

City of York Council
Examination of the City of York Local Plan
2017 – 2033

Phase 2 Hearings

Matter 4

Spatial Strategy and Site Selection Process

SUBMISSION ON BEHALF OF:

Galtres Garden Village Development Company

RESPONSE TO SCHEDULE OF MATTERS, ISSUES
AND QUESTIONS FOR THE EXAMINATION



Chartered Town Planning Consultants

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CONTENTS

4.0 RESPONSE TO MATTER 4

APPENDICES

- 1 Report to inform a Habitat Regulations Assessment
- 2 Assessment of York Local Plan Policy Compliance and Potential Recreational Impacts on Strensall Common SAC

Introduction

This statement has been prepared on behalf of Galtres Garden Village Development Company (GGVDC) who have submitted representations at all stages of the Emerging Local Plan. That is representations on:

- Local Plan Preferred Sites consultation August 2016
- Local Plan Pre-Publication Draft (regulation 18 Consultation) Sept 2017
- Submission Draft Local Plan May 2018
- Local Plan Proposed Modifications Consultation June 2019:
- Proposed Modifications and Evidence Base Consultation June 2021

The GGVDC refence is SID620

GDDVC also attend the Phase 1 hearings in December 2019 for Matters 1, 2 and 3.

National Policy Context

- (i) The NPPF 2012 sets out the process for local plan preparation and in particular the establishment of Green Belt boundaries. At its heart is the presumption in favour of sustainable development, (para 14). One of the principles underpinning plan making is that local planning authorities are tasked to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. For housing, plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area (Para 17).
- (ii) To **boost significantly** the supply of housing (para 47) local Planning Authorities should use their evidence base:
 - to ensure their local plan meets the full objectively assesses needs for market housing;
 - identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements

- identify a supply of specific developable site or broad locations for growth
 - for market and affordable housing illustrate the expected rate of housing delivery through a housing trajectory for the plan period
- (iii) The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence, (para 79). Their permanence is stressed in para 83.
- (iv) Defining the boundaries should take account of the need to promote sustainable patterns of development, (para 84). When defining boundaries, consistency with the Local Plan strategy should be ensured and land which it is not necessary to keep permanently open should not be included. Where necessary, 'safeguarded land' should be identified in order to meet longer term development needs stretching well beyond the plan period (para 85).
- (v) Local plans should be consistent with the principles and policies set out in the Framework, including the presumption in favour of sustainable development, (para 151). They should be aspirational but realistic and they should address the spatial implications of economic, social and environmental change (para 154).
- (vi) Each LPA should ensure that the Local Plan is based on adequate, up to date and relevant evidence about the economic, social and environmental characteristics and prospects of the area, (Para 158). They should have a clear understanding of housing need in their area and should prepare a Strategic Housing Market Assessment to ensure they meet household and population projections and cater for housing demand and the scale of housing supply necessary to meet this demand (Para 159).
- (vii) The Local Plan submitted for examination should be 'sound', that is. positively prepared; justified; effective and consistent with national policy, (Para 182).

INSPECTORS QUESTIONS

MATTER 2 – 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?

4.1.1 Unfortunately, as we have outlined in our representations and our response to Matters 2, 5 and 7 the Spatial Strategy is not based on a reasonable assessment or justified by robust evidence.

4.1.2 The assessment of the housing requirement underestimates what is required to meet the City's housing needs. Other representations have made the case that the land for economic development is also underprovided and we would not disagree with that analysis

4.1.3 If the land required to meet development needs has not been properly assessed, then the spatial strategy will not be properly aligned to meet those needs.

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?

4.2.1 The approach taken in informing the Spatial Strategy and distribution of development is flawed. Not only is the housing requirement an underestimate of what is required, but the approach to the allocation of land for development has also been driven by the incorrect assumption throughout the process that “exceptional circumstances” were required to justify the “release” of land from the Green Belt. (See our response to Matter 7)

4.2.2 This was exemplified by the response of members to officers' advice that an increase in the housing requirement from the 867 baseline to 953 to allow for a 10% market signal uplift would place the Council in a better position to defend the Plan proposals at the Examination Stage (Report to Local plan Working Group January 23 2018).

Members rejected this advice (See paragraphs 4.2 to 4.16 of our 2018 representations Ref. 620).

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

4.3.1 Paragraph 17 of the NPPF (2012) sets out 12 principles that should underpin both plan-and decision taking. The third principle is that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area.

4.3.2 As we have set out in our representations, we do not consider that the plan, through Policy SS1, properly addresses the need for housing and is therefore not meeting the social objective of sustainable development.

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?*

4.4.1 We rely on our representations in response to this question.

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?*

4.5.1 We rely on our representations in response to this question.

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.

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

4.6.1 The local plan identifies both strategic brownfield and greenfield sites. In general, we do not contest the locations identified. The allocations generally seek to avoid areas at risk from flooding; important green infrastructure and areas that should be retained as open land due to their role in preserving the historic character and setting of York. Some allocations do impinge on areas of green infrastructure and nature conservation sites. In addition, some representations are seeking enlargement or extensions of allocations to make the sites viable (See paragraph 4.16 of our 2018 representations ref. 620). The enlargement of some allocations might put them in conflict with areas of constraint identified in Figures 3.1 to 3.3 of the Plan.

4.6.2 Our representations seek the allocation of the Galtres Garden Village site not as an alternative to sites allocated in the plan, but as an addition to the allocations to meet the housing requirements of the City during and beyond the plan period. The site meets the spatial principles criteria in Policy SS1 as well as any the other proposed strategic greenfield sites.

4.6.3 In addition, the site meets the requirements of Draft Policy G12a Strensall Common Special Area of Conservation, included in the 2021 modifications. The GGVCDC commissioned two reports to consider compliance with the Policy. One a *Report to inform a Habitat Regulations Assessment* and the other an *Assessment of York Local Plan Policy Compliance and Potential Recreational Impacts on Strensall Common SAC* (These reports should have been included as Appendix 6 to our 2021 Representations but were delayed due to the comprehensive scope of the issues to be addressed)

4.6.4 The reports consider the potential for the proposed Galtres Garden Village to impact on Strensall Common. Whilst the potential for impact is high, the impact is adequately

mitigated by the relative long drive distance to the Common from the site but more particularly by the extensive on-site open space provision and provision of a country park as part of the scheme. Not only that the Galtres Garden Village will likely attract residents from neighbouring Earswick, further mitigating recreational impact on Strensall Common.

4.6.5 Moreover, the analysis of potential impact concludes that the Queen Elizabeth Barracks site (now deleted from allocation), with fewer houses, would have had a more significant impact on Strensall Common than the Galtres site.

4.7 *What factors have influenced the distribution of development proposed?*

4.7.1 We rely on our representations in response to this question.

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?*

4.8.1 We rely on our representations in response to this question.

4.9 *With regard to the impact of distribution of development on the transport network:*

4.9.1 We rely on our representations in response to this question.

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

4.10.1 The sustainability has been used to assess the implications of the proposed policies and allocations on the social, economic and environmental objectives of the Plan to ensure that potential negative impacts are mitigated.

4.10.2 The SA has also informed the comparative advantages of site compared to alternatives.

4.10.3 An important point is that some sites, such as Galtres Garden Village, have performed well in the Sustainability Assessment but have not been included as allocations for other reasons. See paragraph 4.13 of our 2018 representations.

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?*

4.11.1 We rely on our representations in response to this question and our response to question 4.10

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.

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?*

4.12.1 Our response to Matter 7 Green Belt addresses these questions. In summary, we consider that the basis on which the Council initially identified the Green Belt boundaries – i.e. with the exception circumstances test engaged - has now been shown to be flawed, as we pointed out in all our representations.

4.12.2 The NPPF advises that when defining boundaries, the Green Belt should not include land which it is unnecessary to keep permanently open (Para 85). That instruction must be considered in the wider context of the other instructions in paragraph 85 which include:

- Meeting identified requirements for sustainable development
- Identifying areas of safeguarded land in order to meet longer-term development needs stretching well beyond the plan period
- ensuring that Green Belt boundaries will not need to be altered at the end of the development plan period;

4.12.3 Now that the “exceptional circumstances” test is not engaged, alternative and additional sites that could increase housing provision and make the plan more sound should now be reconsidered having regard to the advice in paragraph 85 of the NPPF.

4.13 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?

4.13.1 We rely on our representations in response to this question.

OVERALL CONCLUSION

4.13.2 Overall, the housing supply identified in the Draft Plan will not meet need because the combination of incorrect assumptions about delivery trajectory; a high windfall allowance; a high proportion of student completions; and a low allowance for backlog act in combination to suppress the true housing requirement and mask a proper assessment of the land required to address housing needs and affordable housing in particular.

4.13.3 For this reason, we hold that the plan is unsound because it is neither **effective** (because it will not be deliverable) or **consistent with national policy** (because it will not enable the delivery of sustainable development in accordance with the policies in the Framework).

4.13.4 To make the Plan sound, we hold that the Green Belt boundaries should be reviewed in line with the advice in paragraph 85 of the NPPF; the housing requirement needs to be increased; and additional housing allocations included in the plan to ensure the delivery of an adequate and continuous supply of housing throughout the Local plan period.

APPENDIX I

Report to inform a Habitat Regulations Assessment

Provided as Separate document

APPENDIX 2

Assessment of York Local Plan Policy Compliance and Potential Recreational Impacts on Strensall Common SAC

Provided as Separate document