

York Local Plan (YLP) – EiP Hearing Statement

Our ref 50730/03/MHE/AWi
Date 4 March 2022
To Carole Crookes (York Local Plan Programme Officer)
From Lichfields (on behalf of Bellway Homes)

Subject Matter 4: Spatial Strategy and Site Selection Process

1.0 Introduction

- 1.1 This Statement is submitted by Bellway Homes in respect of the Matters, Issues and Questions set out under Matter 4 of the Inspectors’ Phase 2 hearing sessions in respect of the City of York Local Plan.
- 1.2 Bellway Homes have also submitted separate hearing statements in respect of Matters 2 and 5 as part of a consortium with Taylor Wimpey and Persimmon Homes. Statements are also submitted on Matters 1 and 7, specific to Bellway Homes. Each of the submitted statements are to be read alongside each other and relevant representations made during the Local Plan consultation stages.
- 1.3 As a matter of principle, it is Bellway Homes’ opinion that the City of York Local Plan now contains such significant compromises in its approach and the age of critical elements of its evidence base, that it should not be found sound. The Plan was submitted in May 2018 (almost four years ago), following which significant further work was required before the first hearing sessions opened in November 2019 (18 months later). The Inspectors rightly found significant failings with the submitted Plan in June 2020. Rather than revising and updating its approach, the Council has largely sought to retrofit its evidence to address the concerns raised by the Inspectors in respect of the approach to Green Belt. The Phase 2 hearing sessions will open another 21 months after the Inspectors identified their concerns. Even with a seemingly ambitious target of plan adoption in 2022, the Local Plan would already be over 5 years into the stated plan period upon adoption, with the evidence being much older.
- 1.4 Since the Plan was submitted for examination, there have been three significant updates to National Planning Policy contained within the NPPF, each having consequences on how this Local Plan is likely to be viewed if it is found sound and adopted. Quite simply, even if the emerging Plan is considered to meet the relevant tests against the 2012 NPPF, its evidence base is likely to be so far out of date on adoption, it will render the Plan out-of-date immediately.
- 1.5 Set out below are Bellway’s responses to the Matter 4 questions.

2.0 Spatial Strategy and Site Selection Process

Spatial Strategy

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

- 2.1 The soundness of the Spatial Strategy presented in the Local Plan is wholly reliant on the acceptability of the Housing Need and Requirement considerations, assessed under Matter 2,

and Housing Land Supply assessed under Matter 5. Lichfields has provided clear evidence to Matters 2 and 5, demonstrating that the Council is not planning to deliver sufficient homes over the plan period, that the supply is not sufficient to address the needs and the claimed supply figures are significantly lacking in supporting evidence.

- 2.2 As a consequence, it cannot be concluded that the Spatial Strategy is based on an ‘appropriate and reasonable assessment and justified by robust evidence’.
- 2.3 It is considered that where updates have been made to the evidence base following the phase 1 hearing sessions, it has simply been drafted to fit the published draft policies, rather than reassessing the policies and sites.
- 2.4 We set out further in this statement consideration of the matters which are said to have ‘shaped’ the strategy.

4.2 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?

- 2.5 The plan does not prescribe or quantify distribution of development across the local authority area, rather it simply uses five qualitative ‘spatial principles’ and acknowledges the total housing and employment requirements for the plan period.
- 2.6 On the basis of the five spatial principles, they appear broadly appropriate for part of the evidence which could inform spatial distribution. However, being purely qualitative, they lack precision and clarity on their own, causing difficulty for interpreting which locations may be suitable for development.
- 2.7 Paragraph 154 of the NPPF requires local authorities to “*address the spatial implications of economic, social and environmental change*”. It continues, advising that “*only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan*”.
- 2.8 The five spatial principles are almost entirely environmental in scope and do not fulfil the expectations of the NPPF. They do not provide any analysis of the development needs of different parts of York where certain types and amounts of development could be beneficial or the constraints that could mean development is directed elsewhere.
- 2.9 At this stage it cannot be concluded that the approach taken in the published Spatial Strategy addresses these requirements.

4.3 Does Policy SS1 provide an appropriate basis for the delivery of sustainable development and growth within the City of York?

- 2.10 As set out under 4.2 (above), it is evident that the Spatial Strategy lacks precision and clarity to inform future development proposals. It is considered that Policy SS1 includes elements which form the basis of a suitable strategy for sustainable growth and development, however, it fails to demonstrate what sustainable growth should look like in the City, relative to the housing and economic growth requirements.
- 2.11 This is an essential element of defining the most appropriate spatial strategy.

4.4 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?

2.12 Whilst the Plan claims to support a pattern of growth which ‘favours and facilitates’ the use of more sustainable modes of transport, it is not clear how this strategy has impacted on the sites identified for development over the plan period. Additional commentary contained at PM55 of the Proposed Modifications explains the focus on general sustainability principles (focusing development on the main urban area of York and previously developed sites), although it does not explain how the plan ‘favours and facilitates’ the use of more sustainable transport.

2.13 There is no discernible evidence which demonstrates how the pattern of development has been influenced, or even ‘favours and facilitates’, the use of more sustainable modes of transport.

b) What evidence is there that the Spatial Strategy delivers what Paragraph 3.12 of the submitted Plan says?

2.14 There is no clear evidence that the submitted Spatial Strategy delivers on the expectations of paragraph 3.12 of the Plan. Separate to the content of the Spatial Strategy, it is noted that proposals for significant improvements to the A1237 (York Outer Ring Road), including improved pedestrian and cycle connections and therefore the sustainability potential of sites not allocated in the emerging Local Plan is making significant progress. Policies T4 (Strategic Highway Network Capacity Improvements) and T5 (Strategic Cycle and Pedestrian Network Links and Improvements) of the submitted Plan deal with the principle of these improvements. A planning application is due to be submitted this year, with construction programmed to commence in mid-2023. However, it is noted within Policy T4 and T5, as well as the Transport Topic Paper (2018) (SD076) that there is likely to be further improvement works required which have not been detailed and factored into the plan making process. This creates further uncertainty and doubt about how the plan delivers upon the statement at paragraph 3.12.

2.15 The Transport Topic Paper (SD076) states:

“The council is aware that further work may be required to identify additional transport (and other) infrastructure to lessen the impact of development, taking into account whether

- *it is necessary,*
- *it is feasible,*
- *it is deliverable, and*
- *it does not impose such a burden as to render the Local Plan unviable.”*

2.16 With the exception of a brief and passing reference relating to pedestrian and cycle movement in York City Centre (Policy SS3) and parts xii and xiii of Policy SS4 (York Central) and some of the site-specific policies, there is no evidence that the spatial strategy has been informed by the statements at paragraph 3.12 of the Plan, or that the chosen spatial strategy does conform with the statement.

c) Is it the most appropriate strategy when assessed against alternatives?

2.17 Setting aside that we do not consider the strategy to be appropriate on the grounds that it does not deliver sufficient homes to meet the needs of the authority over the plan period, we maintain

concerns with the strategy as written as it does not represent the most appropriate strategy in the context of the NPPF.

- 2.18 On the basis that the statement at paragraph 3.12 of the Submitted Plan is listed as a ‘Factor Which Shapes Growth’, despite there being no specific evidence of how it has shaped growth, it cannot be concluded that this is the most appropriate strategy.
- 2.19 The most appropriate strategy for distribution of development over the plan period must relate clearly to published evidence which has a clear link to the strategy. If there is not a clear link, there must be a clear explanation for this.
- 2.20 It is set out within the previously submitted representations that a more appropriate strategy would include consideration of accessibility to services and facilities as well as other economic factors.

4.5 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?

- 2.21 As set out above, the approach to new development and its location within Policy SS1 lacks clarity and precision to assist applicants in their understanding of the policy. In this respect, paragraph 154 of the NPPF is relevant, stating:

“Only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan”.

- 2.22 The most appropriate strategy for developing policy dealing with spatial distribution would be to provide more quantitative consideration of where growth should be focused over the plan period with reference to the sustainability and suitability of different settlements and areas of the authority, relative to how they perform against the spatial principles of Policy SS1.

Spatial Distribution of Development

4.6 Are the (broad) locations for new development the most appropriate locations when considered against all reasonable alternatives?

- 2.23 Paragraph 5.9 of the submitted Plan explains that the Council has sought to allocate sites (rather than ‘broad locations’) for the full plan period (including 5 years beyond) to ‘provide additional certainty’ in delivery and provide sufficient land to allow the Green Belt to endure beyond the plan period.
- 2.24 Following review of the HRA in respect of the proposed strategic allocations, the Council has confirmed the removal of ST35 (Queen Elizabeth Barracks, Strensall) from the allocated sites, losing 500 dwellings from the potential supply.
- 2.25 Having reviewed the ‘Factors Which Shape Growth’ within Section 3 of the Plan, it is also relevant to note that paragraphs 3.6 – 3.8 deal with Green Infrastructure, Nature Conservation, Green Corridors and Open Space. Paragraph 3.6 states:

“Protection of areas with nature conservation value is viewed as a key element in ensuring sustainable development. Government policy states that plans should set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. 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 overleaf).

In addition the Council has defined Regional, District and Local Green Corridors, which are identified in the Green Corridors Technical Paper (2011) (shown in Figure 3.2). It is important that any future development does not have a significant adverse effect on green corridors. This would need to take account of their characteristics and the reason behind their initial designation.

The Local Plan will also protect recreational open space provision, across all typologies as identified in the Local Plan Evidence Base Study: Open Space and Green Infrastructure (2014) and Update (2017) (shown in Figure 3.2).”

2.26 Despite these statements it is noted that the strategic allocation at Elvington (ST15) falls wholly within the Green Infrastructure Corridor and Nature Conservation Sites designation and should not therefore be allocated.

2.27 The combination of the poor strategic spatial distribution of housing, combined with the delay in other strategic sites coming forward results in an increasingly limited housing supply which, when combined with the inappropriately low housing target, results in a woefully small deliverable housing supply over the plan period.

2.28 The fact remains that the plan does not allocate sufficient land for development over the plan period (see Hearing Statements dealing with Matters 2 and 5). Our representations to the June 2021 Proposed Modifications consultation explains why a more reasonable alternative includes the release of land to the east of Strensall Road, Earswick.

4.7 What factors have influenced the distribution of development proposed?

2.29 In addition to the ‘five spatial principles’ listed within Policy SS1, the supporting text also explains that the following four matters ‘shape growth’:

- The character and setting of the city;
- Green Infrastructure, Nature Conservation, Green Corridors and Open Space;
- Flood Risk; and
- Transport.

2.30 However, as explained within this hearing statement, it is not clear how these matters have influenced the distribution of development over the plan period.

4.8 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?

2.31 For the reasons set out above, it is considered that the ‘Factors Which Shape Growth’ outlined in Section 3 of the Plan have been applied inconsistently without clear explanation on how they have ‘shaped growth’ over the plan period. It is also not clear why the factors chosen have been selected and why other possible factors of relevance to spatial distribution have not

been used. For example, this could include measures such as market signals (areas in greatest need of affordable housing or other housing types and tenures), the most sustainable locations (accessibility to services and facilities, schools, open space etc), amongst other possible measures.

- 2.32 The factors used by the Council are more appropriate considerations for individual site assessments, rather than for identifying the broad geographical distribution of development first which should form the basis of any appropriate strategy.
- 2.33 Individually, they are clearly explained in terms of how they relate to the suitability of development sites, although there is lack of clarity on how they have actually informed the wider strategy.
- 2.34 With the exception of transport considerations, the baseline position for the factors chosen is likely to be largely static (flood risk, green infrastructure etc). However, the transport evidence is rather dated and was last subject to limited update in 2018.

Site Selection Process

4.11 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.

- 2.35 We reserve our position to respond further on this during the hearing sessions with the benefits of the Council's response.

4.12 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?***

- 2.36 Whilst the updated evidence does not appear to justify the non-allocation of sites on the basis that 'exceptional circumstances' could not be demonstrated, the approach to consideration of suitable sites does appear to have considered whether sites could demonstrate Exceptional

Circumstances at earlier stages of consultation. This is evident from the Green Belt Clarification Note (EX/CYC/39) published in June 2020. Significantly, whilst the evidence has been updated to fit the preferred policy approach, there is little evidence to suggest a wholesale review of previous decisions on policy direction has been undertaken. As such, it is not possible to conclude the Plan adopts the 'most appropriate' strategy, when considered against reasonable alternatives.