

CITY OF YORK LOCAL PLAN

PHASE 2 HEARINGS

MATTER 1: STRATEGIC VISION, OUTCOMES AND DEVELOPMENT OBJECTIVES

STATEMENT BY FULFORD PARISH COUNCIL

MARCH 2022

Q1.1: The Strategic Vision and Development Principles

- 1 Policies DP1, DP2 and DP3 set out a series of high level objectives for plan-making in York. Most of these are unobjectionable in themselves. However what is missing is any policy guidance about how conflicts between these often competing objectives can be reconciled, in particular those of promoting development and conserving and enhancing the City's "*outstanding historic and natural environment.*" This is clearly of importance as Policy DP1(vi) recognises that preserving the City's outstanding environment is of "*wider economic importance to increased investment, employment and wealth within both the Leeds City Region and the York, North Yorkshire and East Riding LEP area.*" Without such guidance, Policies DP1, DP2 and DP3 do not provide a clear and appropriate framework for the policies set out in Section 3 of the Plan, including the spatial strategy.

Q2.2: The Justification for the Development Principles

- 2 Policy DP1(i) states that York will fulfil its role as a key economic driver within both the Leeds City Region and the York, North Yorkshire and East Riding LEP areas. Similarly Policy DP1(iii) states that the housing needs of the City's current and future population, including that arising from institutional growth, will be met within the York local authority area. These are probably the two most important policy statements in the Submitted Local Plan (SLP) because they drive much of the rest of the Plan including the spatial strategy and the need for the new settlements. As such, they need to be fully justified both in terms of national policy and robust and up-to-date evidence.
- 3 NPPF1 (para14) says that local plans should meet objectively assessed needs. However it makes two exceptions. The first is where "*any adverse impacts of doing so would*

significantly and demonstrably outweigh the benefits, when assessed against the policies in (the) Framework taken as whole." The second is where "*specific policies in (the) Framework indicate development should be restricted.*" In this regard, Footnote 9 lists the relevant policies as including Green Belt. It follows from NPPF1 paragraph 14 that local planning authorities should carefully consider what harm may be caused by meeting needs in full and, if it is significant, whether needs should be met in full. This particularly applies to a historic city such as York which is of national and international heritage importance and where the primary purpose of the Green Belt is to protect the setting and special character of the City. Previous plan-makers for York have recognised the need to carry out a similar balancing exercise and found in favour of protection.

- 4 Despite the importance to the Local Plan, the Council has not specifically considered NPPF1 para 14 and whether current development needs should be met in full or if the harm in doing so would justify meeting them only in part. The expectation of the Government is that there would be explicit consideration of this point. This is especially relevant for a local plan that is setting Green Belt boundaries for the first time for a historic city of the international importance of York. By failing to carry out this exercise, the Council has not complied with national policy. The Council may seek to rely on the Sustainability Assessment (SA) in this regard but a sustainability appraisal is not a substitute for a planning judgement arrived at after considering and weighing all the necessary evidence and alternatives. In this regard, we note that the Council has not assessed any lower housing growth figure than the submitted one of 790dpa.
- 5 The latest SA [EX/EYC/24a] does conclude (5.3.13) that the housing growth figure of 790dpa would have "*no significant negative...effects*". However this conclusion is not reliable as:
 1. The 790dpa figure is assessed as having only "*a minor negative/(?)*" impact on SA Objective 12 which is to improve air quality. However this conclusion is not supported by the evidence. Most problems of air quality in York are caused by traffic congestion, especially on the main radial routes into the City and the inner ring road. SLP Table 15.1 shows that the Plan's proposals would greatly increase traffic volumes and congestion along these key routes which is bound to significantly worsen air quality. Some of the roads expecting the greatest increase in traffic congestion are already designated AQMAs. On this basis, the impact on air quality is likely to be more than minor.

2. The 790dpa figure is assessed as having "*minor positive and negative*" effects on SA Objective 6 which is to reduce the need to travel and deliver a sustainable integrated transport network. This assessment does not stand up well against the increases in traffic and congestion which are identified by SLP para 5.15, including a predicted increase in travel time across the City's network of 30% and an increase in network delay of approximately 55%. Also a substantial amount of the land allocated to meet the 790dpa figure is in locations which are distant from existing services and facilities and will be heavily reliant on the private car, especially in the early phases. Examples include the new settlement sites of ST14 and ST15. On this basis, the impact on the transport network of the housing proposals is likely to be much more adverse than "*minor positive and negative.*"
3. The 790dpa figure is assessed as having only a minor impact on the SA Objectives 14 (To conserve or enhance York's historic environment, cultural heritage, character and setting) and 15 (To protect and enhance York's natural and built landscape). This assessment is implausible when considered in the context of the amount of greenfield land which the SLP allocates on the edge of the city and the extent of harm which some of the individual allocations are assessed to cause. As we have already said, the Council's latest evidence (EX/CYC/59) comes to no conclusion about overall harm which will be caused to the character and setting of the historic city by the SLP housing and employment proposals. Without such an assessment the SA appraisal of Objectives 14 and 15 cannot be considered robust.

6 Similar criticisms can be made about the SA of the employment requirement.

7 For these reasons FPC considers that CYC has not justified the statements in Policy DP1(i) and (iii) that housing and employments needs should be met in full. Instead, FPC considers that the Local Plan development requirements should be reduced to levels that would not cause significant harm to the setting and special character of the City or its environment more generally. Such a reduction would be fully in line with NPPF1 para 14.

Q1.3:The Overall Strategic Approach

8 See response to Q1.2.

Q1.4: The Sustainability Appraisal

- 9 FPC considers that the SA accompanying the Plan is significantly flawed to a point that it does not meet legal requirements. In particular many of its judgements are partial, are not based on reliable evidence, and in some cases are perverse. We have already given examples above of this in relation to the housing growth figure.
- 10 A major problem with the SA is that it has to draw on the Council's flimsy evidence base to arrive at its conclusions. Without a reliable and up-to-date evidence base, many of the SA conclusions are speculative at best and often ill-founded.
- 11 Unlike many other plan-making authorities, CYC has not produced topic papers on key matters such as settlement strategy, housing, employment, air quality and the natural environment which summarise the available evidence and come to conclusions about the impacts of the Plan, including potential harm. Instead the information on these key topics is scattered over a variety of documents of varying age and relevance, including some which were not produced for the local plan.
- 12 The only topic papers produced by CYC are for green belt, transport, and heritage. Even these documents are significantly flawed.
- 13 The Council has produced several iterations of the Green Belt Topic Paper which we discuss in detail under Matter 7. However the key point here is that the Council has not revised the SA to take into account EX/CYC/59 with its new understanding of Green Belt purposes including the land required to protect the setting and special character of the historic city. In the absence of this information, the conclusions of the SA on Objectives SA014 and SA015 cannot be soundly based. It should be noted that EX/CYC/24a Table 5.4 shows the cumulative effect of the Local Plan proposals on these two SA objectives as "*significantly positive*" which is implausible given the amount of open land which is proposed to be taken for development.
- 14 The Transport Topic Paper is a very slight document. The main information given is on the potential increase in journey time in the peak hour but this is of little assistance in assessing impact as some of the radials are already operating at or above capacity. In such circumstances, the effect of increased traffic will be peak-spreading rather than increased journey times in the peak hour. As such, the topic paper provides little assistance to understanding the full transport impacts of the Plan's proposals. However we know this will be substantial from SLP para 15.15 which says that the predicted increase in travel time across the City's network will be 30% and the increase in network

delay will be approximately 55%. On this basis, it is implausible for EX/CYC/24a to show the cumulative impact of the Local Plan proposals as being "*significantly positive*".

- 15 The Heritage Topic Paper (and its later Heritage Impact Assessments) are useful but do not provide a comprehensive study of which areas of open land should be kept permanently open to protect the setting and special character of the City and which are do not. There is no landscape evaluation of the roles of open land around the City; there is no assessment of which are the important views into the City from outside including the major transport routes; and there is no assessment of the value of the open land beyond the Outer Ring Road to setting or special character. Without such a study, any conclusions on SA Objectives SA14 and 15 are without a robust information base.
- 16 The SA takes no account of the impacts of off-site infrastructure which is required to develop some of the strategic sites. For example, the proposal for a new grade-separated junction onto the A64 to access Site ST15 is not even acknowledged, let alone assessed by the SA. This junction will have a significant impact upon the setting of York in the south-east of the City.