



York Civic Trust

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Inquiry into York's draft Local Plan: Phase 2 Written statement in connection with Matter 1 4th March 2022

This statement in relation to Matter 1 is submitted by York Civic Trust. The Civic Trust is a membership organisation representing some 1300 individuals. Our vision is 'promoting heritage, shaping tomorrow'. Our Mission is to: protect and contemporise York's unique heritage; champion our environment and its sustainability; encourage the city's economic development in line with its character, and engage with all sectors of the community.

The statement has been prepared by Dr Roger Pierce RIBA (ret'd), MRTPI (ret'd) and Professor Anthony May OBE FREng CEng FICE. Dr Pierce is a former chartered architect and chartered town planner, and political scientist. In his professional planning capacity, he shared responsibility for the developments of Monks Cross, Clifton Moor, Clifton Hospital, Fosslands, and Defra's Central Science Laboratory. Professor May, who chairs our Environment Committee, is Emeritus Professor of Transport Engineering at the University of Leeds. He is an expert on urban transport policy, and has advised the World Bank, the OECD, the International Transport Forum, the European Commission, several national governments, the Houses of Parliament and several UK cities. Professor May will appear at the Inquiry to answer any questions on this submission.

York Civic Trust is committed to helping to secure a Local Plan, based broadly on the current draft. We are concerned, however, that there are weaknesses in the way in which the Plan has been formulated, and aspects of its resulting content, which render it unsound. We have endeavoured throughout the process to work with the City of York Council to secure improvements which overcome these deficiencies. In autumn 2021 we offered to prepare a Statement of Common Ground with the Council, so that our proposals for enhancement could be seen in the context of our strong support for the overall approach. The Council has very recently agreed to do so, but too late for input to Phase 2 of the Inquiry. We hope that our observations can be interpreted in that light.

Patron H.R.H The Duchess of Kent

President Andrew Scott CBE CEng FMA • *Chair* Stephen Lusty • *Chief Executive and Company Secretary* Andrew Morrison

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The Inspectors ask us to:

- explain which particular part of the Plan is unsound;
- explain why it is unsound, having regard to the Framework;
- explain how the Plan can be made sound; and
- explain the precise change/wording that is being sought.

We have endeavoured to do this, though where we have concerns over the process of plan-making, we are clearly unable to answer the last of these. Our explanations for the last two are shown underlined at the end of the relevant sections of our submission.

Question 1.1 Does the Strategic Vision, Outcomes and Development Principles set out in 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 in Sections 2 and 3 of the Plan?

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

We have answered these questions together, since we have the same observations on both.

The Civic Trust considers principle ii as set out in policy DP2 to be unsound. We believe that the quantum of development proposed for the strategic housing sites is too small to provide the necessary social, cultural and community support needed, given their distance from existing centres. Successful garden villages must be self-contained in terms of primary schools, basic shopping, recreational and community facilities, some employment, and public transport links to major employment, shopping, health services and secondary schools. We recommend that a commitment is added to ensure that each major strategic site is of sufficient size to support and sustain such facilities.

The Plan gives insufficient consideration to the relationship between land use and transport, and consequent environmental impact. This is contrary to NPPF12, para 17, which requires *'actively manage patterns of growth to make fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'*. Policies x and xi of DP3 are dilutions of this Core Planning Principle. We recommend that they be strengthened by replacing the words "promote", "promoting", "where possible" by text which imposes a clear comment to achieving the outcome specified in NPPF12.

Question 1.3 Is the overall strategic approach, in terms of 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.

Our concern is that the overall strategic approach has not been justified by the analysis which underpins the draft Local Plan. To be clear, we understand “justified” to mean “the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence” (NPPF12, para 182). Our concerns are with the location and scale of new development (covered in our answer to Questions 1.1, 1.2 above), the incompleteness of the design principles, the assessment of the transport implications of the development, and the failure to consider alternative strategies for mitigating those impacts. These are all issues on which we will comment in more detail under Matter 4. However, there remains some doubt as to whether our submission on Matter 4 will be considered. We have therefore included our recommendations for Matter 4 in this document.

Incomplete design principles for new developments

Policy DP3 provides a helpful set of development principles, which we support. However, the list is incomplete in terms of the opportunities to support sustainable travel. In particular the literature on sustainable development demonstrates that the following are also needed:

- development needs to be of mixed use and high density
- development should be designed around high quality walking and cycle routes
- those routes need to provide short, safe and convenient links to a core set of community facilities
- development needs to be designed to manage servicing traffic and to accommodate appropriate emerging technologies.

We recommend that all of these are added to Policy DP3 so that they can be addressed in more detail later in the Plan.

In relation to these, we also recommend, in our submission on Matter 4, that Policy SS1 is extended to include the following two additional principles:

1. The need for new free-standing developments to be constructed as sustainable communities – of sufficient scale to support a range of local services and facilities, as well as viable, high-quality public transport. This should involve a consideration of density and the appropriate mix of land uses, as well as a mix of tenures to create diverse and socially sustainable communities.
2. The need for new developments that are integrated into the existing urban fabric in such a way as to maximise the viability of local facilities and services, as well as exploiting any spare capacity in those facilities and related public transport infrastructure.

In relation to these principles 1, we present evidence that to satisfy them any new garden village would need a minimum population of 15,000.

Further, we are also concerned, as set out in our submission for Matter 4, that the assessment of strategic sites does not fully address the principles in Policy SS1. We therefore recommend that a more comprehensive assessment be made of a fuller range of sites based more directly on the spatial principles in Policy SS1, and the two additional principles which we propose above.

The objectives against which the transport assessments are made

Para 2.16 of the draft Local Plan sets out the transport-related objectives which any assessment should consider. As we noted in our submission in 2018, this list is somewhat incomplete. In particular it says nothing about accessibility, or equitable provision of access. Neither does it mention climate change, which the Government now expects to be central to any Transport Plan. We recommend that these are included in this paragraph, and addressed in the assessment.

The options considered in the transport assessments

Para 2.16 specifically states that the Plan will ensure that ... “growth will not have unacceptable impacts in terms of congestion and air quality ...”. Policies DP1, 2 and 3 all refer in different ways to the need to deliver a fundamental shift in travel to more sustainable modes. Policy DP3 refers specifically to minimising the environmental impact of vehicle trips to and from the development. We strongly support all these aspirations.

Yet the only analysis of these potential impacts comes in the Transport Topic Paper, which simply predicts the impacts of new development on the road network on the assumption of no remedial measures. Its prediction of a 55% increase in congestion as a result is clearly not evidence of growth which “will not have unacceptable impacts in terms of congestion”.

In practice the analysis in the Transport Topic Paper is flawed because it takes no account of any demand response to such delays. It also fails to satisfy the Government guidance on the transport assessment of Local Plans (DfT, 2015 in relation to NPPF12) that any such assessment should:

- assess the existing situation and likely generation of trips over time by all modes and the impact on the locality in economic, social and environmental terms
- assess the opportunities to support a pattern of development that, where reasonable to do so, facilitates the use of sustainable modes of transport
- highlight and promote opportunities to reduce the need for travel where appropriate
- identify opportunities to prioritise the use of alternative modes in both existing and new development locations if appropriate.

Our concern is that, had the Council carried out such an assessment of remedial measures it would have been able to demonstrate that a pattern of development could be achieved which would, in the words of para 17 of NPPF12, “*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*”. We have offered to work with the Council to conduct such an assessment, based on the expertise at our disposal.

It is not possible as yet to amend the Local Plan to reflect these points, but there is still time to do so before transport matters are considered in detail in Phase 4 of the Inquiry We strongly recommend that the Inspectors accept that, in this regard, the draft Local Plan and its Spatial Strategy are as yet not justified, and ask the Council to carry out the necessary further analysis and assessment of alternatives, as specified by Government, so that it can be considered in Phase 4 of the Inquiry.

In our response to Question 4.9 of Matter 4, we provide an expert assessment of the modelling methods adopted by the Council. We note that the results from such models are complex. Some time will be needed to assimilate any results which the Council produces from its new model, and we recommend that the Inspectors propose a timetable for producing those results which will permit them to be adequately reviewed in advance of Phase 4 of the Inquiry.

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

We were not made aware, in 2018, of the significance of these assessments, and therefore did not comment on them. We have since reviewed the Sustainability Assessment, and have some major reservations, but we assume that we are not entitled to discuss them.

