

CITY OF YORK LOCAL PLAN EXAMINATION

PHASE 2 HEARINGS

MATTER 4: SPATIAL STRATEGY AND SITE SELECTION PROCESS

REPRESENTATIONS BY FULFORD PARISH COUNCIL

Qs 4.1 and 4.2: The Spatial Strategy and its Justification.

- 1 For the reasons given below, FPC considers that Section 3 of the Plan does not set out a coherent spatial strategy which has been being properly assessed and justified.

Q 4.3: Policy SS1 and Sustainable Development.

- 2 Despite its title, Policy SS1 does not provide a comprehensive strategy that would deliver sustainable growth for York, either in its submitted or proposed modified form.
- 3 The first part of the submitted policy simply sets out the amounts of employment and housing development that the Plan intends to provide for in the plan period and up to 2038.
- 4 The second part of the submitted policy sets out "*five spatial principles*" which are said to guide the location of development. The first four are high level environmental objectives whilst the fifth is concerned with previously developed land. These five spatial principles are laudable in themselves but they do not provide an adequate strategic framework to guide the allocation of sites.
- 5 The fifth submitted objective is "*Where viable and deliverable, the re-use of previously developed land will be phased first.*" The Council has now proposed a modification to this objective [PM52 of EX/CYC/58] for the very good reason that the Plan does not phase previously developed sites first. The proposed change is "*Prioritise making the best use of previously developed land.*" However no explanation is given in the policy or its justification of how this prioritisation is meant to occur. As we will show under Matters 3 and 5, the Plan allocates significantly more greenfield land than is necessary to meet its development requirements especially for housing, and there is no phasing policy which

would hold back some or all of the greenfield development. The result is likely to be that greenfield sites are developed before brownfield because they are cheaper and easier. This would frustrate the objective of PM52 and lead to a wasteful use of land.

6 The third part of the policy deals with York City Centre which it says will remain the focus for main town centre uses. This is the only locationally specific guidance in Policy SS1 and applies to a very small part of the plan area.

7 The last part of Policy SS1 says that the identification of development sites is “*underpinned*” by the principle of ensuring deliverability and viability. This is little more than a restatement of national policy. In any case, we will show that it is not carried through into the allocations of the Plan, none of which have been properly tested for viability.

8 In response to concerns raised during the Phase 1 hearings about the lack of an adequate spatial framework for the Plan, the Council has published a proposed modification (PM55) to form part of the explanation to Policy SS1 which says:

“Development is focussed on the main urban area of York and 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.”

9 As this statement is intended to set out the locational strategy of the Plan, it should form part of the policy. The failure to include it as policy has meant that the locational strategy underlying the Plan has not been properly assessed or justified by evidence.

10 Simply as a statement of settlement strategy, PM55 is deficient. It does not state which villages around York are chosen for strategic expansion and what policies will apply to the others. It also does not provide any rationale for those decisions by reference to any settlement study or other evidence.

11 PM55 seeks to justify the new settlement strategy as follows:

“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."

However the Local Plan evidence base provides very little evidence to support this statement, including any assessment of the impact of the new settlements against the reasonable alternatives, including a lower housing requirement. It may be that new settlements are "*less harmful*" than peripheral development but if this harm is significant (especially to the setting and special character of the historic city), their allocation would be contrary to NPPF1 paragraphs 14 and 84. We consider this to be the case as we show under Q4.5.

- 12 The Submitted SA (CD008) does not assess the chosen strategy of three new settlements or the reasonable alternatives, including a lower housing requirement. Only the individual sites are assessed. The last appraisal of settlement strategy was in relation to the Local Plan Preferred Options in June 2013 [SD007a]. Its SA [SD007A] looked at four options:-

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 service.

Option 3: Prioritise development within and/or as an extension to the urban area 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.

SD007A concluded that Option 1 performed better than the other options, including Option 3 which is probably closest to the SLP strategy (although it did not involve strategic expansion of some villages). As such, the Preferred Options SA cannot be said to justify the SLP strategy of three new settlements or their locations. In any event, the new settlement strategy ought to have been reappraised in the light of current development requirements and up-to-date information before submission. This did not take place because it is not the subject of a policy.

- 13 In conclusion, FPC considers that Policy SS1 does not provide an adequate basis to achieve sustainable development and growth in York. Sustainable development has an environmental dimension as well as social and economic ones. FPC considers that Policy SS1 and the locational strategy set out in PM55 does not achieve the appropriate balance, especially as it will lead to significant harm to the setting and special character of the historic city.

Q4.4 Policy SS1 and Sustainable Modes of Transport

- 14 Policy SS1 says the location of development will be guided by a spatial principle of *“directing development to the most sustainable locations, ensuring accessibility to sustainable modes of transport and a range of services.”*
- 15 The chosen strategy for the location for development will not secure this objective. The three new settlements make up nearly 40% of the allocations of the Plan but are locations which are distant from existing services, facilities and concentrations of employment. Although public transport and very basic services are planned as part of these developments, they will be heavily car dependent, especially in the early phases. None of the three new settlements are planned to have secondary schools or incorporate significant areas of employment which are features necessary to secure genuine sustainability.
- 16 The Council has not produced any information about the number or modal split of expected trips from the three new settlements and how they intend to ensure sustainable transport modes are used in preference to the private car. Without this information, their sustainability cannot be properly demonstrated.

Q4.5 The Justification for Locational Strategy in Policy SS1

- 17 For the reasons already given, FPC considers that the proposed approach to new development in Policy SS1 is not sufficiently clear and is not supported by a robust and up-to-date evidence base. In particular there is no reliable information base showing which areas of open land need to be kept permanently open for Green Belt purposes and in particular to protect the setting and special character of the historic city.

SPATIAL DISTRIBUTION OF DEVELOPMENT

Q4.6: The Appropriateness of the Broad Locations and Alternatives.

18 FPC considers that some of the broad locations for development would cause significant harm to the setting and special character of the City and its environment more generally, including the new settlements sites of ST7 (West of Metcalfe Lane), ST14 (West of Wigginton Road and ST15 (West of Elvington Lane). FPC considers that the site selection and appraisal exercises have failed to consider properly issues of setting and special character, and the environment more generally. As a result, there may be alternative sites which could be substituted for some of the more harmful allocations. However, the fundamental issue is the quantum of development which is being planned for. FPC considers (as have previous plan-makers for York) that development requirements should be set at levels that would not cause significant harm to the setting and special character of the City. If this approach is taken, it would inevitably mean that some of the more harmful sites (such as ST15) are deleted without alternatives being allocated.

Q4.7: Factors Influencing the Distribution of Development.

19 This is a question initially for the Council to answer.

Q4.8: The Justification and Use of the Section 3 Factors

20 Section 3 says the following factors have shaped the Plan's proposals for growth: the character and setting of the City; green infrastructure, nature conservation, green corridors and open space; flood risk; and transport.

21 SLP Figure 3.1 shows the areas which the Council has considered as being important to the historic character and setting of the City. As we show later, this plan has driven much of the site selection exercise for housing. However the Council has decided to allocate a strategic site (ST27:the University of York Expansion) within one of the areas identified by Figure 3.1 as important to the historic character and setting of York. The SLP gives no explanation for this.

22 Figure 3.1 was discussed at the Phase 1 hearings where the Council conceded that it did not show all the areas around the City which are important to setting and special

character. The Inspectors identified this as a major deficiency in the Council's evidence base. The Council has sought to overcome the problem by referring in EX/CYC/59 to the Heritage Topic Paper Update [SD103] which sets out six "*principal characteristics*" that are said to help define the special qualities of York such as its compactness and landscape and setting. However SD103 does not identify any specific tracts of open land which contribute to these "*principal characteristics*", either diagrammatically or on a map base. As such, it adds little to Figure 3.1 for the purpose of shaping the growth of the City. Accordingly we consider that the "*historic character and setting*" factor is not supported by robust and up-to-date information.

- 23 SLP Figure 3.2 identifies the areas which are considered to be important green infrastructure. As these are mostly existing designations, they can be taken to be robust, at least at first sight. However the areas shown on Fig 3.2 do not seem to have greatly influenced the SLP proposals. The largest housing allocation of the Plan (ST15) is shown by Fig 3.2 as being within an area of green infrastructure, including a green corridor and a designated wildlife site.
- 24 SLP Figure 3.3 identifies the areas with Flood Zone 3 which we assume is correct.
- 25 The fourth identified factor is transport but little is said about how it has shaped the Plan's proposals. There is no accompanying plan which identifies, for example, sustainable transport corridors or the radial routes which are subject to significant congestion and delay. SLP paragraph 3.2 does suggest that the intention is to locate development so as to avoid increased congestion but this does not appear to have been carried forward by the Plan's proposals (see Q4.9 and SLP Table 15.1). In general the transport information accompanying the Plan is inadequate and out-of-date (see Q4.9).
- 26 In conclusion, the first and fourth growth shapers are not supported by robust and up-to-date evidence. Also it is very unclear how these growth shapers have influenced the development of the Plan. Two major strategic allocations are proposed within areas where Figures 3.1 and 3.2 indicate that development should be restricted.

Q4.9 The Robustness of the Traffic Information

- 27 The transport evidence supporting development distribution is inadequate and out-of-date. The main source of the information is the Transport Topic Paper of April 2018 [EX/CYC/X]

which is based on 2016 traffic data which is now over 7 years old. Its main outputs are in the form of increases in peak hour journey time which means that the impacts on the parts of the system already at or above capacity cannot be properly gauged.

28 However from the limited available information, the SLP proposals would have a severe impact on the A19 Corridor through Fulford which is likely to be the main entry point into the City for some of the largest of the Plan's housing allocations (as well as a proposed new settlement near Escrick just over the York boundary in Selby District). This Corridor is already operating at capacity in the peak and is an AQMA.

29 For these reasons, FPC considers that the transport evidence is not robust or up-to-date or provides a reasonable basis for conclusions on transport impacts by the SA.

Q4.10: The Role of the SA

30 This is a question initially for the Council to answer. However FPC considers that the SA does not adequately assess the impacts of the Plan upon those parts of the City where development proposals are concentrated, including the south-eastern quadrant. The SA focuses on individual allocations rather than their cumulative impacts on different parts of the City. Where there is mention of this, the appraisal is flimsy and the conclusions are implausible (CD008 6.7.8-6.7.14). This failure arises from the lack of adequate policies on spatial strategy and distribution of development which can be properly assessed.

SITE SELECTION PROCESS

Q4.11: Site Selection Process

31 It is clearly for the Council to explain its own site selection process. However, as a stakeholder, FPC has had exceptional difficulty trying to understand how and why decisions have been taken on individual sites. To our knowledge, there is no up-to-date schedule of sites showing how each of the allocated sites and their alternatives have been assessed against the same objective criteria; what judgements have been applied; and why sites have been included or excluded. In order to understand decisions on sites, including those allocated by the Plan, it is necessary to track through old Committee reports, multiple iterations of the Plan and other documentation. Even then, the basis of decisions is not always clear, even on the largest sites. The problem arises from the

Council's site selection methodology. It contains a very large element of subjectivity, the application of which is not clearly explained in the documentation for individual sites. As a result, the whole site selection process is opaque at best.

- 32 FPC is particularly critical of how the site selection process has treated matters such as Green Belt and off-site impacts such as traffic congestion and air quality. In light of the growth shapers of Chapter 3, these should have been given much greater importance in decision-making on sites.
- 33 The SA process seems to have been used more to validate decisions already taken rather than as a genuine input to the plan-making process.

Q4.12: Green Belt in Site Selection.

- 34 Openness is not consistently considered by the Council within the site selection process. It is referred to only occasionally when the Council wishes to dismiss a particular site.
- 35 As far as we can see, the only Green Belt purpose which is taken into account by the site selection methodology is the fourth which is to preserve the setting and special character of the City. Even then, this has been limited to considering the areas shown on SLP Fig 3.1. As the Council now accepts that there are other areas of importance to the setting and special character of York, it means that the site selection methodology has not fully taken into account the need to preserve the setting and special character of the City.
- 36 Up to the time of the Phase 1 hearings, we now know that the Council was wrongly interpreting the first three purposes of Green Belt policy. Therefore any site selection documentation dealing with the Green Belt produced before then cannot be relied on.
- 37 Since the Phase 1 hearings, the Council has published EX/CYC/59 and its Annexes a-f. However these documents do not evaluate the allocated sites against Green Belt purposes (with the exception of the new settlement sites) but limit themselves only to considering the permanence of the outer boundaries. The Council has also not considered alternative sites against its new understanding of Green Belt purposes.
- 38 In conclusion, FPC considers that the Council's site selection exercise is seriously flawed because it has failed properly to take into account Green Belt purposes.

Q4.13: New evidence.

39 This is a question initially for the Council to answer.