe this to be the case but, as only limited information is presented as to what, if any, other locations for development were considered or tested, it is not easy to make a judgement. However, we do not believe, based on the little evidence available, that the alternatives have been adequately considered and tested. The fuller assessment which we propose in our answer to Question 4.5 would help to answer this question.

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

In response to Question 4.9a, as far as we can judge, the Transport Topic Paper was completed only after the preferred pattern of development had been identified. Certainly no attempt has been made to assess alternative patterns of development which might have mitigated the serious increase in congestion predicted. This relates to our answer to Question 4.4. As we note there, a further transport appraisal is needed in which a range of development options and a series of ameliorative transport strategies are assessed and compared with one another. We strongly recommend that this is done and considered in Phase 4 of the Inquiry.

In response to Question 4.9b, the 2019 update of the Transport Topic Paper describes the modelling approach adopted. The Council's strategic model uses SATURN, which is a highway network model of traffic flows and speeds, and CUBE, which provides a relatively simplistic representation of other modes and of demand response. It was calibrated to 2016 conditions, which would have been a reasonable approach at the time. However, it is important to note that such an approach:

- has only a limited representation of public transport services
- only provides a rudimentary representation of walking and cycling
- is unable to represent the impacts of alternatives to travel such as online shopping and working from home
- is based on 2016 conditions, compared with which today's travel patterns are markedly different
- and, in predicting an implausible 55% increase in congestion, appears not to be well calibrated in its demand response.

To explain this last point, empirical evidence suggests that, well before such increases in congestion occur, drivers are prompted to choose alternatives which keep patterns of congestion within more limited bounds. The recent International Transport Forum report on reversing car dependency provides helpful evidence on this.

The Council has recently commissioned a new strategic model, based on the VISUM software. This has a much improved representation of public transport, but still fails to represent walking or cycling directly. It is based on 2019 conditions and, we understand, is currently being used to assess options for the Local Plan. Until we see the results of those tests we will be unable to judge whether this model's representation of alternatives to travel or of demand response are more realistic. Some time will be needed to assimilate any results which the Council produces from its new model, and we recommend that the Inspectors propose a timetable for producing those results which will permit them to be adequately reviewed in advance of Phase 4 of the Inquiry.

In response to Question 4.9c, it is important to note that the Transport Topic Paper only assesses impacts in terms of flows, travel times and delays. It says nothing about the other objectives, related to pollution, climate change or accessibility. As noted, it predicts a 55% increase in congestion which, were it to arise, would certainly be judged severe. We recommend in addition that the further appraisal which we propose above assesses the full range of options against a wider range of objectives, and that the results are considered in Phase 4 of the Inquiry.

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

At the time when the Trust was invited to comment on the Draft Local Plan, in 2018, we were not made aware of the significance of the Sustainability Appraisal and were therefore unable to comment on it. We have since reviewed the Sustainability Appraisal, and have some major reservations about its scope and value. However, we assume that we are not entitled to discuss them.

