

CITY OF YORK LOCAL PLAN
PHASE 2 HEARINGS
STATEMENT BY FULFORD PARISH COUNCIL
ON THE LOCAL PLAN SUSTAINABILITY ASSESSMENT
MAY 2022

Introduction

- 1 This additional statement has been prepared at the request of the City of York Council (CYC) to set out the Parish Council's views about the adequacy of the Sustainability Assessment (SA) which has been prepared to accompany the City of York Local Plan. Wherever possible, references are made to the latest relevant version of the SA as it has evolved since submission of the Local Plan. The request by CYC followed verbal submissions which were made by the Parish Council at the hearing session on 10 May 2022.

The Main Criticisms of the Parish Council

- 2 Fulford Parish Council considers the SA is significantly flawed in the following ways:
 1. Important parts of the SA are not based on a reliable and up-to-date evidence base which makes its conclusions unreliable.
 2. The lack of any SA of the spatial distribution strategy which underlies the Local Plan or its reasonable alternatives.
 3. The failure to consider lower reasonable alternatives to the housing growth figure preferred by CYC.
 4. The inclusion of judgements on key impacts which are unreasonable.
 5. The failure to consider the significant impacts of required off-site infrastructure which are essential to the development of key sites within the preferred spatial strategy.
- 3 At the 10 May hearing session, the Parish Council gave examples of these failings. Subsequently at later hearings the Inspectors asked the Parish Council to include in this statement its concerns regarding the assessments of the housing and employment growth figures. These are included as Appendices to this statement

The Lack of a Reliable and Up-to-date information Base

- 4 NPPF1 paragraph 158 requires that a Local Plan should be based on “adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area.” The Parish Council considers that the Local Plan fails this test. The SA should draw on the Local Plan evidence base to identify potential impacts and make conclusions on whether they are likely to be significant (PPG 11-018). In this regard, SAs should identify all significant impacts associated with the Local Plan. If the SA is not based on adequate information, it cannot do so

- 5 The Parish Council gave examples at the Matter 1 hearing session of subject areas where it considered the Local Plan evidence base was so deficient that reasonable conclusions could not be reached about the impacts of the preferred option and its alternatives. These were:
 1. **Air Quality.** SA Objective 12 (SAO12) is “to improve air quality”. The guide questions used by the SA in relation to this objective include “improve air quality in AQMAs” and “avoid locating development where it could negatively impact on air quality.” Air quality is a major issue within the City. The Submitted Local Plan (SLP) paragraph 12.2 says that there are a number of areas within York where the national health air based air quality objectives are being exceeded and Figure 12.1 identifies Air Quality Management Areas (AQMAs) covering significant parts of the City. One of these AQMAs is the A19 Corridor through the centre of Fulford. The SLP (12.2) also makes clear that the main source of air pollution is traffic. We know from SLP paragraph 14.15 that the Plan’s development proposals will substantially increase traffic and congestion within the City as a whole, modelling a predicted increase in travel time of approximately 30% and an increase in network delay of approximately 55%. We also know from Table 15.1 that the main roads within the AQMAs (Routes 3 and 5) are identified as having some of the largest increases in congestion. In the case of the Fulford AQMA there is a predicted increase in journey time delay of 39.7% during the PM peak hour (inbound). Despite these very large increases in modelled congestion, the Local Plan evidence base contains no technical study, even at a very high level, of the impacts that the plan proposals or their reasonable alternatives will have on air quality and particularly that within the AQMAs. As a result the SA cannot reasonably identify potential air quality impacts or whether they are significant. Its attempts to do so are entirely speculative in the absence of any technical study.

 2. **Traffic.** SA Objective 6 (SAO6) is to “reduce the need to travel and deliver a sustained integrated transport network.” One of the guide questions used by the SA in relation to this objective is whether the proposal will “improve congestion.” However the Local Plan evidence base contains no information- high level or otherwise- of the impact that

individual proposals will have on the highway system in terms of traffic generation or impacts on congestion. This even applies to the proposed new settlements which will have very significant impacts on the highway system over a very wide area, including the A64 which serves not only York but is the main route from Scarborough to the national motorway system. As a result the SA cannot reasonably identify potential traffic impacts of development proposals or whether they are significant.

3. Historic Character and Setting. SA Objective 14 (SAO14) is to “conserve or enhance York’s historic environment, cultural heritage, character and setting.” Its guide questions include whether the proposal will “preserve or enhance the special character and setting of the historic city.” SLP Figure 3.1 shows the areas which the Council says are important to the historic character and setting of York. However during the Phase 1 hearings CYC conceded that there are other areas which are important to character and setting which are not shown by Figure 3.1. CYC has sought to identify these areas by its latest Green Belt work but it has not updated the conclusions of the SA on SAO14 as a result. In any event the Parish Council has major criticisms of the adequacy of this new work which are set out in our Matter 7 Statement and which we will wish to explore during the relevant hearing session.

4. Landscape. SA Objective 15 (SAO15) is to “protect and enhance York’s natural and built landscape.” The guide questions include whether the proposal will “preserve or enhance the landscape including areas of landscape value.” The Local Plan evidence base contains no landscape study which identifies areas of value or tranquillity (NPPF1 paragraph 123). As a result the SA cannot reasonably identify potential landscape impacts of proposals or whether they are significant.

The Failure to Assess the Plan’s Spatial Distribution Strategy

6 During the Phase 1 hearings, the Inspectors indicated their view that the Spatial Strategy section of the SLP was deficient insofar that it contained no clear statement of the spatial distribution strategy which underlies the Plan including the proposed restriction on peripheral development around the main urban area and the development of new settlement sites. In response, CYC published a proposed modification to the Plan (PM55 of EX/CYC/58) which includes the following text:

“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.”

- 7 The spatial distribution strategy set out in PM55 is not assessed by the SA accompanying the Proposed Modifications (EX/CYC/62). This is presumably because it is not written as policy despite the fact that the strategy forms the basis for the strategic allocations which are made by the Plan. As a result, the significant impacts associated with this strategy are not identified by the SA, and the reasonable alternatives to it (such as a greater focus of development on the main urban area without new settlements or developing a single larger new settlement or spreading the required development more widely over the larger settlements within the Plan area) are not assessed. The Parish Council does not necessarily advocate any of these alternatives but they should have been assessed by the SA as they are “realistic and deliverable” (PPG 11-018).
- 8 When this issue was first raised at Phase 1 hearings, CYC sought to rely on the SA carried out in 2013 on the Preferred Options. This assessed four options but none included the spatial distribution strategy now set out in the SLP which includes limited peripheral development around the main urban area, three new settlements, and strategic expansion of Haxby together with limited development of some other villages. In any event, an assessment carried out in 2013 with different development requirements does not preclude the need to assess the spatial distribution strategy underlying the SLP or its reasonable alternatives.

Reasonable Alternatives

- 9 The SA fails to consider reasonable alternatives in some important cases. We have given the above example of such a failure. Another example is the failure of the SA to assess a housing requirement below the preferred option of 790dpa. The only reasonable alternatives assessed are above this figure and include 867dpa, 953dpa and 1070dpa. No reasons are given why a lower requirement has not been assessed. A lower figure would form a reasonable alternative especially as it would have significant environmental benefits by better protecting the special character and setting of the historic city and reducing adverse impacts on traffic and air quality.

Failure to Consider Impacts of Essential Off-Site Infrastructure

- 10 This failure particularly applies to the assessment of Strategic Site ST15: West of Elvington Lane but is also relevant to ST14: Land West of Wigginton Road. In this context, off-site infrastructure mainly relates to the new roads and other transport infrastructure which are outside the allocated site but essential to its development.
- 11 The development of Site ST15 requires the construction of a new grade-separated junction onto the A64 to the south of Heslington and a new 1.5km road crossing open countryside

which will link the new settlement with the new junction. CYC has never published any plans of the proposed grade-separated junction, probably because there is no agreement with National Highways England about it. However Langwith Development Partnership has helpfully had a plan prepared by consultants which is incorporated in their evidence at Publication stage. This four-way grade-separated junction with its massive earthworks, together with the new access road linking the new settlement, would have very significant impacts on the character of the open countryside on the south-east side of York, including the setting of Heslington. However the SA takes no account of this new infrastructure in its appraisal of ST15 which must make it deficient.

Failure to Identify Significant Impacts

- 12 NPPF1 (165) makes clear that a SA should identify all the likely "significant" effects of local plan policies and proposals on the environment, economic and social factors. The relevant PPG makes the same point.
- 13 The SA fails to identify all the likely significant impacts from the plan policies and proposals. In particular it fails to identify significant negative impacts even when these are obvious from the Council's own local plan evidence base and sometimes from the SA's own commentary. Many of the judgements made about what is or is not significant are unreasonable. The list is very long and here we give two examples from EX/CYC/62 which is the SA accompanying the Composite Modifications (May 2021):
 1. Table 4.3 (page 43) sets out the cumulative impact of the Plan's policies and proposals upon the SA Objectives. Under SAO6 (Transport), it assesses a significant positive impact (++) despite the clear evidence set out in the SLP itself of the significant traffic congestion which the plan proposals will cause (paragraph 14.15 and Table 15.1). Under SAO12 (Air Quality), it assesses minor positive and negative impacts but no significant impacts. Given the increased levels of congestion within the designated AQMAs, this assessment seems unreasonable, especially as it is not supported by any technical evidence. Under SAO14 (Cultural Heritage which includes the special character and setting of the City) and SAO15 (Landscape) it assesses significant positive impacts despite the fact that the Plan proposes large development allocations in areas of open countryside which form part of the setting of the historic city.
 2. Table 4.2 sets out the assessment for the allocated strategic sites. Many of these assessments seem unjustified but of particular note none of the strategic housing sites are shown as having a significant negative impact on SAO6 (Transport) or SAO12 (Air Quality) despite the large increase in traffic congestion identified by the Plan which would be mainly caused by these allocations. Similarly Site ST27 is shown as only

having a minor negative impact on SA014 (Cultural Heritage) despite the fact that it is shown by SLP Fig 3.1 as essential to remain open to protect the special character and setting of the City.

The Criteria Used to Assess Significant Impacts of Strategic Sites

14 These criteria are set out in Table 4.3 of EX/CYC/62 (and in previous SA documentation). Our principal concerns are as follows:

- 1. SA06 Reduce the Need to Travel.** One of the main objectives of this SA Objective is to “improve congestion”. However none of the site assessment criteria refer to impacts on the City’s highway network. They are solely concerned with proximity to roads and public transport services.
- 2. SA07 Greenhouse Gases.** One of the main objectives of this SA Objective is to “reduce or mitigate greenhouse emissions from all main sources.” These sources must include traffic. It is therefore unreasonable that the only criterion listed is the “potential to incorporate/connect to District Heating and Combined Heat and Power Networks.” There is no reference to traffic generation or proximity to higher or lower order facilities such as schools, comparison shops or employment.
- 3. SA08 Biodiversity** Table 4.3 indicates that a strategic allocation that results in the loss of whole or part of a non-statutory designated site of nature conservation interest (SINCs) would only be recorded as having a minor negative impact. This is at variance with one of the intentions of SA08 which Table 2.1 of the same document says is to “protect and enhance locally important nature conservation sites (SINCs).” It is also inconsistent with SLP GI2 which seeks to avoid loss or significant harm to SINCs. In this light, the loss or significant harm of a SINC should be considered to be a significant negative impact.
- 4. SA014 Historic Environment and SA015 Landscape.** The only reference here is to the Heritage Impact Assessment. However we have already made the point that the Heritage Impact Assessment is not a reliable or up-to-date source for assessing impacts either on the setting and special character of the City or its landscape.

As a consequence of using these flawed criteria, the SA does not identify all significant impacts.

Conclusions

15 Section 19 of the Planning and Compulsory Purchase Act requires a local planning authority to carry out a SA of each of the proposals in a Local Plan during its preparation. The purpose of the SA is set out in both the NPPF and the PPG. NPPF paragraph 165 says:

“A sustainability appraisal which meets the requirements of the European Directive on strategic environmental assessment should be an integral part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.”

The PPG makes the same point about identifying all significant impacts. It also says that the SA must consider all reasonable alternatives and assess them in the same level of detail as the preferred option.

16 The Parish Council considers that the SA accompanying the Plan fails these tests for the above reasons which can be summarised as follows:

- it has not identified all the significant impacts which will be caused by the plan’s policies and proposals;
- it has not identified all the appropriate reasonable alternatives;
- it has not assessed the spatial development strategy which underlies the Plan;
- some of its key assessments are unreasonable.

APPENDIX 1

THE ASSESSMENT OF THE EMPLOYMENT GROWTH FIGURE

The Parish Council considers that the assessment of the employment growth figures set out in Submitted SA Appendix N (CD009D) is not adequate as it fails to identify all the significant impacts for the following reasons:

- **SA006 Reduce the Need to Travel.** This objective is scored as having a positive and negative minor impact. The reason for this is set out in the commentary which says that the preferred growth option “could help balance housing and employment provision, reducing net commuting.” This statement is inconsistent with the evidence of the Council that the preferred growth option would lead to greater in-commuting except if matching amounts of housing development are allowed which are well in excess of York’s demographic needs. In reality the preferred growth option would have a significant impact on the need to travel.
- **SA007 Minimise Greenhouse Emissions.** This objective is scored as having a negative minor impact. This seems to be based on the same misunderstanding as SA006 about the impact of the preferred jobs growth on net commuting because it refers to the same point. In reality the preferred growth option would have a significant impact on greenhouse emissions.
- **SA012 Air Quality** This objective is scored as having a minor negative impact(?). However this is inconsistent with the SLP itself on the increases in traffic congestion which will result from the planned employment and associated housing growth.
- **SA015 Heritage and SA016 Landscape** These objectives are scored as having only a minor negative impact. However the SLP is forced to allocate two sites (ST27 and ST37) to meet it which are shown as being important to keep open to preserve the historic character and setting of York. The impact must be significant.

APPENDIX 2

THE ASSESSMENT OF THE HOUSING GROWTH FIGURE

The Parish Council considers that the assessment of the housing growth figures set out in the Composite Modifications SA Appendix B (EX/CYC/62) is not adequate. In addition to not assessing a lower requirement than 822 dwellings, it fails to identify all the significant impacts for the following reasons:

- **SA006 Reduce the Need to Travel.** This objective is scored as having a positive and negative minor impact. The reason for this is set out in the commentary which makes no reference to the significant traffic congestion which the Plan's housing and employment growth targets will cause and which is highlighted in the SLP itself.
- **SA007 Minimise Greenhouse Emissions.** This objective is scored as having a minor negative impact. This scoring ignores the point that the new settlements required to accommodate the housing growth would be distant from higher order services, facilities and employment and would be highly dependent on the private car especially in the early phases before any basic facilities are provided. In reality the preferred growth option would have a significant impact on greenhouse emissions.
- **SA008 Biodiversity** This objective is scored as having a minor negative impact(?). The new settlement (ST15) required to accommodate the preferred level of housing growth would require the loss of a major part of a large SINC. It would also require substantial greenfield releases. In reality the preferred growth option would have a significant impact.
- **SA012 Air Quality** This objective is scored as having a minor negative impact(?). However this is inconsistent with the SLP itself on the increases in traffic congestion which will result from the planned employment and associated housing growth.
- **SA015 Heritage and SA016 Landscape** These objectives are scored as having only a minor negative impact. However the level of preferred housing growth would have a major impact on these two objectives, including the development of new settlements beyond the Outer Ring Road which are unrelated to the existing settlement structure. The impact must be significant.

