

## City of York Local Plan 2017-2033

### Phase 2 Hearing Statement prepared on behalf of Level Developments (Yorkshire) Limited (Reference ID:260 (CD014A))

#### Matter 4 Spatial Strategy – Site Selection

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##### **1. Introduction and Context**

- 1.1 This Hearing Statement has been produced by Pegasus Group on behalf of our client, Level Developments (Yorkshire) Limited.
- 1.2 In accordance with the transitional arrangements set out in Annex 1 of the revised National Planning Policy Framework (February 2019), it is understood that the plan is being examined against the previous 2012 version of the Framework. All references within this hearing statement to the National Planning Policy Framework (NPPF) therefore relate to the 2012 version, unless otherwise stated.
- 1.3 Our client wishes to ensure that the City of York Local Plan (CYLP) is prepared in a robust manner that passes the tests of soundness contained in paragraph 182 of the NPPF, namely that the plan is:
  - Positively Prepared;
  - Justified;
  - Effective; and
  - Consistent with national policy.
- 1.4 The CYLP also needs to be legally compliant and adhere to the Duty to Cooperate.
- 1.5 Our client submitted representations to the various stages of plan production including the Publication Draft, Proposed Modifications, Phase 1 Hearing Sessions and the Local Plan Modifications and Evidence Base Consultation. Despite the Council's attempts to overcome fundamental issues with the CYLP our representations continue to identify several elements where we believe the CYLP is unsound.

**2. Response to the Inspector's Matter 4 Issues and Questions**

2.1 We welcome the opportunity to comment on the Inspector's Matters, Issues and Questions and provide the following responses to selected questions in so far as they relate to our previous representations.

***Q4.1 Is the Spatial Strategy set out in the Plan based on an appropriate and reasonable assessment and justified by robust evidence?***

2.2 No, the strategy appears to be founded upon the 'shapers' identified in the supporting text to Policy SS1. Whilst these 'shapers' are important considerations the plan is largely silent upon the role of settlements save for the city centre. This leaves a void in terms of the role of settlements such as Strensall.

2.3 Strensall has a population of over 6,000 residents<sup>1</sup> and provides a wide range of services and facilities. It is also identified as part of the 'Main Built-Up Area of York'<sup>2</sup>. Throughout the different stages of the Local Plan, Strensall has consistently been identified as a Settlement that can accommodate growth and the removal of the Queen Elizabeth Barracks site provides a requirement for alternative allocations to be made to ensure continued sustainable growth in the settlement.

***Q4.2 Is the approach taken in informing the Spatial Strategy and the distribution of development across the Plan area justified, effective and in accordance with national policy?***

2.4 I refer the Inspectors to the response provided above.

***Q4.3 Does Policy SS1 provide an appropriate basis for the delivery of sustainable development and growth within the City of York?***

2.5 No, the proposed distribution will not provide growth opportunities for sustainable settlements such as Strensall. This is despite the proposed provision of additional employment land within this settlement (E18). This is not considered sustainable. Within the submitted plan Strensall was identified as having two allocations which would have provided circa 545 dwellings. Indicating that the settlement was considered sustainable and suitable for growth at this time.

2.6 Whilst we did not agree with the proposed allocations within the submitted plan, due to their sustainability credentials, the need for additional sites within Strensall

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<sup>1</sup> 2011 census

<sup>2</sup> Local Plan Key Diagram

has not diminished. Development within settlements such as Strensall in sites, such as our clients, would be in conformity with the criteria within Policy SS1 and could mitigate against impacts upon the common.

**Q4.4 Policy SS1 sets out a spatial principle for sustainable modes of transport and Paragraph 3.12 of the submitted Plan says support will be provided for a pattern of development that favours and facilitates the use of more sustainable transport to minimise the future growth of traffic. a) How does the Plan deliver this? b) What evidence is there that the Spatial Strategy delivers what Paragraph 3.12 of the submitted Plan says? c) Is it the most appropriate strategy when assessed against alternatives?**

- 2.7 This remains unclear and is inadequately evidenced within the Local Plan and its supporting evidence base.

**Q4.5 Is the proposed approach to new development and its location, as outlined by Policy SS1, sufficiently clear within the submitted Plan and is it supported by a robust and up to date evidence base?**

- 2.8 No, I refer the Inspectors to the responses provided above and our previous commentary at submission and the phase 1 hearing sessions on this issue.

#### **Spatial distribution of development**

***The following questions about the spatial distribution of development and the site selection process are strategic in nature and do not intend to relate to specific sites proposed within the Plan. More detailed questions on specific sites will be considered during the Phase 3 hearing sessions.***

**Q4.6 Are the (broad) locations for new development the most appropriate locations when considered against all reasonable alternatives?**

- 2.9 Whilst the focus of development within and adjacent to York is not disputed. The plan also seeks to provide a new settlement as well as several strategic allocations within the Green Belt which whilst close are detached from the urban area of the city. The plan, nor its evidence base, clearly identifies the distribution between the city, strategic allocations, and other settlements.

- 2.10 Table 1 of the Councils Phase 1 hearing statement in relation to Matter 2 – Spatial Distribution provides a degree of breakdown. This suggests that 55% of development is within York's main urban area, 10% within urban extension (presumably to York), 31% in the new settlement and just 4% of growth is in village / rural area.
- 2.11 Whilst village / rural is not defined in the hearing statement or indeed the plan this is thought to include settlements such as Strensall. The lack of development in these settlements will have serious implications for their future vitality and sustainability. This issue appears to have been overlooked within the plan and whilst appendix 6 of the Preferred Options Sustainability Appraisal (SD007c, page 45) does provide brief references these appear to be founded on the basis that only small-scale development will be delivered in smaller settlements. There does not appear to be any consideration if larger scale development would be appropriate in larger settlements, such as Strensall.
- 2.12 Spatial Distribution Option 2 identified this would; *"Prioritise development within and/or as an extension to the urban area and through provision in the villages subject to level of services"*. It is unclear how the Preferred Options SA assessed this given the lack of evidence upon the role and services of individual settlements.
- 2.13 The housing needs of settlements outside the city, such as Strensall, appear to have been overlooked. This is not considered a sound approach.

***Q4.7 What factors have influenced the distribution of development proposed?***

- 2.14 This is considered an issue for the Council to address but it is our understanding that the 'shapers' identified in Section 3 of the plan were the key initial influencer. However, given the need for development within some of York's smaller settlements and the lack of such opportunities it is unclear how they have been applied in practice.

**Q4.8 Are the factors which shape growth, as set out in Section 3 of the Plan, clearly explained, justified and set out and are they supported by robust and up to date evidence?**

- 2.15 Policy SS1 of the CYLP identify five factors which shape growth these are:
- i. Conserving and enhancing York’s historic and natural environment. This includes the city’s character and setting and internationally, nationally and locally significant nature conservation sites, green corridors and areas with an important recreation function;
  - ii. Ensuring accessibility to sustainable modes of transport and a range of services;
  - iii. Preventing unacceptable levels of congestion, pollution and/or air quality;
  - iv. Ensuring flood risk is appropriately managed; and
  - v. Where viable and deliverable, the re-use of previously developed land will be phased first.
- 2.16 Whilst none of these factors are disputed it is unclear how factors ii and iii above have been evidenced and justified in terms of distribution. Furthermore, these factors ignore the role of individual settlements and their sustainability in terms of services and facilities.

**Q4.9 With regard to the impact of distribution of development on the transport network: a) What role has the transport appraisal had in influencing the distribution of development? b) Is the Council’s transport evidence robust and adequately up to date? c) What are the cumulative impacts on the transport network of the spatial distribution of development set out in the Plan and are any adverse impacts severe? If so, how has that been addressed?**

- 2.17 This is difficult to determine. The 2018 Transport Topic Paper (SD076) provides some information. However, this is more aligned to the impacts of the proposed allocations rather than the transport evidence guiding the identification of suitable locations for growth.
- 2.18 It is notable that the Fulford Road and Wigginton Road corridors are predicted to have the greatest overall impacts in relation to journey time, yet the freestanding

Strategic Site ST14 is located within this corridor. It is unclear how this is justified based upon this evidence.

- 2.19 The topic paper also alludes to the previous transport model (last fully upgraded in 2010) being more than five-years old and as such in the absence of updating / refreshing, would have been subjected to challenge. Whilst it is unclear when the transport model was updated the Topic Paper is already four years old and due to the impacts of the coronavirus pandemic there have been significant changes in travel behaviour over this period. It is, therefore, questionable if the current evidence remains up to date.

***Q4.10 What role has the sustainability appraisal had in influencing the distribution of development?***

- 2.20 As noted in our response to Q4.6 above the distribution was subject to SA. However, we question if this assessment was founded upon credible evidence.

**Site selection process**

***Q4.11 With regard to the sites proposed for all types of development (i.e. housing and non-housing): a) How have the sites been identified, assessed and selected? b) Is the methodology used for each justified? c) What role has the Sustainability Appraisal had in this process? d) Have any site size thresholds been applied in the site selection process? If so, what, how and why? For the above question, we ask the Council to set out the site selection process for each different use of sites including housing, employment and education.***

- 2.21 This is primarily an issue for the Council to address. Whilst the 2013 Site Selection Paper (SD072a) and SA reports are noted the actual selection of sites for inclusion within the Local Plan is considered opaque. As such our client reserves the right to make further comment upon this issue during the hearing session, dependent upon the Council's response to this question.

- 2.20 An example of the opaque nature of the Council's assessment is our client's site. Our client is promoting site 119, separately submitted as two parcels, identified as sites 902 and 322 by the Council. Both parcels are located directly adjacent each

other. Site 902 is dismissed on the basis that it fails to meet criteria 4 (access to services and facilities) with no further explanation provided (SD054, annex 1). Yet the Site Selection Methodology (SD073, appendix 1) identifies sites over 5ha will be considered on the basis that the site could provide such services, our clients site could do so but this does not appear to have been considered.

- 2.21 Furthermore, the Council's 'Audit trail of sites submitted and assessed between 35-100 hectares (EX/CYC/37, table 1) identifies that site ref: 119 was not assessed as a reasonable alternative as it was 'not submitted for development'. This site is incorrect. This site is an amalgamation of the two aforementioned parcels (ref: 901 and 322). These sites were submitted independently to provide alternatives for the Council to meet the need for new housing within Strensall. They have, therefore, been submitted for development.
- 2.22 Whilst it is noted each parcel has been assessed separately it is unclear if an assessment of the combined site would have come to a different conclusion. This is due to the fact that sites over 35ha were considered in more detail due to their capacity to generate significant effects and the opportunities for the delivery of onsite services and facilities commensurate to the scale of development.

***Q4.12 How has the Council taken into account Green Belt issues in the site selection process? In particular: a) has the openness of the sites considered, and the degree to which that openness contributes to the fundamental aim of Green Belt policy (preventing urban sprawl by keeping land permanently open), been taken into account? b) has the degree to which land does or does not serve the purposes of including land in the Green Belt been an influencing factor? c) have any reasonable alternative sites been rejected on the basis that the Council considered that it could not demonstrate the 'exceptional circumstances' it considered necessary to justify including the site in the supply? If so, in the light of our views concerning 'exceptional circumstances' (which is set out in our letter dated 12 June 2020 (EX/INS/15)), is that a problem?***

- 2.23 The majority of these issues are considered issues for the Council to address. As discussed above the site selection methodology is not clearly set out as it is spread

across several documents, making it difficult to follow how and why a site has been selected or dismissed.

- 2.24 It is noted that the Site Selection Methodology does consider Green Belt issues, this largely relates to preserving the historic setting of the city and is not strictly related solely to openness. We cover this issue in greater detail within our Matter 7 statement.

***Q4.13 Have any other factors come forward - or steps been taken - since the sites identified in the Plan were selected which would exclude any sites from inclusion in the Plan for any particular reason? If so, what and why?***

- 2.25 This is a question for the Council to address.