

Introduction

- I am sure by now that you all understand our position that we are fundamentally opposed to ST14 as a strategic housing site and that in our opinion should not feature in the Local Plan due to it being unsuitable, undeliverable, unjustified and unsustainable, contrary to the provisions of the NPPF.

Sustainability and site size

- As we have previously stipulated, the original Green Belt report was not fit for purpose and did not help to identify the areas of land that would have the lowest impact upon York and the surrounding villages, leading to the proposed allocation of sites such as ST14.
- In terms of how the site fits with the overall strategy of the Plan, the original, much larger, allocation as part of the withdrawn Local Plan was in line with the strategy for the provision of new housing land in the plan area. The division of the site from the main urban area and creation of a new standalone settlement runs contrary to that strategy.
- The Council and developer claim that the site will function as a half-way house between a standalone sustainable settlement and an extension to the main urban area. However, our evidence prepared by ATTP shows that only the very southern part of the site falls within the travel parameters of some existing key services and therefore this cannot be considered the case.
- The proposed allocation is not of a size or critical mass to support a sustainable community. It fails to meet the Council's original threshold for sites that did not need to demonstrate accessibility to existing services because they are capable of providing their own. When it was reduced in size, an assessment against that (then) existing set of criteria should have resulted in its removal from the plan. Indeed, the site fell short of the required accessibility and services criteria in the site selection process.
- The site is not of a size and critical mass to support a sustainable community. For many years, residents will need to travel a significant distance to access services such as a primary school and convenience store with no access to a bus service, leading to a cementing of private car use mindsets.

- The provision of a pedestrian route between the site and Clifton Moor, crossing 3 isolated fields, following the line of the vehicular access and utilising an underpass under the ORR (which will not be funded or even financially supported by the developer, as per the SoCG) would be unattractive and under utilised, particularly with the abundance of car parking spaces at Clifton Moor and the type of retail and leisure facilities available there.
- The reduction in services set out within the SoCG and other documents demonstrates this will be a car-based dormitory village that is unsustainable.
- The apparent simple solution would be to increase the site size. The developers have consistently requested an increase in site size, but there is clear evidence to suggest this is not appropriate, which is a stance the Council has taken throughout the plan-making process. The site was made significantly smaller in order to:
 - a. Create a separation distance between the site and Skelton to the west
 - b. Create a buffer between the main urban area of York (and the ORR) and the site to the south to prevent the impression of urban sprawl (although we also say it is not great enough to mitigate against damage to views from the Minster along an identified important sight line)
 - c. Exclude the plantations to the east, which have ecological and habitat interest
 - d. It would be inappropriate for the site to extend further north. It would elongate the site reducing connectivity and accessibility within the site itself, would be clearly visible from Wigginton Road and would significantly impact on views from Moor Lane (between Skelton and Wigginton).
- Interestingly, Paragraph 7 of the SoCG states that the *“final resolution of the precise boundary of the new settlement will be determined following Phase 3 of the examination of the Local Plan”*. Effectively leaving it until the examination hearing sessions to decide which option is appropriate and should be supported by the Council is unacceptable. The Council has submitted a preferred option and provided justification why the larger options are objectionable. The Council’s stance has been set throughout the Local Plan process with regards to this matter.

Green Belt

- The Green Belt assessment of the site falls far short of requirements and omits various elements that we consider to be particularly important in determining the appropriateness of the site for allocation.
- The developers and the Council appear to have failed to undertake a proper landscape visual impact assessment of the site and how the development is likely to impact on the surrounding landscape. The submitted Visual Document is far from robust and is actually simply a masterplanning document. The document fails to take account of key views, including those of the Minster from the footpath to the north of the site.
- The proposed development will have a significant negative impact on the Green Belt in this area by way of introducing development into an attractive landscape area. No assessment was carried out as to how far back from the ring road development needed to be pushed to make it acceptable: a line following a field boundary where there is no physical feature was chosen. Views from the Minster demonstrate that, as properties in Skelton are easily visible in views, this is the minimum distance that should be considered acceptable for new development in order to preserve the compact nature of the City of York and prevent the appearance of urban sprawl.
- Assessment of the views from the Minster demonstrate that the proposed development would have a significant detrimental impact on key views particularly that towards the white horse. Currently this area forms a relatively open area between two more heavily wooded areas, and the proposed development will be seen as an urban extension to York, merging with the views of Clifton Moor retail park. Although cited by the LPA in their Phase 2 Green Belt evidence, no assessment of the impact this development would have on long-distance views appears to have been considered, although key background documents relating to the site in 2014 have not been made available.
- Not only will the development have significant adverse effects on the Green Belt within the allocation area, the impact on the surrounding Green Belt land has also not been properly assessed. The creation of a new settlement, together with all the infrastructure including new

roads and lighting, will have a significant adverse impact on the surrounding area. There is a complete lack of assessment of this impact.

- The Council themselves admit that the southern boundary of the proposed site fails to meet the requirements of the NPPF. However, they don't even comment on the areas that fail to follow any boundary at all on the eastern and western boundaries where an arbitrary line through a field has been chosen. Notwithstanding the substantial land take from the Green Belt, other, un-quantified or assessed land will be required outside the proposed green Belt boundary for enabling development and recreational open space, and this will also have an unquantified adverse impact upon the Green Belt which has not been considered by the LPA or the developers.
- In summary, the site performs an important Green Belt function which was not properly assessed due to the shortcomings of the original Green Belt assessment prior to allocations being considered. It performs an important role in the setting for key views from the Minster, and development of the site will result in the appearance of significant urban sprawl. This is in direct conflict with the aims of the Council in relation to maintaining the historic setting of York and contravenes the requirements of Policy DP1, particularly viii), of the Local Plan. It will counter the requirement to maintain a 'compact' city and will appear as urban sprawl, made worse by the lack of established boundaries on most sides of the site.

Flood risk and drainage

- Paragraph 2.7 of the Arboricultural Assessment, prepared by Barnes and Associates on behalf of the developers, confirms that the southern and western sections of the site (previously larger site that contains the current site within it) are "slowly permeable and seasonally wet" with the north eastern section being "naturally wet", which aligns well with their site observations.
- Furthermore, the Background Project Details section of the Geophysical Survey, prepared by GSB Prospection Ltd on behalf of York Archaeological Trust / the developers in 2014 confirms that the soil profile is "slowly permeable and seasonally waterlogged".

- Both of the above observations (by two independent sources and including on site visits) sit in-line with the observations of our client who has land immediately adjacent to the site and has done so for a long time. He struggles on a regular basis with groundwater flooding, the land is waterlogged for between 4 and 5 months of the year and he has a small lake on his land (very similar land level to the site), which he has no problem in keeping maintained throughout the year.
- However, the Flood Risk Assessment, prepared by ARUP on behalf of the developers in October 2014 is a simple desk-based assessment that relies almost solely on observations made by the landowners (Section 2.4), a somewhat biased source. The same section also relies on borehole record logs held by the British Geographical Society, however no evidence is provided to confirm the validity of this information and no indication of when the borehole testing was undertaken (either year or time of year) and should therefore not be relied upon.
- It is also noted that ARUP did not undertake any site visits, unlike Barnes Associates and GSB who prepared the Arboricultural Assessment and Geophysical Survey.
- There has been a distinct lack of commentary from the developers and the Council with regards to the feasibility of an affordable drainage solution and it is noted that the FRA has not been updated, unlike the one undertaken in support of ST7 by the same developers and same promoters. The developers and Council have failed to provide adequate evidence of a suitable and feasible solution to the obvious drainage issues on the site and have indeed avoided it by withholding the FRA from the public domain for so long until forced to do so.
- The Drainage and High Level Hydrological Review of ST14 that has been prepared by Delta Simons on behalf of our client demonstrates significant constraints to be considered. Significant mitigation measures are likely to be required to deal with the discharge of surface water given groundwater levels.
- Mitigation in the form of land raising is likely to cost significantly and have significant impacts on the landscape and impacts on important views from the Minster, whilst maintaining land levels and implementing a pumped system would come at a huge cost. Both potential mitigation measures would be classed as abnormal costs, which have not been considered in the viability assessment for the site.

Viability

- Cushman and Wakefield form part of our client's technical team and have provided a review of the Viability Assessment undertaken in support of ST14 that was submitted last week. There are a number of short fallings that have significant impacts upon the viability position of the site:
- Undeliverable number of homes proposed

70% gross to net applied in appraisal, unusually dense for large scale site that typically would have a gross to net closer to 50% (with 50% non-developable for housing). Applying a 50% gross to net would reduce from 1348 to 963 homes. Such a reduction would dramatically reduce the residual land value of the development taking it substantially below the benchmark land value.

- Scheme demonstrated to be unviable by Council's own evidence

Council's latest viability appraisal (CYC Local Plan Viability Assessment Technical Note on Site ST14) indicates that scheme residual land value is NOT viable, as demonstrated by the residual land value being below the benchmark land value.

RLV £17,313,333

BLV £17,325,000

Council viability assessment describes this as 'marginally viable', but in accordance with guidance, this indicates the scheme not viable, as costs exceed the completed sale value.

- Further, any small variation in key inputs could render the scheme entirely unviable, and no analysis of sensitivities or risk has been provided despite this being a requirement of RICS Guidance on Financial Viability in Planning (Assessing viability in planning under the National Planning Policy Framework 2019 for England GUIDANCE NOTE England 1st edition, March 2021).

- Slight alterations to costings within the assessment (which happens on a regular basis in real life development) by only 5% or 10% can make a significant difference and would render the site as an absolute red.
- For example, if the gross development value dips by 5% or the construction costs increase by 10%, which is something not incomprehensible in the current economic climate, wipes out the land value. Even if you were to half those percentages, it would still render the project unviable.
- Insufficient technical information to determine strategic infrastructure and abnormal development costs

A site-specific viability assessment should incorporate a proper estimate of key items including earth works, strategic highways (spine roads, junctions etc), strategic drainage, strategic green infrastructure, utilities enforcements. The Council's viability assessment simply applies an overall 'site opening cost' which no evidence of any break down. Without this, it is impossible to know (and we doubt) that any proper assessment of the site's infrastructure and abnormal development costs, thus raising questions over viability/deliverability.

- As a broad-brush allowance, the site opening costs is considered to be insufficient

The Council's viability assessment allows a 'site opening cost' £21,590 per unit.

Local Housing Delivery Group advice on Local Plan Viability 2012, Page 44, reference to £17,000 to £23,000 per plot as a typical strategic infrastructure cost on large scale sites

<https://www.local.gov.uk/sites/default/files/documents/viability-testing-local-p-42b.pdf>

Indexed by BCIS all tender prices index from publication date of this report Q3 2012 to present day indicates the following range:

£28,130 to £38,058

- The finance costs at 6.5% APR are highly questionable in light of previous figures and bearing in mind the project is proposed to last until 2036.

- In the current climate, it is not unreasonable to assume there may be issues with lack of sales, technical and labour issues, which could mean the site takes longer to develop. There is no sensitivity included to account for a possible increase in financing over a longer period of time.
- The land price stated is also significantly proportionately low. The land at £17m is around six times agricultural land value whereas on a “normal site without so many development costs” it can be 30 to 50 times agricultural value.
- Furthermore, the scheme wrongly relies on the provision of land outside of the allocation boundary to bring forward drainage solutions and open space. Has the purchase of this land been considered in the viability assessment?
- The viability assessment concludes that the site is marginal and gives it an amber assessment. Surely this should send alarm bells ringing (particularly how marginal it has been assessed to be) and trigger the need for a more detailed viability assessment to ensure the site is deliverable. This is particularly important given that it is the second largest housing allocation in the plan area.

Ecology

- The Ecology Statement, prepared by Baker Consultants was prepared in September 2016 and has not been updated since. It is now significantly out of date and should have been updated prior to the examination hearing sessions to ensure there are no changes that would alter the suitability of the site for housing development.