

**York Environment Forum**  
**Response to 2023 Major Modifications to York's draft Local Plan Consultation**  
**27th March 2023**

This statement in response to the statutory consultation on the Major Modifications of the draft York Local Plan for York is submitted by York Environment Forum.

York Environment Forum is committed to helping to secure a Local Plan, based broadly on the current draft. We have set out our comments and concerns on the suggested Major Modifications and our reasoning below following the layout of the consultation document.

We confirm that we have read the associated privacy notice.

The Environment Forum has some overall concerns with the Major Modifications that go to questioning the effectiveness of the modifications and ultimately the soundness of the draft Local Plan.

1. A number of the Major Modifications have removed detail from the Policies of the Local Plan leaving further clarification for subsequent Supplementary Planning Documents. Neither the list of Major Modifications nor the evidence base contains a programme of publication dates for SPDs. The City of York Council Executive has very recently approved the removal of a number of SPDs from the Local Plan subsequent to the Planning Inspectors' inquiries. The Environment Forum are concerned that any planning applications received in advance of their publication will be determined on the policies alone without the specific guidance of the unpublished SPDs. Given the pace at which applications for strategic development are now expected, this could result in the Council's targets, for example for climate change, health and wellbeing, culture and heritage and sustainable travel, being seriously undermined. **The Environment Forum strongly recommends, that the Council provide a SPD publication programme for all relevant Policies, and appropriate holding arrangements are provided in the plan.**
2. Several of the modifications include qualifiers such as "reasonably" or "as appropriate" which are open to a range of interpretations. These could reduce planning officers' ability to negotiate amendments to developer proposals and limit their ability to recommend rejection of planning applications which would otherwise be contrary to the Council's and the Plan's objectives. Unambiguous wording and intent will also give more certainty to applicants. **We recommend that all such qualifiers be omitted, or replaced by wording whose interpretation is more tightly specified.**

We are very much aware that the Council now wishes to secure an approved Local Plan as soon as possible, and we strongly endorse that position. It has been a serious weakness of planning in York that the city has not had a fully approved Local Plan for approaching seven decades. We hope that the recommendations which we offer below can be readily incorporated in a final version of the plan prior to its submission to the Secretary of State for approval.

## **Section 2 Vision and Development Principles**

### **Policy DP2**

**MM2.3.** We recommend that the following list be added to Policy DP2 so it reads:

**‘Mitigate and adapt to climate change through designing new communities and buildings, transport networks and services that support each community to be energy and resource efficient and reduce carbon emissions. This can be achieved by their being of mixed use and high density; designed around high-quality walking and cycling routes; providing a core set of community facilities safely and conveniently accessible on foot or by bicycle; ensuring the provision of high quality public transport routes to key destinations; and by managing servicing traffic and to accommodate appropriate emerging technologies.’**

**We would also suggest the supporting text is strengthened to match this new section, including a commitment to produce a Supplementary Planning Guidance Document on Developing Sustainable Communities.** This could draw on York Civic Trust’s earlier research and workshops on this topic that we referred to in our previous phase 2 submission on question 1.1 [HS/P2/M1/SV/4](#)↓.

Reason: Not Effective

**MM2.4.** See our comment above on policy DP2 regarding consequential amendments to the supporting text.

Reason: Not Effective

### **SS4: York Central**

**MM3.10.** We recognise the impact of the delays in finalising York’s draft Local Plan on the Housing Trajectory for York, and the wider economic factors the reduction in the quantum of development within the plan period for ST5 York Central, from a minimum of 1500 (2018) to around 950 dwellings (August 2022). However, given the very high upfront investment costs, this places into question the ability of the site to also deliver the range of local facilities and services to make this a genuine sustainable community during the current plan period. and therefore is not effective, and not compliant with the requirements of NPPF

2012 Paras 7, 17 & 70, even more so of the latest NPPF 2021 para 73 b) and therefore MM3.10 is unsound.

Reason: Not justified, not effective, and not consistent with national policy

#### SS5: Castle Gateway

**MM3.12.** York Environment Forum accepts the reasoning for the transferral of the list of deliverables from the opening policy wording to the explanation section (paragraph 3.33A) and welcomes the opportunity for increased clarity and lack of duplication. This does create, however, some disparities within the principles of the sub-areas. For clarity along with the modification MM3.12 the Environment Forum recommends:

**Principle xi (sub-area Castle and the Eye of York) - insert wording to read ‘Create a public realm scheme for the Castle and Eye of York, which celebrates the significance of historic assets and the setting of the historic Castle and prison *by removing the Castle Car Park.*’**

This follows the precedent created by retaining ‘Provision of a replacement car park within the Castle Gateway area’ in the text moved to explanation in **MM3.14** being reinforced by principle xvii (sub-area St George’s Field): ‘Consider the opportunity to provide a new multi-storey car park on the site of existing surface level parking at St. George’s Field to replace the existing parking at Castle Car Park’.

Reason: Not effective

#### SS12: Land West of Wigginton Road

**MM3.41.** There is a minor but important error in the modification to this text. It says “The transport and highways impacts of the site development individually and cumulatively should be assessed with sites ST7, ST8, ST9, and ST15.” The equivalent modified wording for SS9, 10, 11 and 13 reads “... of the site development should be assessed individually and cumulatively with ...”. The distinction is important because the latter makes clear the site’s impacts need to be assessed individually as well as cumulatively. **We recommend this minor correction to the wording of SS12 to read “... be assessed individually and cumulatively with ...”.**

Reason: Not effective

#### Policy SS13: Land West of Elvington Lane (ST15)

**MM3.47.** YEF is concerned that the reduction in the quantum of development for ST15 (from around 2,200 dwellings to 560 dwelling within the plan period) will not create a sustainable community as required in NPPF 2012 Para 52, nor, because of the very high transport infrastructure costs, meet the linked services requirements of NPPF 2012 Paras 7, 17 & 70. This is even more clear when judged against NPPF 2021 para 73 b) : ‘ensure that

their size and location will support a sustainable community, with sufficient access to services and employment opportunities (none of the latter proposed) within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;’. **It is unacceptable for the delivery to be so extended that key services and facilities, which are unlikely to be delivered up front for funding reasons, are unavailable for early occupants, and particularly those in affordable accommodation who may well not have the means to access facilities elsewhere. The change exacerbates our previous concerns (SID332 & 374, HS/P2/M1/SV/4) re the final site being too small for a sustainable community.** [

Reason: Not justified, not effective, and not consistent with national policy

**MM3.53.** We welcome the amendment to make provision for a secondary school on this site, which we see as important to achieving a sustainable new community in line with the NPPF.

MM3.54. This modification relates to the Sustainable Transport Study for the site (EX/CYC/89) which fails to identify adequate active travel or public transport links to the site. It fails to identify active travel routes to ST26 or to the secondary school in Fulford. There is no mention of bus rapid transit or bus priority, both of which are specified as key principles. No dedicated services are proposed to York city centre or other key destinations bar the University, and no service is offered to central Leeds, even though all of these requirements are identified earlier in the report. No reference is given to a new segregated overpass across the A64, even though this is clearly specified in para 25 of EX/CYC/79. The modified policy is therefore non-compliant with NPPF 2012 Para 17 (planning principle 11), 28, 32, 35, 41 (regarding route protection), 58 and 156, and the DfT’s 2015 guidance on Transport evidence bases in plan making and decision taking paras 2, 3, 5 & 8. We’d ask the inspectors to require the Council to commission a report which clearly identifies the additional sustainable travel infrastructure and services required, and to reflect this in an early update to the plan.

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Reason: Not justified, not effective, and not consistent with national policy

### **EX/CYC/89**

This report fails to identify the infrastructure provision needed to satisfy its own principles. No detail is given of cycle routes to ST26 or to Fulford School, and the costs of cycling provision aren’t given, even though EX/CYC/79 commits to £4m of developer funding. There is no mention of bus rapid transit or bus priority. No dedicated services are proposed to York city centre or other key destinations bar the University, and no service is offered to central Leeds. The only dedicated route proposed is to the University, but routed via Common Lane, which is supposed to be vehicle-free. No reference is given to a new

segregated overpass across the A64, even though this is clearly specified in para 25 of EX/CYC/79. **We recommend that EX/CYC/89 is deemed inadequate against the requirements of NPPF 2012 Para 17 (principle 11), 28, 32, 35, 41 (route protection), 58 & 156, and the DfT's 2015 Transport evidence bases in plan making and decision taking paras 2, 3, 5 & 8. We'd ask the inspectors to require the Council to commission a report which clearly identifies the additional sustainable travel infrastructure and services required, and to reflect this in an early update to the plan.**

Reason: Not justified, not effective, and not consistent with national policy

#### SS22: University of York Expansion

##### **MM 3.77**

We are concerned that the modifications to this include an expectation to "Explore feasibility of a junction on the A64 to the south of the site with delivery in conjunction with ST15". This is totally incompatible with the subsequent explanation which states that the site is designed to be car-free (para 3.100) and that all vehicular access is to be via Kimberlow Lane (para 3.101). A new access from the outer ring road would be used predominantly by private car traffic, and would offer a new, and otherwise uncontrolled, route to the city centre through the middle of the university East Campus. This would significantly add to the transport problems arising from development, while providing little or no benefit to this strategic site. It is thus not a positively prepared addition to the Plan. **We strongly recommend that this addition be deleted.**

Reason: Not Positively Prepared

## **Section 5: Housing**

### **MM5.1**

York Environment Forum welcomes the additional criterion for 'For sites that contain existing open space, where appropriate, it should be retained on-site or re-provided off-site.'. However, we believe that off-site provision should be an avenue of last resort as it facilitates the progressive reduction of open space where it is normally of most benefit and value. For the same reason evaluation of the open space provision, particularly where there was existing open space serving the wider area needs to be in the context of the levels & types of open space and required provision in the locality as NPPF12 paras 73 & 74 make clear. **We recommend the removal of this aspect of the proposed modification as it would be ineffective and therefore unsound, and for the previous open space text to be reinstated.**

Reason: Not effective, and not consistent with national policy

### **MM5.8.**

Within the modified wording York Environment Forum rejects the new phrase 'will expect

developers to provide housing solutions that contribute to meeting York's housing need as identified ..' is a major weakening of the previous policy wording that makes achieving a balance unachievable in practice contrary to NPPF 2012 paras 17 (planning principle 3) and 50. We think that the previous wording of the clause that the Council 'will seek to balance the housing market across the plan period and work towards a mix of housing identified...Proposals will be required to balance the housing market ..' should be reinstated to restore the Local Plan's soundness, particular when judges against the evidence from the 2021 census of the complete failure to deliver the required levels of family accommodation for the local population (see attached supporting document).

Reason: Not justified, not effective, and not in compliance with national policy

#### Policy H7: Affordable Housing

##### **MM 5.21.**

MM5.21 sets out a target of 3265 affordable dwellings through the Local Plan. MM3.1 Policy SS1 sets an aspirational target for the Council to deliver at least 4228 affordable dwellings (only 45% of those needed to meet the needs of residents) an additional 963 dwellings on that which can be delivered by MM5.21 and others MM's. There is no evidence of methodology presented within the draft Local Plan as to how this will be achieved and should be addressed if the plan is to be effective.

Reason: Not justified, not effective

### **Section 8: Placemaking, Heritage, Design and Culture**

#### Policy D3 Cultural Provision

##### **MM8.4.**

Paragraph 8.22 defines, promotes, and facilitates cultural wellbeing, and states that the Council will produce an SPD outlining the requirements of the Cultural Wellbeing Plan.

We fully support this inclusion. We are concerned, however, that since the modification consultation began in January 2023, City of York Council's Executive has agreed to withdraw several SPDs in the draft local plan, including the Local Heritage List Supplementary Planning Document, Sustainable Design and Construction Supplementary Planning Document, and Cultural Wellbeing Supplementary Planning Document. (see LPWG Minutes 16 Jan 2023: <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=128&MId=13874> and approved at CYC Executive meeting on 26<sup>th</sup> Jan 2023 (see Agenda Item 75. City of York Local Plan, paragraphs 29-42: <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=13294&Ver=4> )

**We oppose the withdrawal of these SPDs on the grounds that they will make the Local Plan unsound, especially where, such as Policy D3, delivery of the plan is solely reliant on a formerly proposed and now 'dropped' SPD.**

Reason: Not effective

#### Policy D4: Conservation Areas

##### **MM8.5**

Historic England's *Conservation Principles, Policies and Guidance* (2008) underpins heritage conservation protocol and advice in England and directly informed the NPPF in 2012. *Conservation Principles* introduced the importance of analysing a heritage asset (including Conservation Areas) through its value(s) (see pp.27-32) and an understanding of its significance (pp.35-40). We therefore oppose the removal of reference to 'significance' of a conservation area in MM8.5. We consider this would be contrary to NPPF 2012 (and later edition) paragraphs on conserving and enhancing the historic environment paras. 128-29, 132-35, 137-39, 141, 154. It would also be consistent with proposed modifications in the consultation, notably MM8.6 - MM8.15; AM 8.12 (8.25).

We propose the paragraphs referring to significance in MM8.5 should be changed to read as follows: **"Changes of use will be supported when it has been demonstrated that the beneficial current uses of the building can no longer be sustained, where the proposed new use would not significantly harm the prevailing significance, including character, of the Conservation Area"**.

Reason: Not effective, and not consistent with national policy

#### Policy D7: Non-designated Heritage Assets

##### **MM8.12.**

Reference is made to "In advance of the adoption of a Local List, applicants should consult relevant evidence alongside the policy's clear local criteria to identify non-designated heritage assets. ... Any development proposals that relate to non-designated heritage assets and their settings must be accompanied by an assessment of their significance in line with the criteria in Policy D7." There is no indication of what applicants should do *after* adoption of a Local List in York.

We recommend the following addition: **"Once the Local List is adopted, applicants should base their proposals on the requirements of that List."**

Reason: Not effective

### **UNDER 8.38.**

Paragraph 8.38 retains reference to 'policy [D7] will be supported by a Local Heritage List Supplementary Planning Document,...' and that this SPD is the only proposed method of 'implementation' in the 'delivery' section of this policy. We fully support this inclusion.

We are concerned, however, that since the modification consultation began in Jan 2023, City of York Council's Executive has agreed to withdraw several SPDs in the draft local plan, including the Local Heritage List Supplementary Planning Document, Sustainable Design and Construction Supplementary Planning Document, and Cultural Wellbeing Supplementary Planning Document. (see LPWG Mins 16 Jan 2023:

<https://democracy.york.gov.uk/ieListDocuments.aspx?CId=128&MId=13874> approved at CYC Executive meeting on 26<sup>th</sup> Jan 2023 (see Agenda Item 75. paragraphs 29-42: <https://democracy.york.gov.uk/ieListDocuments.aspx?CId=733&MId=13294&Ver=4>)

**We oppose this withdrawal of these SPDs on the grounds that they will make the Local Plan unsound, especially where, such as Policy D7, delivery of the plan is solely reliant on a formerly proposed and now 'dropped' SPD. ]**

Reason: Not effective

### **UNDER 8.38.**

York Environment Forum requests that under 'Delivery: 'Key Delivery Partners' to add York Civic Trust. The reason for this is that when the York Open Planning Forum discontinued in 2018, its work creating a nominated Local Heritage List for York was passed to York Civic Trust, who the York Environment Forum work with. The physical and digital copies of the compiled Local Heritage List and website are now in the custodianship of the York Civic Trust.

Reason: Not effective

## **Section 9: Green Infrastructure**

### Policy G12: Biodiversity and Access to Nature

#### **MM9.2 /9.3.**

The reason given for proposed changes for Policy G12 is so that it 'Ensures appropriate distinctions are made between different levels in a hierarchy of nature sites in accordance with paragraph 113 of the NPPF (2012). Consistent with Natural England's July 2019 response to the Regulation 19 consultation' (MM9.2) and 'New criterion to reference ancient woodland and veteran trees, bringing into the Development Plan the NPPF



requirement.’ (MM9.3). York Environment Forum questions the effectiveness of this policy when referring to NPPF2012 rather than the more expansive and updated NPPF2021, especially in light of frequent reference in the Modifications to post-2012 national legislation and advice, including The Environment Act of 2021 (see MM9.3, 9.5) and its update ‘expected November 2023’ (MM9.5), and Natural England’s Supplementary Advice (2019) (MM9.6). **We recommend reference is made to the NPPF2021 for this policy.**

York Environment Forum remains disappointed that there is no commitment to updating the evidence base (such as the biodiversity audit).

Reason: Not effective

## **Section 9: Green Infrastructure**

### Policy GI1: Green Infrastructure

#### **MM9.1.**

We oppose the introduction of the words “Where appropriate”, which we consider weakens this extremely important policy for protecting green spaces for residents in built up areas, besides reducing the clarity for applicants. **We ask for this part of the modification to be rejected.** [

Reason: Not justified, and not effective.

### Policy GI2a: Strensall Common

#### **MM9.6.**

We welcome the introduction of this new policy.

### Policy GI5: Protection of Open Space and Playing Fields

**MM9.8.** We oppose the whole proposed modification, which we consider weakens this extremely important policy for protecting green spaces for residents in built up areas. The environmental reference is important. The well-being benefits of green space, its flora and fauna are now well established. The need to ensure that any replacement space are geographically appropriate and accessible is vital – we have seen some abuse of that principle in recent planning applications. **We ask that this modification is rejected.**

Reason: Not justified, and not effective.

## **Section 11: Climate Change**

### **MM11.1.**

The text change in para 11.1 “fulfilling ~~the aspirations of One Planet Council in relation to environmental sustainability~~ the York Climate Change Strategy” must be a major modification - the Climate Change Strategy is a major policy document not just a set of aspirations.

The Major Modifications proposed do not support the revised para 11.1 statement. Policies CC1-3 still only deal with renewable energy, new domestic & non-domestic buildings, & district heating, despite our previous representations EX/HS/P4/M13/CC/9, etc. The Climate Change Strategy indicates that buildings only cover 62% of current carbon emissions. Policy CC2 only focuses on new buildings, with no proposals for the current, typically energy-inefficient, existing building stock. Equally, Policies CC1-3 make no reference to the range of carbon sequestration methods required to meet the 88% reduction in carbon emissions needed to achieve net zero.

**We ask the Inspectors to seek a new overarching Policy CC0 setting out the Government’s & Council’s Climate Change Strategy targets and indicates the linkages with other parts of the Local Plan e.g., Sections 9, 13, 14 & Policies C1, DP2 & SS1.**

Reason: Not positively prepared, not justified, not effective, and not consistent with national policy

### Policy CC1

**MM11.3.** Policy CC1 supporting text. Please reinstate ‘wind’ in para 11.4 as a possible renewable energy source. The original evidence base document is City of York Council Renewable Energy Study (2014) – ref SD117, which identifies a number of suitable wind locations. We consider the revised evidence document which allocates no suitable wind sites is unreasonably strict, and unhelpful when major renewable energy generation is required to deliver net zero.

Reason: Not effective

### Policy CC2

**MM 11.12** The deletion of paras 11.19 to 11.21 removes the commitment that the Council “will support home owners in delivering (energy) efficiency improvements”. This is wholly incompatible with the Council’s target of retrofitting 32,700 dwellings by 2030 and its now

adopted climate change strategy (see [Annex Bi Climate Change Strategy 2022-2032.pdf \(york.gov.uk\)](#) and action plan ([Annex Bii Climate Change Action Plan.pdf \(york.gov.uk\)](#)). It also fails to satisfy the NPPF12 para 95 requirement that Local Planning Authorities should “actively support energy efficiency improvements to existing buildings”. We were assured by Council representatives, during Phase 4, that the references in Paras 11.19 and 11.20 would be reinstated, but this has not happened. Thus the Plan as drafted is unsound in providing no basis for planning officers to support, or require, energy efficiency improvements in existing buildings. **We recommend that a new Policy CC4 is added which sets out clearly the planning conditions which will apply to support home owners, and owners of non-domestic buildings, to increase the energy efficiency of their properties.**

Reason: Not Positively Prepared, not justified, not effective, and not consistent with national policy

## Section 12. Environment

**MM12.1** We note that the final para of the replacement policy ENV1 requires an exposure mitigation strategy where there is potential for new occupants to be exposed to unacceptable levels of air pollutants, but, unlike the previous policy version, it does not require measures to be in place to mitigate and prevent further exposure. It also now conspicuously fails to say anything about existing residents similarly affected and is therefore non-compliant with NPPF 2012 para 124. It also does not define what is unacceptable. The policy therefore lacks clarity for both applicants and those potentially negatively affected, and overall the policy is even weaker than the previous version in ensuring residents are effectively protected. The overall policy is not effective for all the reasons we outlined in our previous response to the Inspector’s questions regarding this in phase 4 – see EX/HS/P4/M7/TAQ/10.

Reason: Not justified, not effective, and not consistent with national policy.

**MM12.2** We note a similar weakening in the supporting text of 12.6 and 12.7 on the issues we flag above about Policy ENV 1, and which we oppose for the same reasons. They also delete the requirement for an SPD, which was previously seen as a core means of implementing the Council’s Low Emission Strategy (Submission Doc SD093). **We recommend further amendment to satisfactorily address these issues.**

Reason: Not justified, not effective, and not consistent with national policy.

## Section 14: Transport and Communications

**MM14.1** We welcome the references in para 14.3a to the forthcoming 4th Local Transport Plan (LTP4) and in para 14.3b to the forthcoming LCWIP and the BSIP. However, we note that the Council's failure to evaluate a strategy for addressing and mitigating the major overall traffic, congestion, air quality and carbon emission consequences of the plan growth in line with the requirements of NPPF12, the DfT's 2015 guidance, or of the Council's now adopted Climate Change Strategy (links in MM11.12), makes the current Plan unsound and incompatible with the Plan's own stated objectives (ref our previous submissions SID374, [HS/P2/M1/SV/4](#)↓ (Q 1.1), etc. Policies T2, T4 and T5 are also still based on LTP3, which was published 12 years ago and is now seriously out of date also making the plan unsound. **We ask that the Council completes the DfT 2015 guidance process to identify the necessary mitigations, taking into account the Climate Change imperatives, and update the Transport policies as appropriate. If the Council and Inspectors are unwilling to support this, we ask the Inspectors to recommend an urgent update of the plan once the LTP4 for York is adopted.**

Reason: Not positively prepared, not justified, not effective, and not consistent with national policy

**MM14.3.** Policy T1 Explanation

All references in paras 14.8, 9, 12 and 13 to detailed specifications of standards in a forthcoming SPD have been deleted and replaced by a much vaguer statement in the new para 14.14a. Moreover, the Council's outline for its new SPD on Sustainable Transport fails to list the specific standards for access to public transport or service frequency (currently mentioned in paras 14.8 and 9), and no date is specified for publication of this SPD. This makes the Plan unsound, in that it provides developers with the opportunity, in advance of any SPD, to create new communities with inadequate access to public transport, under-provision of cycle parking and over-provision of car parking, all of which would run counter to the Plan's objectives and the requirements of NPPF12 paras 17 (principal 11), 29, 32, 35, 41, 58 and 156, and the DfT's 2015 Transport evidence bases in plan making and decision taking paras 2, 3, 5 & 8. **We recommend, therefore, that para 14.14a is modified to specify that, prior to publication of the SPD, standards will be those specified in the 2005 Development Control Local Plan. See also MM14.1 comments & recommendations.**

Reason: Not positively prepared, not justified, not effective, and not consistent with national policy

Policy T2: Strategic Public Transport Improvements

**MM14.4.** This modification removes the detailed list of public transport infrastructure improvements, and thus leaves them subject to disruption by development prior to their inclusion in the IDP. **We recommend a detailed list of schemes is reinstated in Policy T2, to**

**ensure that they are protected from development** in line with NPPF12 Para 41. Whilst the revised, shortened, list of major schemes is generally appropriate to serve the local needs of the largest new developments, it fails to identify services for other developments including ST5, ST7, ST8 and ST9, or to address, as we have flagged all the way through this plan making process, the overall need to deliver an effective transport strategy and public transport network for the city against the unacceptable cumulative traffic and congestion impacts of the proposed plan. The Council's failure to evaluate a strategy for addressing and mitigating the consequences of the plan growth in line with the requirements of NPPF12 and the DfT's 2015 guidance makes the current Plan unsound and incompatible with the Plan's own stated objectives (ref our previous submissions SID374, [HS/P2/M1/SV/4](#)↓ (question 1.1), etc. **See also MM14.1.**

Reason: Not positively prepared, not justified, not effective, and not consistent with national policy

#### Policy T4: Strategic Highway Network Improvements

##### **MM14.7.**

This modification includes a grade-separated junction of the A64 and dualling the A1237 west, for which no case has been made in the Plan's lifetime. No reference is made to the requirements for managing the existing road network to achieve the 20% reduction in car use required by the Council's draft climate strategy (EX/CYC/104). This makes the Plan unsound in that, in the absence of effective traffic management, such highway investments will add to private vehicle traffic, adversely affect sustainable travel, and thus be counter to the Plan's objectives, the Council's Climate Change Strategy and the requirements of NPPF12 and the DfT's 2015 guidance paras 2, 3, 5 & 8 in particular. This is demonstrated by the assessment of the dualling of the A1237 north & east, which shows a 90% increase in traffic on it, but at most a 7% reduction in inner York. **We recommend that the references to the grade-separated junction with the A64 and dualling of the western outer ring road be deleted, and the Policy expanded to emphasise the role of effective traffic management on the existing highway network. See also MM14.1 comments & recommendations.**

Reason: Not positively prepared, not justified, not effective, and not consistent with national policy

#### Policy T5: Strategic Cycle and Walking Network Links & Improvements

##### **MM14.8.**

The detailed list of schemes has been deleted and replaced by 3 much less specific statements, leaving schemes vulnerable to inappropriate development contrary to NPPF12 para 41. **We ask that a detailed list of schemes is reinstated in Policy T5, to ensure that they are protected from development.** The reference to the Council developing "a

comprehensive network ..." "through York's LCWIP, which is currently being researched" is misleading. The LCWIP is to be based on 10 strategic cycling corridors and 4 key walking zones, and will thus not provide a comprehensive network – the only comprehensive approved network remains that shown in the 2005 Development Control version of the Local Plan. It is essential that the Council produces an updated comprehensive network if it is to see the doubling of active travel trips required by 2030 for the draft Climate Change Strategy (EX/CYC/104). **We recommend that the reference to the LCWIP in para 14.40 is modified to read: "... which will be developed through York's LCWIP and LTP4, and will be fully reflected in an updated IDP. The cycling network in the 2005 Local Plan will be used pro tem."** See also MM14.1 comments & recommendations.

Reason: Not positively prepared, not justified, not effective, and not compliant with national policy

#### Policy T6: Development at or Near Public Transport corridors, Interchanges and Facilities

**MM14.9.** We are concerned by the omission of the following three justifications for not accepting development near to public transport facilities where it would:

- generate a demand for travel by private motorised vehicles that is likely to be unsustainable either in the location of the development or on the wider highway network; or
- have an adverse impact on the character, historic and natural environment and amenity of the area in the vicinity of the development, or
- compromise the purpose of the Green Belt.

Omission of the first of these would explicitly permit high traffic generating developments which could prejudice the operation of the public transport facility. The other two should be standard conditions for rejecting development. **We ask that these three justifications be reinstated.**

Reason: Not positively prepared, not effective.

#### Policy T8: Demand management

**MM14.11** No reference is given for the Council's guidance on parking standards. Revised standards are to be included in the Sustainable Transport SPD, but no date is given for this. Strict city centre parking controls have been the cornerstone of the Council's Transport policies since 1988 and in the current 2005 DC Local Plan. This omission is unsound and risks over-provision of parking. **We ask that Policy T8 is modified to specify that, prior to publication of the SPD, parking standards will be those specified in the 2005 Development Control Local Plan.** The Policy requires developments to "incorporate appropriate demand management measures", but the modifications are inadequate in their coverage of the types of measure. **We ask that the following are added:**

- Support for working, studying and shopping from home (linked to Policy C1);

- Design of new communities to reduce the need to travel (linked to Policies DP2 and SS1);
- Personal, workplace and school travel plans;
- Road network management (linked to Policy T4);
- Parking charges to influence car use; and
- Workplace parking levies and road pricing.

See also our submissions SID374, etc. & **MM14.1 comments & recs.**

Reason: Not positively prepared, not justified, not effective, and not consistent with national policy

## **Section 15: Delivery and Monitoring**

### **MM15.3 Policy DM1 explanation –**

This modification is based on analysis in EX/CYC/87a. No reference is made to EX/CYC/91, which assesses the impact of development on carbon and local air pollutant emissions from transport. The analysis in these support documents is unsound, as is the modification in para 15.15. NPPF 2012 specifies that the impact of the anticipated development, however it is distributed, should be compared with the situation without such development. DfT (2015) states that Local Plan transport assessments should ensure that “any proposed land allocation impact is considered in the context of two alternative scenarios – ‘with development’ and ‘without development’” and thus “enable a comparative analysis of the transport effects of the proposed allocation.” The Council has failed to make this comparison in CYC/87a and CYC/91. **We recommend that para 15.15 is further modified to acknowledge these limitations, and to make clear that they will be remedied as per our recommendations on MM14.1.**

Reason: Not justified, not effective, not consistent with national policy

**CYC/87a and CYC/91.** The Council has not assessed, as required by DfT (2015), “whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. There is no assessment of the improvements needed to limit the significant impacts arising from the strategic developments proposed in the Plan. There is thus no basis on which to argue that the measures proposed in Policies T1-9 are either necessary or sufficient to limit these impacts, or that the residual cumulative impacts will not be severe.

**The analysis in CYC/87a and CYC/91 fail to satisfy the requirements of NPPF 2012 or DfT (2015) and are thus unsound. A thorough analysis is required of the impacts, on all indicators, of the set of proposed strategic developments. Revisions to Policies T1 to T9**

**should then reflect the resulting requirements. A commitment should be given for this analysis to be conducted as per our recommendations on MM14.1.**

Reason: Not positively prepared, and not consistent with national policy

#### **EX/CYC/107/8**

We highlighted the inadequacies of the IDP transport evidence base and financial allocations for transport improvements, particularly cycling in our previous phase 2 representation HS/P2/M6/IR/5, which was not accepted or addressed by the Council in this document. Since then, the Council reviewed its active travel programme and identified that it had massively underestimated the costs of producing LTN1/20 compliant cycling schemes – detailed estimates exceeding the allocations by a factor of 7 (see [Executive Report - Active Travel Programme Revision and Contract Award - v1.0 14112022.pdf \(york.gov.uk\)](#) along with [Annex 1 - Current Active Travel Programme v1.0 27102022.xlsx \(york.gov.uk\)](#) Other annexes available on the Council website), confirming that the present document is not justified, nor effective. **We therefore repeat our ask that far more realistic sums for the range of measures required should be Included in the IDP – in the context of our comments on CYC/87A and CYC/91 and our recommendations on MM14.1.**

Reason: Not positively prepared, not justified and not effective.



## SUPPORTING DOCUMENT TO OBJECTION TO MM5.8

### Policy H3: Balancing the Housing Market

We consider the proposed modification MM5.8 to policy H3 is unsound. The history of housing permissions over the last 8 years since the original evidence base for the Local Plan was assembled, show a massive imbalance in the mix of housing that has come forward, with a preponderance of student housing and up market flatted accommodation appealing to the London and the south-east downsizer, Chinese investment, buy to let and holiday let markets, leading to / coincident with a major failure to provide family and local market housing. The 2021 census results compared with the previous ONS projections used in the plan's evidence base clearly demonstrate the negative social consequences for the city that has resulted with a major hollowing out of the 25–54 year old and related children and young people 0 -14 demographic of the city.

2011-2021 Change %	Children			Heavily Student No. influenced		Working / Family aged					
	0-4	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54
England	-7	13	11	-4	-5	2	13	7	-8	-7	15
York	-19	6	6	8	3	-8	3	0	-13	-13	11
Difference	-12	-7	-5	+12	+8	-10	-10	-7	-5	-6	-4

Extracted from: York population change, Census 2021 – ONS

It can reasonably concluded with such a clear and significant difference in the demographic changes in the city, coupled with evidence on the cities continuing above the norm increases in house prices and rents that have been aired and evidenced in earlier phases of the enquiry that **we have, on top of the difficult national housing picture, an exceptional locally specific housing market failure which only the Local Plan can address.**

It also flags that the Councils latest Local Housing Needs Assessment (Ex/CYC/92) which relies on the markedly inaccurate previous ONS projections, with only a modest adjustment as referred to in paras 1.7 and 1.8 is therefore also seriously flawed and unsound as the plan is therefore not justified. Consequently the conclusions in subsequent paras 1.9 & 1.10, particularly that it supports a 750-780 jobs per annum and therefore the plans economic ambitions is jeopardised and is also unsound.

It is therefore extremely worrying that the relatively robust policy approach in the original policy H3 that “Proposals for residential development will be required to balance the housing market by including a mix of types of housing which reflects the diverse mix of need across the city. This includes flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people.” is proposed to be deleted and replaced by a vague requirement to “maintain, provide or contribute to meeting York’s housing needs”. The modification will therefore be ineffective and unsound and we ask the Inspectors to reject this proposed modification.

We would also go further given the seriousness and scale of the particular market failure York is experiencing. We would suggest the policy section should be strengthened by a more

robust identification of the housing mix that needs to be provided and the expectations of what should be delivered by the different sites in response. We would suggest that all the strategic sites should have an identified target mix – this could be added into Table 5.1 in Policy H1. The exercise of doing so will enable the Inspectors to see that the plan is able to deliver in overall terms the required mix against an updated LHNA that addresses the accumulated impacts of the unanticipated expansion of the off campus student housing market, etc., and failure to deliver for the family and local housing markets and need to catch up on the backlog of the latter. Otherwise we will see present trends continued in the next few years of the plan, and unreasonable and possibly undeliverable expectations for the mix on sites that come forward later.

If the Inspectors feel unable at this stage to press the Council to undertake this further work, we would suggest a compromise of adopting a robust stand alone policy along the lines of Oxford Local Plan policy H4 (where they have similar exceptional local housing market failures) but adjusted appropriately for the corrected York housing needs picture:

**Policy H4: Mix of dwelling sizes**

Planning permission will be granted for residential development that is demonstrated to deliver a balanced mix of dwelling sizes to meet a range housing needs and create mixed and balanced communities.

Proposals for 25 or more homes (gross) (C3 residential), or sites of 0.5 ha. and greater, and which are outside of the city centre or district centres, will be expected to comply with the following mix of unit sizes for the affordable element, where it is feasible (this does not apply to employer-linked affordable housing):

1 bedroom homes .....	20-30%
2 bedroom homes .....	30-40%
3 bedroom homes .....	20-40%
4+ bedroom homes .....	8-15%

Sites below the threshold or within the city centre or a district centre should demonstrate how the proposal has had regard to local housing demand, including for affordable housing demonstrated by the housing register.

We'd ask that alongside this the Inspectors make a recommendation to the Council in their report for an early review of the adopted plan along the lines of our first suggested approach. Without this strengthening the plan will be ineffective and unsound.

There should also be a policy requirement on the LPA to monitor and publish, say annually, the cumulative tally of housing types being granted permission and being delivered against the cumulative housing need evidenced for this to be taken into account in future applications - the current housing monitoring section of the plan fails to cover the balance issue.