



**EXAMINATION OF THE CITY OF YORK LOCAL PLAN
2017-2033**

PHASE 2 HEARINGS

**MATTER 1: STRATEGIC VISION, OUTCOMES AND
DEVELOPMENT PRINCIPLES**

CITY OF YORK COUNCIL STATEMENT

Matter 1 – Strategic Vision, Outcomes and Development Principles

1.1 Does the Strategic Vision, Outcomes and Development Principles set out within Section 2 and provided in policies DP1, DP2 and DP3 of the Plan provide a clear and appropriate framework for the strategic policies set out primarily within Sections 2 and 3 of the Plan?

1.1.1 Yes, the Strategic Vision, Outcomes and Development Principles set out within Section 2 and in policies DP1 – DP3 of the Plan provide a clear and appropriate framework for strategic policies in the Plan.

1.1.2 The Strategic Vision, Outcomes and Development Principles have developed from a combination of:

- Evidence about York’s social, economic and environmental context reflected in the ‘spatial portrait’ in Section 1 (drawing on evidence submitted alongside the Plan and subsequent updates to this and published in the Examination Library);
- National, regional and local policy frameworks and programmes applicable to York’s development.
- Joint working with neighbouring authorities and other partners as identified in paragraphs 1.8 and 1.9 of the Plan; and
- Consultation on the Plan – including the Strategic Vision, Outcomes and Development Principles – as identified in vii) on page ii of the Plan

1.1.3 The Strategic Vision describes how the city will be in the future in terms of place and people and identifies a role for the Plan in realising this Vision. The Strategic Vision is supplemented by the four ‘Outcomes’ the Plan is intended to help achieve (reflecting CYC’s corporate strategy objectives) which are to:

- Create a Prosperous City for All
- Provide Good Quality Homes and Opportunities
- Protect the Environment
- Ensure Efficient and Affordable Transport Links

1.1.4 CYC is currently developing four major strategies to inform city-wide direction over the next decade. These strategies cover health and wellbeing, economic growth and climate change and the Local Transport Plan. While there is not an explicit requirement for conformity between the Plan and these other corporate strategies, they are consistent with the outcomes above and will draw on policies set by the Local Plan and support the implementation of these policies.

1.1.5 The Strategic Vision and Outcomes are the objectives that the Development Principles seek to achieve. This includes:

- Maintaining York's important economic role in the wider region (DP1);
- How the Outcomes sought will be realised through sustainable development of York – the foundation for the Plan approach that follows (DP2);
- The principles that will ensure development of sustainable communities that can improve and enhance the lives of York's residents and improve the quality of the environment (DM3); and
- The positive approach CYC will take to positively secure development that realises the vision, outcome, priorities and principles in accordance with the NPPF, 2012 (DM4).

1.1.6 These Development Principles are cross-cutting policies that underpin the remainder Plan, they set the high-level approach to how the Strategic Vision will be realised spatially in York. This in turn sets the context and parameters for the Plan policies that follow. Section 3 Policies and other Strategic Policies in the Plan provide the detailed mechanisms for delivery of these Development Principles through policies for development decisions.

1.1.7 CYC's corporate strategies and those of its key partners have informed the definition of the Strategic Vision, Outcomes and Development Principles. These key strategies are highlighted in Section 2 of the Plan and include:

- The City Vision, 2030 [SD130]

- The Council's One Planet Framework
- The Climate Change Framework and Climate Change Action Plan, 2010 [SD115 and SD116]
- York Economic Strategy, 2016 [SD70]

1.1.8 While a number of these strategies referenced have since been updated/are being updated, the principles and outcomes sought are enduring and remain relevant to York and its future development. The Development Principles are the 'spatial expression' of these wider corporate strategies and are reinforced by the 'Spatial Strategy' policies in Section 3 of the Plan.

1.1.9 Together the Vision, Outcomes and Development Principles:

- Respond to the identified issues, opportunities and challenges and are therefore locally distinctive.
- Present a sound understanding of the form and function of the plan area. Set out a clear sense of what the city will be like in 20 years' time.
- Are aspirational but realistic.
- Reflect council and community priorities.
- Are inherently spatial in planning terms.

1.1.10 This provides a clear and appropriate framework for the strategic policies set out in the plan, including spatial/ place focused policies in Section 3 of the Plan.

1.2 Are the Development Principles set out in the Plan justified, effective and in accordance with national policy?

1.2.1 The development principles are justified. They draw on evidence underpinning the Plan, including the sustainability appraisal which considered reasonable alternatives. Section 1 of the Plan [CD001] sets out the strategic and local framework documents that underpin the development principles, alongside evidence about York's social, economic and environmental context. These remain robust and up to date.

1.2.2 The Plan has been subject to a rigorous and iterative process of Sustainability Appraisal as reported in the Sustainability Appraisal Publication Draft Regulation 19 Consultation [CD008]. The SA Report 2018 [CD008] provides an appraisal of the Strategic Vision, Outcomes and Development Principles contained in Section 2 of the Plan. SA Report 2018 [CD008] Table 6.1 and Paragraphs 6.2.2 to 6.2.5 highlight that the Vision is compatible with the majority of SA objectives, whilst Paragraphs 6.2.6 and 6.2.10 highlight that the Outcomes are also broadly compatible with the SA objectives. The SA outlines how any incompatibilities between the Strategic Vision, Outcomes and SA objectives should be mitigated and managed – a recommendation taken forward in the development of Plan policies (and reflected in paragraph 15.14 of the Plan). The Development Principles have been appraised in the SA Report [CD008]. A summary of the results of the appraisal is presented in Section 6.3 of the SA Report [CD008]. The detailed appraisal matrix is presented at Appendix E [CD009A].

1.2.3 The development principles are effective, they are deliverable, based on co-ordinated planning and flexible in responding to changes in circumstances. Section 15 of the Plan looks at delivery and monitoring [CD001] and the Plan is supported by an Infrastructure Delivery Plan [SD128]. The also reflect engagement on cross boundary issues. In line with paragraph 150 of the NPPF 2012, they have been developed and consulted on via a number of steps that have provided meaningful input and resulted in an iterative development of the

plan. Extensive consultation has allowed for effective engagement of interested parties [CD013, EX/CYC/22 and EX/CYC/65] through the following stages of plan preparation:

- Preferred Options, 2013 [SD005]
- Further Sites Consultation, 2014 [SD015A]
- Preferred Sites Consultation, 2016 [SD018]
- Pre-Publication Draft, 2017 [SD021]
- Proposed Modifications Consultation, 2019 [EX/CYC/20]
- Proposed Modifications Consultation, 2021 [EX/CYC/58]

1.2.4 The Development Principles reflect the ongoing cooperation with neighbouring authorities and statutory consultees. The joint working to achieve this and address cross boundary issues summarised in the Duty to Cooperate Statement with the Duty to Cooperate Statement [2021, EX/CYC/64] providing the most recent update. CYC consider that the Duty to Co-operate has been met [EX/HS/M1/LR/0a/CYC].

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1.2.6 Reflecting ongoing engagement with the Environment Agency, modifications to DP2 are proposed to reflect the requirements of the Water Directive Framework. This Framework places a duty on each public body, including Local Planning Authorities to 'have regard to' River Basin Management Plans (RBMP), and so CYC must ensure that new development is compliant with the requirements of the WFD and Humber RBMP which are set out in the Statement of Common Ground with the Environment Agency. The proposed modifications are captured below for ease of reference.

1.2.7 The approach accords with national policy as follows:

- The Development Principles have been prepared with the objective of contributing to sustainable development (paragraph 151 and 152 of NPPF 2012). The objectives of sustainable development as defined in the NPPF 2012 are embedded in the Development Principles; Policy DP4, in particular reflects this, and adopts ‘positive approach’ and the ‘presumption in favour of sustainable development’.
- The Development Principles encapsulate the strategic priorities the Plan seeks to deliver (paragraph 156 of NPPF 2012). They set an overarching framework to meet objectively assessed development needs, including for employment space and new homes and supporting infrastructure (with mechanisms for achieving this detailed in policies in the remainder of the Plan, including Section 15).
- The Vision and Development Principles adopt an aspirational but realistic approach (paragraph 154 of NPPF 2012).

Proposed Modifications

Objective (*para 2.14*)

- safeguard water resources and to protect and improve water quality with an overall aim of ~~getting water bodies to~~ **achieving** ‘good’ status under the Water Framework Directive **in York’s surface and ground water bodies.**

Policy DP2

iii. Development will help Conserve, **Maintain** and Enhance the Environment through:

- maintaining **the natural geomorphology of watercourses,** water quality **and the ecological value of the water environment including** ~~in the River Ouse, River Derwent and River Foss~~ **water corridors;**
- **ensuring that there is no deterioration in the status of any surface or ground water body;** and
- **making positive progress towards achieving ‘good’ status or higher in surface and groundwater bodies, in line with the Water Framework**

Directive; ~~remediation of polluted land/groundwater or the protection of groundwater;~~

Explanation

The Water Framework Directive (WFD) establishes a legislative framework for the protection of surface waters (including rivers, lakes and coastal waters) and ground waters.

The Water Environment (WFD)(E&W) Regulations 2017 place a duty on each public body, including Local Planning Authorities to 'have regard to' River Basin Management Plans (RBMP), and so the City of York Council must ensure that new development is compliant with the requirements of the WFD and Humber RBMP. York's water resources are a crucial part of the district's environment which provide important wildlife habitats and encourage biodiversity, provide opportunities for recreation and form an important element to alleviate flood risk to the city. Many of York's watercourses have been physically changed over time for example by land drainage, culverting or being run through artificial channels, which can reduce their amenity value and harm their ecology. Opportunities to re-naturalise watercourses should be supported, for example by removing existing artificial engineering works. Any new physical changes to watercourses in the district should be avoided unless there are compelling grounds for doing so and all alternative options have been considered.

1.3 Is the overall strategic approach, in terms of the vision, outcomes and principles relating to development, its management and delivering the Plan's development requirements positively prepared, justified, effective and consistent with the Framework?

1.3.1 The overall strategic approach presented in Section 2 of the Plan is positively prepared, justified, effective and consistent with the Framework as identified in responses to question 1.1 and 1.2 above.

1.4 Has the Plan been informed by an adequate process of Sustainability Appraisal and Habitats Regulations Assessment in this regard?

1.4.1 Yes, the Plan has been informed by an adequate process of Sustainability Appraisal and Habitats Regulation Assessment. The process and outputs of this accord with relevant legislation, respond to judgments in relevant case law and adopt a best practice approach as outlined below.

Sustainability Appraisal

1.4.2 During Phase 1 Hearings on Matter 1, Question 1.7 [EX/HS/M1/LR/0b] the Council confirmed that the Sustainability Appraisal has been based on a sound process of sustainability appraisal. The process has:

- Addressed legal requirements including the requirements for Strategic Environmental Assessment (SEA) as set out in the Environmental Assessment of Plans and Programme Regulations 2004 (the SEA Regulations) and taken proper account of SEA case law.
- Included consultation on the approach to SA, taking action in response to these as set out in SA Report Publication Draft Regulation 19 Appendix B [CD009A].
- Incorporated, and been carried out, in accordance with best practice on SA

1.4.3 The SA Report [CD008] submitted with the Plan identifies a framework of 15 SA objectives to appraise the Plan. These objectives have been informed by relevant policies and programmes and justified by evidence on baseline information and sustainability issues. The SA identified, described and evaluated significant effects of the Plan against this framework of SA objectives, including consideration of the cumulative, synergistic and indirect effects as well as the geography, duration, temporary/permanence and likelihood of any effects. The scope of the SA addresses plan components, comprising:

- Strategic Vision, Outcomes and Key Development Principles;

- Quantum of housing and employment growth to be provided over the plan period;
- the spatial strategy / distribution of this growth;
- Strategic site and other land allocations to deliver the growth requirements for housing, employment, gypsy and travellers and student accommodation; and
- Other 'thematic' policies in the Plan.

1.4.4 In line with the requirements of the SEA Regulations, the SA has identified and assessed 'reasonable alternatives' and these are also presented in the SA, 2018 [CD008].

1.4.5 CYC prepared a SA Report Addendum (April 2018) [CD011] to appraise the proposed modifications to the Plan. These were consulted on in the City of York Local Plan Publication Draft – Proposed Modifications Consultation (June 2019) which was supported by the SA Report Addendum – Proposed Modifications Consultation [EX/CYC/24a]. Since Phase 1 Hearings, the SA has been updated again, in response to further proposed modifications. This is set out in the Sustainability Appraisal Addendum of Composite Modifications Schedule (2021) [EX/CYC/62]. Section 4 of the SA, 2021 [EX/CYC/62] provides an appraisal of the effects of the proposed modifications.

1.4.6 Adopting the same methodology established SA, 2018 [CD008], an initial screening exercise led to a reappraisal of policies a reappraisal of policies SS1, SS2, SS9, SS10, SS11, SS12 and H1, but no changes to the appraisal scoring have been identified as a result (SA, 2021 [EX/CYC/62]). In response to the updated HRA (further detailed below), a reappraisal of sites ST7, ST8, ST9 and ST14 was undertaken as was an appraisal of new Policy GI2a where a mixture of positive and negative effects observed as summarised in the Section 5 of the SA Report Addendum, 2021 [EX/CYC/62].

1.4.7 SA, 2018 [CD008] as updated by the SA Addendum, 2021 [EX/CYC/62] identifies that the Plan approach represents the most sustainable response.

1.4.8 The Strategic Vision, Outcomes and Development principles have been subject to sustainability appraisal. In accordance with best practice guidance the relationship between the Strategic Vision and Outcomes and the SA objectives has been tested with the findings contained in Section 6.2 of the SA Report [CD008]. The Development Principles have been appraised against the SA objectives. A summary of the results of the appraisal of the Development Principles policies is presented in Section 6.3 of the SA Report [CD008] with a detailed appraisal matrix is presented at Appendix E [CD009A]. Further information is presented in response to Question 1.2 above.

Habitats Regulation Assessment

1.4.9 The CY C HRA (2018) [CD012], submitted with the Plan, was prepared in accordance with the Conservation of Habitats and Species Regulations 2017. Natural England (SID 383) subsequently raised outstanding concerns about recreational pressure and air quality impacts at Strensall Common SAC [EC/CYC/1]. Further work was undertaken and an HRA, 2019 [EX/CYC/14c] concluded, following appropriate assessment, that adverse effects on the integrity of Strensall Common SAC could not be ruled out for Policies SS19 and Site Allocations ST35, H59 and E18 and consequently recommended deletion of these from the Plan. This change to Plan was consulted on in the Proposed Modifications Consultation which 10 June to 22 July 2019 [EX/CYC/20, PM13, PM14, PM18 & PM19 in EX/CYC/20].

1.4.10 The CYC Habitats Regulations Assessment (HRA) was subsequently updated to take account of changes to the housing requirement. It also addresses further evidence provided by the Defence Infrastructure Organisation (SID 345) in 2019 [EX HS M1 LR 4].

1.4.11 The latest and current CYC HRA is the HRA, 2020 [EX/CYC/45]. The methodology addresses the regulations and mandatory tests for HRA, derived from European and UK case law and national policy and guidance (explained

in the HRA, 2020 [EX/CYC/45] Section 1.2). HRA, 2020 [EX/CYC/45] screens all policies and associated allocations within the Regulation 19 Publication Draft and subsequent proposed modifications; the 'screening' results can be found in Table 5, Table 6 and Appendix B. Where it was not possible to rule out the risk of likely significant effects in respect of a number of policies an appropriate assessment was carried out - this is presented in Table 9 and Section 5.

1.4.12 Policies DP1-DP4 were subject to a preliminary screening of proposed policies prior to mitigation which concluded that they do not directly lead to development and so can have no effects on European sites [Appendix B of EX/CYC/45]. As such they were screened out of the HRA process and excluded from any further assessment. Overall, the HRA, 2020 (EX/CYC/45) found that likely significant effects could be ruled out for the vast majority of policies. It identified potential impacts on Strensall Common, Lower Derwent Valley and River Derwent European sites. Following review, it reached the same conclusion of the HRA, 2019 (EX/CYC/14c) in respect of Policy SS19 and Site allocations ST35 and H59; for these policies/sites it was found that it was not possible to be certain that adverse effects on Strensall Common could be avoided. The HRA 2020 [EX/CYC/45] recommended certain measures in response, including deletion of Policies SS19 and Site Allocation ST35 and H59 and inclusion of Policy GI2a to avoid an adverse effect on the integrity of Strensall Common (paragraphs 6.1.15 – 6.1.20). These measures were reflected in proposed modifications to the Plan consulted on from May to July 2021 [EX/CYC/47 and PM56, PM58-PM61, PM63, PM65, PM70-PM71].

1.4.13 The approach to the HRA is robust, necessary updates have been made in response to case law as outlined above, and the procedural and content requirements for HRA have been met. This was acknowledged in Natural England's (SID 383) response to the Proposed Modifications and Evidence Base Consultation 2021, which states: *"Natural England welcomes the proposed modifications and supporting updated Habitats Regulations Assessment and Sustainability Appraisal reports We are satisfied that our comments have been taken into account and that the proposed modifications are both sound and legally compliant with regards to our areas of interest."*

1.4.14 The Vision, Outcomes and Development Principles have been informed by a process of Sustainability Appraisal (as outlined in response to question 1.2 above). They also reflect the process of HRA.