

YORK LOCAL PLAN

EXAMINATION INTO THE SOUNDNESS OF THE CITY OF YORK LOCAL PLAN

Response to Inspector’s Matters, Issues and Questions

Made on Behalf of Barratt and David Wilson Homes

Matter 4 – Spatial Strategy and Site Selection Process

Introduction

These responses are made on behalf of Barratt and David Wilson Homes (Yorkshire East), hereafter referred to as our Client. Our Client is the country’s largest housebuilder and has an excellent delivery record nationally and locally in the region.

Our Client has a significant number of land holdings within and around York and has made representations throughout the CYCLP consultation process at all stages. In summary and for clarity the following is a list of our Client’s interests.

Site Address	Site Reference	CYCLP Area	CYCLP 2013 Capacity (BDWH control)	CYCLP 2016 Capacity (BDWH control)
Manor Heath, Copmanthorpe	ST12	1	250	0
Moor Lane, Copmanthorpe	H29	1	65	88
Riverside Gardens, Elvington	SF10	2	0	0
Eastfield Lane, Dunnington	H31	3	75	84
Metcalfe Lane, Osbaldwick	ST7	4	750	35
New Lane, Huntington	ST11	4	360	0
North of Monks Cross	ST8	6	35	35
North of Haxby	ST9	6	375	375
North of Clifton Moor	ST14	6	750	500

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?

- 4.1 Our Client considers that the broad principles of the spatial strategy are sound, however the level of homes both within the plan period and afterwards, the need for further homes and lack of any safeguarded land all raise significant concerns. The spatial strategy seeks to provide for a further five years of housing supply beyond the plan period, however there is no provision for safeguarded land or white land.
- 4.2 The Councils seek to designate all land not allocated for housing as Green Belt and as such delivery of the spatial strategy is likely to be difficult.
- 4.3 Whilst the plan is supported by evidence it is not considered that the conclusions of the evidence base are reflected in the policies contained in the plan, allocations and particularly Green Belt designations.

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?

- 4.4 The Spatial Strategy sets out five key considerations used to inform the distribution of new homes. These five considerations need to be considered alongside the availability of land and deliverability of sites in order to ensure a sound plan.
- 4.5 The suitability and availability of land within the historic city to allocate new homes is extremely limited, therefore the distribution will invariably require new homes to be located outside the city centre, either on the edge of the urban area, within the existing villages surrounding York or within new settlements.
- 4.6 This conclusion is not explicitly listed in SS1, however it is the only logical outcome when considering the spatial principles.
- 4.7 Given one of the primary roles in the plan is to establish the Green Belt boundaries for the first time it is surprising that this is not mentioned within the spatial strategy. The Councils approach to the Green Belt can be described as allocating all land not required for development as Green Belt, which is contrary to national policy. The correct approach to only identifying that land necessary to be kept permanently open.
- 4.8 Given the Green Belt is being set for the first time, it should be included within the spatial strategy, together with the appropriate approach to defining the Green Belt.

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

- 4.9 The five spatial principles seek to guide the location of new development and growth within York. These factors are identified as being the most important in guiding new development

in York and broadly comply with national policy. Our Client does however have a number of concerns on some of the detail and the application of these spatial principles.

- 4.10 Conserving York's historic and natural environment is one of the key drivers of the location of new development and the setting of York's Green belt. More detail will be highlighted on this in the Green Belt session, however at this stage attention is drawn to Figure 3.1 of the plan and the Historic Character and Setting of York.
- 4.11 This plan is based on the evidence base, including the Historic Character and Setting Technical Paper and the Heritage Impact Assessment. These documents have formed the evidence base for this plan and previous versions of the plan. They have been consulted upon, drafted through consultation with Historic England and remain the Councils key evidence.
- 4.12 These documents result in the areas shown on Figure 3.1 as being the most important areas to preserve the historic setting, which was used as part of the Councils previous Green Belt assessment. The Councils revised Green Belt Assessment methodology, contradicts the findings of this and contradicts the key areas. The revised methodology is considered to be a retrospective analysis to justify the inclusion of all non allocated land as Green belt, rather than define an appropriately evidence boundary.

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?**
- 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?**

- 4.13 Our Client does not wish to comment

Spatial distribution of development

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

- 4.14 The city is very constrained in terms of land availability within the main built up area. This can be seen from the SHLAA but notably from the Councils past housing delivery, which has solely relied on these sites to deliver homes.
- 4.15 Whilst the Council have not had an adopted Local Plan, the RSS identified the need for a future Green Belt to be established through that process. In the absence of a Local Plan the

default position was to consider all land as Green Belt outside of the main urban area. As a consequence this has limited all new development to infill development.

- 4.16 Having worked on over 20 local plans in the north of England, it would be unique if York were able to accommodate its needs within the city itself. Given the historic context of the city, its relatively small size and the lack of any housing allocation, the consistent absence of a five year land supply is therefore unsurprising.
- 4.17 If the Council were to simply promote an approach of no greenfield urban extensions then the adverse trend of under delivery would simply carry on. This historic undersupply therefore demonstrates in simple terms that a strategic approach to housing is required and that strategic approach will require land to be excluded from the Green Belt in order to meet existing and future need. To seek an alternative route would simply be planning to fail.
- 4.18 The approach of allocating the available infill and previously developed sites, followed by greenfield allocations on the edge of the urban area, adjacent to existing settlements and new stand alone settlements is therefore considered an appropriate option and consistent with almost all other Local Plans in the region.
- 4.19 Notwithstanding our concerns on the actual sites chosen, their capacity and their individual boundaries, these broad locations are therefore considered the most appropriate, noting that further sites may also be required.

4.6 What factors have influenced the distribution of development proposed?

- 4.20 Our Client does not wish to comment on this question, however we reserve the right to comment at the hearings upon receipt of the Councils statement.

4.7 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?

- 4.21 Our clients main concern relating to this is with regards the Green Belt and the updated Green Belt evidence, which seeks to deviate from the evidence. The areas that establish the historic character and setting of the city are shown in figure 3.1 and are taken from an established evidence base.
- 4.22 The TP1 addendum however, adds extra levels of assessment and interpretation and expands those key areas. The TP1 addendum establishes a brand new methodology, that was not in place when the plan was drafted, submitted or even examined.
- 4.23 As drafted in the plan and upon submission these factors were justified by up-to-date and robust evidence, however this has been superseded by the updated TP1 addendum.

- 4.24 As an example Our Clients land at New Lane Huntington (Boundary 05 31 of the inner boundaries), has never been shown as necessary to preserve the historic setting of York. The site has never been included in any areas shown as important in any of the historic heritage papers and was previously a draft allocation. Historic England did not object to its inclusion as an allocation and the submitted Local Plan does not show it as necessary to preserve the historic setting. The previous version of TP1 confirmed this, with the only reason for inclusion being the impact on a nearby scheduled monument.
- 4.25 Up until May of last year, the site had never been identified as important in relation to the city's historical significance and never had it been shown as necessary to preserve the setting of the historic town. Despite this consistent position for almost 20 years, the Council have now performed a u-turn in order to retrospectively justify the position to put it in the Green Belt.

4.8 What role has the sustainability appraisal had in influencing the distribution of development?

- 4.26 Our Client does not wish to comment on this question, however we reserve the right to comment at the hearings upon receipt of the Councils statement.

Site selection process

4.9 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?**

- 4.27 Our Client does not wish to comment on this question.

4.10 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?

- 4.28 In relation to the final question the Council have excluded sites on the basis that exceptional circumstances do not exist due to the housing requirement being met. We have previously commented on this and in light of the Councils previous comments on the need to show exceptional circumstances this demonstrates that the plan as drafted was based on an unsound approach.
- 4.29 The fundamental issue in this regard is the Councils binary approach that land should either be allocated for development or included in the Green Belt. There is no land within the plan (other than school playing fields) that is excluded from the Green Belt and not proposed for development.
- 4.30 National Policy is clear that land that is not necessary to be kept permanently open should not be included within the Green Belt and in light of the previous comments from PINS regarding exceptional circumstances it is clear that the boundaries should be set based on Green Belt criteria not the release of land for housing.
- 4.31 As a simple starting point it would be highly unlikely that the most appropriate Green Belt boundary would simply follow the existing settlement pattern. Secondly it is absolutely clear that land can be excluded from the Green Belt and not allocated for housing and finally previous sites considered suitable for housing should not automatically revert back to Green Belt if they are no longer needed.
- 4.32 It is this final point that is most pertinent to this question. Our Clients site at New Lane Huntington demonstrates the Councils approach and is a site that has been removed due to the Council not requiring it for housing.
- 4.33 The Councils evidence has never shown the site as impacting upon the purposes of the Green Belt and in 2013 and 2014 the site was allocated for 411 homes. In 2016 the Council reduced the required level of housing and as such deleted all safeguarded sites and a series of allocations on controversial sites. This being one of those.
- 4.34 The evidence that supported the submission of the plan, TP1 also confirmed that the site made no contribution to the purposes of the Green Belt, however following a site visit and looking at on site heritage assets the site was recommended to be included in the Green Belt, partly to keep separation between residential and commercial areas of Huntington (not Green Belt tests).
- 4.35 The first time the site has been considered to have an impact on the purposes of the Green Belt was in the updated TP1 now being considered.

- 4.36 In parallel to this the site has been subject to a planning application and also a Public Inquiry, with the only objection to the site being its potential location within the Green Belt.
- 4.37 There are two notable things from the Public Inquiry that we have appended to this response. Firstly a transcript from the Council debate at the meeting, whereby it was demonstrated that deletion of the site was a political decision based on objections locally and secondly extracts from the Councils evidence to the Inquiry on the Green Belt.
- 4.38 These two extracts at paragraph 4.28 show clearly that the 'Green Belt boundaries in the emerging Local Plan have been drawn taking into account of identified housing needs over the plan period.' Furthermore at paragraph 4.31 it confirms that 'Local Plan site selection work has established that there are better performing sites and the appeal site is not needed.'
- 4.39 It is clear from the Councils evidence, the previous version of TP1 and these quotes that the Councils approach to the Green Belt has been to identify the necessary land for housing and then put the remainder of the land in the Green Belt. This site was rejected as it was not needed for housing, which as noted following the last examination sessions is an unsound approach. The land should therefore clearly not be included in the Green Belt.

4.11 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?

- 4.40 Our Client does not wish to comment on this question.