

CITY OF YORK LOCAL PLAN EXAMINATION

PHASE 2 HEARINGS

MATTER 6: INFRASTRUCTURE REQUIREMENTS AND VIABILITY

REPRESENTATIONS BY FULFORD PARISH COUNCIL

MARCH 2022

Q.6.1: Key Infrastructure Requirements

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

Q.6.2: The Plan's Approach to Infrastructure Requirements.

2 The Plan does not set out in adequate detail the infrastructure requirements arising from the levels of housing and employment growth proposed by the SLP.

Qs.6.3 and 6.4: The Adequacy of EX/CYC/70.

3 These are questions initially for the Council to answer.

Q.6.5: The Viability and Deliverability of Site Allocations.

4 NPPF1 (footnotes 11 and 12) requires that sites proposed for allocation should be shown to be deliverable and developable, including being capable of being viably developed. Viability is therefore a matter on which the Council should provide robust and up-to-date evidence.

5 The Council has provided a series of viability statements. However, these are chiefly concerned with establishing whether CIL is achievable on different types of sites. Although the latest study (SD018) does refer to strategic sites, it does not seek to assess the sites separately, and in particular does not take into account the high level of abnormal costs which are associated with the development of some of them. Paragraph 1.6 of SD108 confirms its limited scope, saying:

*"The approach to assessing plan viability in this report should be recognised as providing **only a high-level assurance** that the policies within the PDRC 2018 are set*

*in a way that is compatible with the likely economic viability. It **cannot guarantee that every development in the plan period will be viable, only that the plan policies should be viable for most sites.***" (our emphasis)

- 6 The Council has recently produced EX/CYC/70 which purports to set out key infrastructure requirements for the strategic sites. It lists nine of the strategic sites as requiring major highway improvements but provides no costings, not even indicative ones.
- 7 FPCs primary concern is with Site ST15, West of Elvington Lane. To provide access it requires the construction of a grade-separated junction onto the A64 and a 1.5km long access road. None of these transport infrastructure items have been costed, possibly because there is no agreement with Highways England about the position or layout of the new junction. However, conservatively, the cost will be between £20 million and £30 million and will probably have to be delivered before there are any housing starts on site. This is a massive financial burden to any developer. In addition, the developer will have to provide two primary schools on-site (at an estimated cost of £28 million) plus community facilities, large areas of open space and significant ecological compensation measures. Finally, Policy SS13 says high quality bus access would be necessary from the initial stages which would require developer funding running into several million pounds. None of these abnormalities (apart from the primary schools) have been costed. Our conclusion is that without very substantial public funding, the site is not viable now nor in the foreseeable future, even without any affordable housing. The Council has indicated some funding may come from Homes England as ST15 is a garden village. However, the level of abnormal costs required by the access arrangements would dwarf any potential funding from this source. The Plan itself accepts the doubts over viability. SLP paragraph 3.27 says:-

"The viability of delivering significant or improved transport infrastructure (for ST15) must be considered and evidence provided to demonstrate its robustness."

This statement is at odds with NPPF1 paras 47 (footnotes 11 and 12) and 159 which make clear that the onus is on the Council to demonstrate likely viability and deliverability at the plan-making stage rather than when determining a planning application. This guidance is particularly important to sites such as ST15 which are central to the achievement of the Plan's development requirements and spatial strategy.

Q6.6: The Viability Assessment for Allocations

- 8 See our answer to Q.6.5.

Q.6.7. The Viability of The Plan

9 FPC's conclusion is that the Council has not established the financial viability of the SLP's policies and proposals. Site ST15 is, of course, central to the delivery of the Plan's spatial strategy.

Q.6.8: Mitigation.

10 FPC considers that many of the policy requirements of the Plan designed to mitigate impacts are too ambiguously worded and should be strengthened. Our Publication Draft representations set this out in more detail.