



York Civic Trust

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Inquiry into York's draft Local Plan: Phase 4 **Written statement in connection with Matter 12 – General Development** **Management** **30th August 2022**

This statement in relation to Matter 12 is submitted by York Civic Trust. The Civic Trust is a membership organisation representing some 1300 individuals. Our vision is 'promoting heritage, shaping tomorrow'. Our Mission is to: protect and contemporise York's unique heritage; champion our environment and its sustainability; encourage the city's economic development in line with its character, and engage with all sectors of the community.

This statement has been prepared by Dr Duncan Marks, who is our Civic Society Manager. It will be presented by our Chief Executive, Andrew Morrison.

York Civic Trust is committed to helping to secure a Local Plan, based broadly on the current draft. We are concerned, however, that there are weaknesses in the way in which the Plan has been formulated, and aspects of its resulting content, which render it unsound. We have endeavoured throughout the process to work with the City of York Council to secure improvements which overcome these deficiencies. In June 2022 we prepared a Statement of Common Ground with the Council, which we understood had the Council's support, and which we expected to be signed and submitted in time for consideration in Phase 3. Two months later, and within two working days of the deadline for submitting statements for Phase 4, we finally received a suggested redraft, with no explanation. Regrettably, therefore, we have had to submit our draft of June 2022, as evidence of our good intent. We focus here on the remaining areas which we consider need to be resolved.

Question 12.1 Does the approach of Policy DP1 (York Sub Area) accord with the Plan as a whole?

We support the nine aims for Policy DP1: York Sub Area.

Following recent political and administration decisions, we suggest the aims could be strengthened if they include reference to the York & North Yorkshire Combined Authority devolution deal and future elected Mayor. The devolution deal impact York's recent LEP

arrangements, which should be reviewed in the phrasing of DP1, especially Leeds City Region LEP.

We recommend rephrasing the opening sentence to include:

The approach taken in the Local Plan to development will reflect the roles and functions of place in the ~~Leeds City Region, York & North Yorkshire Combined Authority Sub-Region~~ and the functional York Sub Area. It will aim to ensure the following.

[Suggested changes in **bold**]

In addition for the need to make reference to the York & North Yorkshire Combined Authority rather than Leeds City Region, one of City of York Council's five key aspirations from the devolution deal is 'investment in low-carbon technologies ... to develop an innovation ecosystem connecting academia, industry and policy makers (known as Bio-Yorkshire), ... bio-tech incubator hubs and ... a bio-tech innovation accelerator to bring visibility to Bio-Yorkshire as a global centre of excellence.' [see: <https://www.york.gov.uk/devolution>]. Reference to these aspirations should be included in Policy DP1 policy i.

We recommend rephrasing policy i to include:

*York fulfils its role as a key economic driver within ~~both the Leeds City Region, and the York, North Yorkshire~~ **York & North Yorkshire Combined Authority** and East Riding LEP area **including aspirations as a global centre of excellence through Bio-Yorkshire.***

[Suggested changes in **bold**]

We recommend rephrasing policy vi to include:

*City of York's outstanding historic and natural environment is conserved and enhanced recognising its wider economic importance to increased investment, employment and wealth within ~~both the Leeds City Region and the York, North Yorkshire~~ **the York & North Yorkshire Combined Authority** and East Riding LEP area.*

[Suggested changes in **bold**]

Following political decisions made on national transport infrastructure since submission of the draft Local Plan, we suggest removal of reference to 'high speed rail system (HS2)' in policy v and instead make reference to Northern Powerhouse Rail and enhanced links to the West Yorkshire and Greater Manchester conurbations

We recommend rephrasing policy v to include:

*City of York's role as a key node for public transport is strengthened, including improvements to the Leeds-York-Harrogate rail line, improved access between York and Scarborough (the east coast) and projects to improve national connectivity, including ~~links to the new high-speed rail system (HS2)~~ **Northern Powerhouse Rail and enhanced links to the West Yorkshire and Greater Manchester conurbations.***

[Suggested changes in **bold**]

Given City of York Council's declaration of a Climate Emergency in 2019, with ambitious to become a net-zero carbon city by 2030, this should be specifically acknowledged in Policy DP1.

We recommend rephrasing policy ix to include:

*Development within the City of York area will **comply with the Climate Emergency announced by the City of York Council in 2019 and subsequent net-zero carbon city ambitions by 2030, so as not lead to environmental problems including flood risk, poor air quality and transport congestion for York and adjacent local authority areas***

[Suggested changes in **bold**]

Question 12.2 Is the approach of Policy DP2 to 'sustainable development' a sound one?

As we referred to in our response to Phase 2 Matter 1, the Civic Trust considers policy ii as set out in DP2 to be unsound. We believe that the quantum of development proposed for the strategic housing sites is too small to provide the necessary social, cultural and community support needed, given their distance from existing centres. Successful garden villages must include their own primary schools, basic shopping, recreational and community facilities, some employment, and public transport links to major employment, shopping, health services and secondary schools.

We recommend that a commitment is added to ensure that each major strategic site is of sufficient size to support and sustain such facilities.

DP2 is weak on health and wellbeing. The National Planning Policy Framework 2012 states that in order to achieve 'sustainable development' under its social role, it should be 'supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being' [para. 7] This is further supported by NPPF12's chapter on 'Promoting healthy communities' (paras. 69-78)

We recommend that the content of Policy DP2 should include reference to: ‘support communities’ health, social and cultural well-being’ under sub-heading ‘ii. Development will help Provide Good Quality Homes and Opportunities’.

DP2 is also unclear in its treatment of urban design and detailing, and could usefully be enhanced to reflect current government policy. The current DP2 text refers to ‘conserving, and where appropriate enhancing, those elements which contribute to the special character and setting of the historic City by ensuring that development is in acceptable locations and of the highest standards in terms of urban design and detailing’. This phrasing is unclear as to whether high standards of urban design and detailing refer only to York’s areas ‘which contribute to the special character and setting of the historic City’ or the whole city. Our reading of the NPPF suggests it should be citywide.

We recommend that the content of Policy DP2 should include reference to ‘fostering well-designed, beautiful and safe places’ under sub-heading ‘ii. Development will help Provide Good Quality Homes and Opportunities’, as identified in NPPF21 as a new governmental planning focus (paras. 8b, 126-136).

Question 12.3 **Do Policies DP3 and DP4 provide an effective basis for subsequent decision-making?**

Our concern is that the overall strategic approach has not been justified by the analysis which underpins the draft Local Plan. To be clear, we understand “justified” to mean “the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence” (NPPF12, para 182). Our concerns are with the location and scale of new development (covered in our answer to Questions 1.1, 1.2 above), the incompleteness of the design principles, the assessment of the transport implications of the development, and the failure to consider alternative strategies for mitigating those impacts.

Incomplete design principles for new developments

Policy DP3 provides a helpful set of development principles, which we support. However, the list is incomplete in terms of the opportunities to support sustainable travel. In particular the literature on sustainable development demonstrates that the following are also needed:

- development needs to be of mixed use and high density
- development should be designed around high quality walking and cycle routes
- those routes need to provide short, safe and convenient links to a core set of community facilities
- development needs to be designed to manage servicing traffic and to accommodate appropriate emerging technologies.

We recommend that all of these are added to Policy DP3 so that they can be addressed in more detail later in the Plan.

Policies i and iii of DP3 should be strengthened by referring to the ‘historic environment, including heritage assets’ in addition to ‘historic character’. This will better fulfil NPPF12’s para. 126:

‘Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.’

Without this reference to the ‘historic environment’ and ‘heritage assets’, less importance is placed on protecting York’s heritage, including its conservation areas, scheduled monuments, designated heritage assets, and non-designated heritage assets – including its internationally important archaeological deposits as identified by the city’s Area of Archaeological Interest. There is no definition in the NPPF12 for ‘character’ – local or historic. There are, however, definitions for ‘heritage assets’ and ‘historic environment’. The latter offers the widest inclusion – ‘All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscaped and planted or managed flora’; the definition of ‘Heritage asset’ offers more specific planning protection: ‘A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).’ Policies i and iii of DP3 should therefore be strengthened by reference to both of these definitions.

As we referred to in our response to Phase 2 Matter 1, Policies x and xi of DP3 are dilutions of the Core Planning Principle outlined in the NPPF. We recommend that these policies be strengthened by replacing the words “promote”, “promoting”, “where possible” by text which imposes a clear comment to achieving the outcome specified in NPPF12.

We recommend revision to read as follows:

- DP3 x: **ensure** integration, connectivity and accessibility to, from and within the site by maximising opportunities for walking, cycling and frequent public transport thereby promoting and **achieving** a modal shift from the car to more sustainable and healthier forms of travel

- DP3 xi: **actively manage development to** minimise the environmental impact of vehicle trips to and from the development and mitigate the impact of residual car trips on the highway network ~~where possible~~, including addressing air quality issues

[Suggested changes in **bold**]

DP4 is based on the guidance in the NPPF12 (para. 14). NPPF21 has redefined this guidance (para. 11) to take into account the importance of Climate Change as well as the protection of the historic environment, including Areas of Archaeological Interest – of which York is one of five in the country. Given that NPPF21 will be used for future planning decision-making, there needs to be consistency across plan-making and decision-making components in the Local Plan. This can only come from the latest iteration of the NPPF which acts as a working document.

The Civic Trust therefore recommends the addition of the following (in bold) within DP4:

‘When considering future development the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work proactively with applicants jointly to find solutions, which means that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area, **and meets the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.**’

Planning applications that accord with the policies in this Local Plan (and, where they are in place, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- ~~specific policies in that Framework indicate that development should be restricted.~~ **the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area (in accordance with NPPF21, paras. 11 and 181 and corresponding footnotes 7 and 68.)**

[Suggested changes in **bold**]

Question 12.4 Is the approach of Policy DM1 to infrastructure and developer contributions a justified one?

We support the principle and content of Policy DM1.

Question 12.5 Is Policy SS1 a proper reflection of the Plan as a whole?

As we referred to in our response to Phase 2 Matter 4, York Civic Trust support the two priorities for development and the five spatial principles in the spatial strategy is set out in Policy SS1. However, we do not consider that the following spatial principles have been appropriately applied elsewhere in the Plan:

1. Ensuring accessibility to sustainable modes of transport and a range of services.
2. Preventing unacceptable levels of congestion, pollution and/or air quality.
3. Where viable and deliverable, the re-use of previously developed land will be phased first.

The council has adopted a strategy of locating greenfield development some distance from the edges of the built-up area and across a number of locations. The approach is pragmatic rather than principled. Such developments may be more deliverable in terms of gaining public approval, but at a price of economic and social viability, and sustainability. This is counter to government advice in NPPF12. The new Local Plan provides the opportunity to pursue the best possible scale and distribution of development.

We believe that the Local Plan, as currently drafted, fails to take advantage of this opportunity to take a long-term view of the development that is best for the city.