

**CITY OF YORK LOCAL PLAN**

**PHASE 3 HEARINGS**

**MATTER 7: LAND WEST OF ELVINGTON LANE**

**STATEMENT BY FULFORD PARISH COUNCIL**

**JULY 2022**

**Q4.4 Is the allocation and associated Policy SS13 relating to ST15 soundly based?**

- 1 This question breaks down into two different parts. The first is whether the allocation itself is sound. The second is whether Policy SS13 provides a sound framework for the new settlement if it proceeds.

**The Soundness of the Allocation**

- 2 FPC considers that the ST15 allocation is unsound for the following principal reasons:
  1. It would have an unduly harmful impact on the Green Belt.
  2. The proposal does not accord with the Local Plan spatial strategy.
  3. The proposal would be contrary to policies to safeguard designated areas of wildlife importance.
  4. The proposal would have unacceptable traffic impacts.
  5. The proposal would not result in a sustainable new settlement.
  6. The proposal is not viable or deliverable.

In overall terms the proposal is contrary to national policy and not supported by robust evidence including an adequate SA.

**Green Belt**

- 3 There should be no dispute that the ST15 site fulfils Green Belt purposes. The issue is therefore the extent of harm rather than whether harm is caused.

4 NPPF1 states that the key characteristic of Green Belt is openness which is normally defined as a lack of buildings and other urban features. The site of ST15 is currently part of a much larger tract of open countryside extending southwards between Fulford, Heslington and Elvington. The proposal would not only result in the direct loss of 159ha of this open countryside to building but also the introduction of significant urbanising features over a wide area around the new settlement, including:

1. A new 1.5km access road with street lighting linking ST15 with the A64.
2. A new grade-separated junction onto the A64 south of Heslington. CYC has produced no plans of this proposed junction but LDP's plans show a four-way junction stretching some 700m along the A64 and involving large raised slip-roads to provide access onto the elevated strategic road. The junction would have to be permanently lit.
3. The creation of a cycle and pedestrian route to Heslington along Langwith Stray/ Long Lane and Common Lane. These currently narrow rural roads would have to have street lighting to provide safe routes at times of darkness.
4. The creation of a new 0.5km access road with street lighting linking the new settlement with Elvington Lane.

These features would introduce alien urban features into an otherwise open and visually attractive rural landscape to the south of Heslington. The combined effect of ST15 and its associated highway infrastructure including street lighting would be a substantial loss of openness well beyond the boundaries of the site. CYC's evidence base, including the Green Belt appraisal and the SA, takes no account of the impacts of this off-site infrastructure upon the environment, including visual intrusion and noise.

5 The primary purpose of the York Green Belt is **to preserve the setting and special character of the City**. ST15 and its associated highway infrastructure would damage the primary purpose in the following ways:

1. The Heritage Topic Paper (SD103) says that the open setting of York is one of most important "*character elements*" contributing to the special character of City as are views outwards from the Outer Ring Road. In this regard, the open countryside south of Heslington is of particular importance as it is highly visible from the A64 and is also one of the most tranquil and rural around York. There are very few urban features other than the Ring Road. ST15 would introduce a new settlement of over 3300 dwellings into this relatively unspoilt area of

countryside plus the highly urbanising road infrastructure, including long lengths of street lighting. The effect would be to urbanise a significant part of the countryside setting south of the City, including that of Fulford and Heslington.

2. ST15 would be within the vulnerable gap between Heslington and Elvington. This gap is an important part of the setting and special character of York. The combined effect of the new settlement, the associated highway infrastructure and the University expansion would be physically to reduce the gap and to make it much more urban in character.
3. The route of the Minster Way (a long distance footpath linking York and Beverley) runs around the western and northern boundaries of ST15. SD103 (page 60) refers to it as an example of the "*long distance uninterrupted recreation routes with cultural significance through countryside*" which are key features within the landscape and setting of the City. Although ST15 would not sever the footpath route, it would make it much more urban in character and less attractive for users.
4. SD103 (page 60) refers to "*airfields with large expanse of openness/cultural heritage/habitat*" being a key feature within the landscape and setting of York. Elvington Airfield with its "*uncommon grassland habitat and birds because of extensive open nature*" is specifically referred to by SD103 as having particular significance in this regard. ST15 would lead to the loss of a substantial part of the Airfield for housing development, significantly reducing its cultural and landscape integrity. Applying SD103, significant weight should be given to this damage to the setting and special character of the City.

In comparison, CYC's Green Belt evidence on ST15 (as set out in EX/CYC/59g) does not even consider the urbanising impact of the necessary highway infrastructure nor does it give weight to the impacts on the Minster Way and Elvington Airfield. As such it cannot be considered an adequate examination of the impacts upon the setting and special character of the City.

- 6 The proposal would result in **urban sprawl** as it would introduce urban development into an area of currently open countryside with the southern boundaries not being well defined. If allowed, it would also create pressure for expansion in the future, leading to further harmful urbanisation.
- 7 FPC accepts that there would be no harm to the **second Green Belt purpose**. However there would be significant harm to the third purpose which is "**assist in safeguarding**

**the countryside from encroachment.”** This harm would arise not only from the development of the 159ha but the urbanising effect of the new settlement and its associated infrastructure on the surrounding countryside up to Heslington.. EX/CYC/59g says the harm would be “*minor to significant*” but this takes no account of the impacts of the required road infrastructure.

- 8 In conclusion, ST15 would cause significant harm to openness, the setting and special character of the City, and two of the other Green Belt purposes.

### **The Spatial Strategy**

- 9 Policy SS1 sets out the overall Local Plan spatial strategy. It states that the location of development through the Plan will be guided by five spatial principles, the first of which is:

*“Conserving and enhancing York’s historic and natural environment. This includes ...internationally, nationally and locally significant nature conservation sites, green corridors and areas with an important recreation function.”*

Figure 3.2 identifies York’s green infrastructure which Policy SS1 seeks to conserve and enhance. It shows ST15 as being both within a green infrastructure corridor and part of a designated nature conservation site. The clear implication is that ST15 is an area which the spatial strategy seeks to guide development away from. This is confirmed by Local Plan para 3.6 which states:

*“Protection of areas with nature conservation value is viewed as a key element in ensuring sustainable development....For this reason internationally, nationally and locally significant nature conservation sites, along with appropriate buffers, will be excluded when considering future potential development locations. (shown in Figure 3.2).”*

From this, the only possible conclusion is that ST15 conflicts with the Plan’s spatial strategy and should not have been taken forward as a potential housing site.

- 10 FPC also considers that ST15 conflicts with other key parts of Policy SS1 including the need to preserve the City’s character and setting and to prevent unacceptable levels of congestion and air quality.

### **The SINC**

- 11 Over a third of ST15 is within the locally designated Elvington Airfield SINC. As we shown, this is in conflict with Policy SS1. It is also in potential conflict with Local Plan Policy GI2

which seeks to avoid “*loss or significant harm*” to SINC, whether directly or indirectly. The policy allows for compensatory measures “*as a last resort*” where it can be demonstrated that “*there is a need for the development in that location and the benefit outweighs the loss or harm.*” However in this case there has been no proper appraisal of alternative sites which are not designated nature conservation sites.

- 12 The Local Plan proposes a new nature conservation area to the west but Policy SS13 says that its purpose is to protect the Heslington Tillmire SSSI from harm rather than to compensate for the loss of the SINC.
- 13 In conclusion, the direct loss of a substantial part of the SINC for development purposes is in conflict with Policy SS1. There will also be indirect harm to the remainder caused by the presence of such a large housing development. No evidence has been presented that it can be adequately compensated for.

### **Traffic Impacts**

- 14 The SoCG with National Highways (May2022) states that “*there is a need for an overall access strategy for site ST15, to review accesses from Elvington Lane and any new grade separated junction on the A64.*” The SoCG also states that agreement has not been reached on “*whether schemes to mitigate significant impacts of Local Plan development on the A64 can be developed and delivered within the required timescales.*” In this context, ST15 would have much the greatest impact on the A64 of all the Local Plan development. As it stands, there is no evidence that the impacts of ST15 on the strategic road network would be acceptable, including on the Fulford and Grimston Bar interchanges.
- 15 During the Phase 2 hearings, CYC promised to produce new modelling data on the impacts of the Local Plan development proposals. This was only produced on 30 June so so we are unable to make any written representations on it. This puts us at a significant procedural disadvantage at the hearing session.
- 16 Consequently, ST15 cannot be said to be justified in highway terms. The present evidence indicates that the residual traffic impacts would be severe (NPPF para 32).

### **Sustainable Settlement**

- 17 Policy SS13 says that the intention of the allocation is to deliver a new “*sustainable*” garden village for York. However, in reality, the allocation will be heavily car dependent especially in its earlier phases when travel patterns are being formed as:

1. The proposal will not be genuinely mixed-use. It includes very little employment so most people will need to travel outside for work. Also the village will provide only the most basic facilities in terms of local shops and services. For most higher order facilities, people will need to travel into York. It is also questionable at what stage in the development even basic commercial facilities would be provided.
2. At the planned size, the village would not be large enough to support a secondary school. Therefore a large proportion of children would need to travel to York for their education, probably by motor vehicle.
3. Although Policy SS13(x) says that new nursery and primary provision would be required *"to serve the earliest phases of development"*, the January 2022 Updated Gantt Chart (EX/CYC/70a) shows the primary schools only being delivered by 2031/32 after 1280 dwellings had been completed. EX/CYC/79 (page 14) justifies this late provision as follows:

*"The yield analysis evidences the financial risks of providing a new school too early in a development... There would be a risk of a struggling new school failing to attract staff and pupils in the medium and long-term. If necessary, expansion or temporary provision nearby should be considered for the early years of a development... This is likely to be a particular issue for the largest of the sites with extended build-out..."*

In consequence nursery and primary school children would have to travel out of the settlement for a lengthy period to receive education which is not sustainable. Moreover there is a fundamental conflict between the Policy SS13(x) requirement and EX/CYC/79.

4. The existing main urban area is some 3.5kms to the north of ST15 (measured from the urban edge to the centre of the site). It is therefore well beyond the 1km *"acceptable"* and 2km *"maximum"* walking distance for most trips recommended by the IHT. As the journey also crosses open countryside, it is unlikely to be attractive for regular users, especially in winter or adverse weather.
5. Most of York including the city centre is more than 5kms from the site. This is the maximum distance which studies show that cycling has the greatest potential to substitute for short car journeys. A reasonable conclusion is that cycling is unlikely to be attractive for most journeys outside the new settlement.

6. Usage of the bus for journeys will be dependent upon the final access strategy for the site. Services using Elvington Lane would be significantly less attractive than those using the grade-separated junction directly to Heslington and beyond. Whichever access strategy is adopted, the type of service envisaged by CYC (10 minute frequency delivered early in the site's development) would require a subsidy well beyond the £2million allowed for in the Viability Study. It is likely to be unachievable.

### **Deliverability and Viability**

- 18 The NPPF requires housing allocations to be developable in the sense that sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged. FPC considers that ST15 fails this test of developability.
- 19 For the reasons already given, ST15 is not a suitable location for housing development.
- 20 ST15 also does not appear to be available in the sense that there are landowners willing to cooperate in its full development. FPC does not have any up-to-date information on land ownerships but it notes LDP's objection that the allocation should be significantly amended to exclude land where there is not a willing landowner. For the site also to be developable, there should be evidence that the land required for off-site highway works and ecological mitigation is controlled by the developer. No such evidence has been produced to-date.
- 21 The site cannot be considered to be viable on the present evidence. CYC's latest viability assessment shows its viability as only marginal but even this is on the basis of costings for abnormals (EX/CYC/79) which are likely to be too low or simply missing:
  1. The costs given for the grade-separated junction (£35m) and Grimston Bar (£3m) are not based on any highway design work or agreement with National Highways. The actual costs are likely to be much higher.
  2. The 1.5km access road to the A64 is costed at only £5m. This is the same as the access road to Elvington Lane and for ST14 which are both only a third of its length. The figure is not realistic.
  3. The improvements necessary to Elvington Lane including a new junction with the A1079 are costed at only £5m. The LDP Reg19 representations showed the type

of improvements necessary. An estimate of at least £25m would be appropriate, including land costs.

4. There is no provision for the mitigation works required to the Fulford Interchange which National Highways say is necessary. There is also no provision for mitigation works within the urban area, including to the A19, the A1079 and Heslington Lane.
5. The £2m allowed as a subsidy for bus operators would be inadequate to secure the high frequency bus service required by Policy SS13, especially in the early phases.
6. There is no allowance for the necessary developer subsidies to secure early provision of shops, medical facilities and other services within the development. These are extra costs to those normally in S106s for smaller developments.
7. The £0.9million for the community hall is inadequate. The same sum is allowed for the other strategic sites despite that a much larger hall would be required for ST15 because of its size.

### **Site Selection and Sustainability Appraisal**

- 22 ST15 was not chosen as a preferred site after a thorough search for potentially acceptable sites. When we raised this matter at the Phase 1 hearings, CYC responded by saying that it had only looked at sites put forward by developers because only these sites could be considered deliverable. However the Council's site selection documentation clearly shows that ST15 in its current form was proposed by Officers. There was no developer promoting it. In these circumstances, the Council's justification falls for not considering reasonable alternatives which better satisfy the Policy SS1 shapers.
- 23 FPC has said that the SA is not adequate as its judgements are not derived from a sound evidence base. This applies equally to the SA for ST15, in particular for SA Objectives SAO6, SAO7, SAO8, SAO12, SAO14 and SAO15.

### **National Policy**

- 24 For the reasons given above, ST15 does not accord with national policy in relation to green belts, housing, transport and air quality. It also fails other policies set out in the NPPF as follows:
  - Paragraph 52 states new settlements should have the support of local communities. ST15 does not have this support.



- Paragraph 123 states that planning policies should be identify and protect “*areas of tranquillity*” which are prized for their recreational and amenity value for this reason. The site of ST15 is one such area, in particular that around Tillmire, Langwith Stray, Long Lane and Langwith Lodge.

### **The Wording of Policy SS13**

25 FPC’s Reg 9 representations set out what alterations are necessary to make the policy sound if the principle of ST15 is accepted.

### **Qs7.2 to 7.4**

26 See our responses above.