

Request for Call in

The undersigned members wish to call in the decision of the Cabinet taken on Thursday, 25th September 2014 to approve the City of York Local Plan Publication Draft for public consultation and to further progress the said draft for the following reasons:

1. The plan fails to reflect the importance of the unique protections York was given when the Regional Spatial Strategy was abolished and from this incorrect presumption proposes too much building on the Greenbelt and building which is well in excess of the exceptional circumstances required.

It is the role of the Local Plan as the successor of the LDF to define what land is in the Green Belt and how Green Belt purposes are interpreted in the York context. The evaluation of the historic, heritage and character impacts of potential sites is intrinsic to the process we have been and are going through.

Note:

The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 came into force on 22nd February 2013. It abolished the Regional Plan with the exception of the policies of the RSS relating to York's greenbelt. These include policy YH9 which states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city and policy YH1 which states that the City of York LDF should define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C and should protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

2. The plan is according the lead cabinet member Cllr Dave Merrett a 'very ambitious plan', which is in contrast to the legislation which requires plans to be about need rather than ambition.

Paragraphs 47 and 154 of the NPPF both states that:

"Local Plans should be aspirational but realistic. They should address the spatial implications of economic, social and environmental change"

3. The proposed level of growth of approximately 1,000 dwellings a year (996 according to the draft) is more than required by the council's own supporting data regarding future population, employment and housing needs. It is driven by a philosophy of "growing the economy" in a way which is in no way proven to be sustainable.

The NPPF requires us to look at housing demand, linked to economic growth, to address historic shortfall, *and* to deal with a poor history of delivery. In summary the Publication Draft Plan supplies enough land allocations (in addition to existing planning commitments) to provide for the construction of 1,170 homes per annum for years 1-6 of the Plan (7,020 dwellings in total) and 996 homes per annum for years 7-16 of the Plan (9,960 dwellings). This gives a total supply of land for the plan period (16 years) of 16,980 dwellings. This is set out in Table 5.2 within the Publication Draft Plan in the Housing Trajectory.

Note

The housing demand target in the Publication Draft Plan is therefore linked to economic growth, tested through work undertaken by Oxford Econometrics. This provides a basic figure of 870 per annum. Further provision must be included to deal with the inherited shortfall from previous years under delivery - another 126 per annum. This equates to an annual demand target of 996 (870+126) or 15,936 dwellings (996 x 16) over the 16 years of the Plan (1 April 2014 to 31st March 2030).

In addition Local Planning Authorities, are expected to demonstrate that they have a rolling five year supply of deliverable sites, measured against the housing target with an additional 20% buffer (for six years in York) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. This equates to rolling forward sites and land which could accommodate an additional 174 dwellings per annum for years 1-6 of the Plan (174 x 6 = 1,044 in total). This means that the supply for years 1-6 of the Plan is equivalent to 1,170 dwellings per annum (made up of existing planning permissions and allocations).

This trajectory also shows that cumulatively the Publication Draft provides a total supply of 18,568 dwellings (including existing commitments) which gives a further flexibility in supply across the

whole plan period of 1,591 dwellings. This equates to a 1.6 year additional supply measured against the annual target of 996 dwellings per annum.

4. The draft fails to take account in any meaningful way the public consultation responses to the Preferred Options and Further Sites.

Nearly 10,000 responses have been received and evaluated. Annex B to the Local Plan Working Group Report 22nd September 2014 and Cabinet Report 25th September 2014 provides a summary of the previous stages of consultation on the Local Plan consultations, to enable the reader of the Publication Draft Local Plan to consider what views have previously been expressed on a given policy issue or site.

The comments received through both consultations have been taken into account by officers when considering the Publication Draft Plan.

Note

The Publication Draft Local Plan will be subject to a six week consultation period beginning in October 2014. Consultation will be carried out in conformity with the Councils adopted Statement of Community Involvement and the requirements of the 2012 Regulations. Comments received as part of the consultation will then be considered by officers to help assess the 'soundness' of the plan and be reported to Full Council.

There have been two key consultations in relation to the draft Local Plan, the Preferred Options Consultation which took place in Summer 2013 and the Further Sites Consultation which was carried out in Summer 2014. The Preferred Options Draft Local Plan was subject to consultation between June and July 2013. Approximately 5,000 individual responses were received including around 17,000 comments and a further 9,000 individuals signed petitions.

The Further Sites consultation was undertaken in June and July 2014 on potential new sites and boundary changes on some of the sites originally identified. The aim of this consultation was to help inform future recommendations on the portfolio of sites for

inclusion in the publication draft Local Plan. The Council received around 4,500 responses.

A considerable amount of information has been made available relating to the number and content of comments received as part of both previous stages of consultation on the Local Plan. In the main these comprise three pieces of information:

- (i) the number of objections, supports or comments received in relation to each policy and site;*
- (ii) a summary of the comments received (at both previous stages of consultation on the Local Plan, officers summarised the comments received by section, policy and site); and*
- (iii) full copies of the responses received (redacted to remove personal information).*

5. The plan continues to plan for safeguarded land beyond the life of the plan when there is no requirement under the NPPF for this. Local Authorities are only required to provide a viable and deliverable sites for years 1-5 of the Local Plan and only “broad locations for growth” for years 5-15 and there is absolutely no requirement for a 25 year plan with specific sites.

The NPPF sets out the national policy on green belt.

In drawing up the Green Belt in the City of York Local Plan we need to consider how to address the following points (shown in italics) from paragraph 85 of NPPF

- *The first is that the Council needs to satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period*

This requires consideration of the longer term development pressures on the city. In the Plan we make clear that it is reasonable to expect a continued need for housing at broadly the same scale as in the Plan period. We need to consider the implications for the permanence of the green belt of that continued requirement.

- *Secondly where necessary, identify in their plans areas of ‘safeguarded land’ between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period*

The general extent of the York green belt takes in the lands surrounding York and the larger freestanding settlements in the district and extends to the district boundary and in some cases beyond that boundary.

In defining the inner edge of that boundary, for the first time in the Local Plan, we need to consider how we ensure the boundary endures well beyond the Plan period.

The only way to do this effectively is to identify a reserve of land that can help to meet some of the city's development requirements beyond the Plan period. That land is the safeguarded land identified in the Plan. We have also assumed that some development needs will be met within the existing built up area e.g. through a 'windfall' relating to small sites for housing. However it is not credible to assume that all development needs will be met in the built up area therefore it is necessary to identify safeguarded land in the circumstance here in York.

6. The NPPF is clear that previous under delivery should be accounted for by the 20% buffer in the first five years and nowhere does it state that local planning authorities should also make provision for an inherited shortfall (or backlog) and annualise it over the plan period as the City of York Council has done. As a result, the housing trajectories are 126 dwellings higher each year than is necessary.

National Planning Policy Guidance (NPPG) states that in assessing housing requirements LPA's should reflect the consequences of past delivery, as household projections are trend based and do not reflect unmet needs. There are three components to determining the approach to under delivery – the base year for the calculation, whether the LPA has a record of persistent under delivery and applying the additional requirement generated by that backlog.

Officers recommend that the 'backlog' from the period 2004 (RSS base date) to the start date of the Plan (2014) should be added to the whole plan requirement (Liverpool method) rather than over the first five years of the plan (Sedgefield Method). This is based on experience at other plan inspections and also the test in NPPF in terms of plans being 'aspirational but realistic' in terms of the ability to deliver against the housing target.

This means that the total backlog from 2004 to 2014 against the RSS target (2016 dwellings) has been spread across the whole Plan period (16 years) equating to 126 dwellings per annum.

7. The NPPF states that where there is a record of under delivery, local planning authorities should deploy a buffer supply of 20% for 5 years “moved forward from later in the plan period”. The proposed buffer supply is being proposed in addition to later years’ allocations, rather than being taken from them.

Local Planning Authorities, as set out in NPPF, are expected to demonstrate that they have a rolling five year supply of deliverable sites, measured against the housing target with an additional 5% or 20% buffer (for five years) depending on past delivery rates to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

We have accepted the Arup recommendation (Section 5.1.2, Page 45) that

“Determining ‘persistent under-delivery’ is not an exact science. However, as a result of the delivery rates set out above, it is therefore very likely, and the safest assumption, that ‘persistent under delivery’ applies to York, and therefore the Local Plan housing requirement should include a 20% buffer brought forward from the total requirements in the first five years (i.e. 6 years worth of supply rather than 5 years”

8. The plan does not provide a true or robust justification for the Freight Consolidated Centre on the A1237 and its proposed removal from the Greenbelt.

The aim of a CNG refuelling site and a freight transshipment / consolidation centre have been measures in the council’s Air Quality Action Plan and Low Emission Strategy for some time.

Freight consolidation has been a Council aspiration for over 10 years due to the potential for reducing volume of heavy goods vehicles using the city centre roads. The CNG/biomethane site may also be suitable for freight consolidation which allows the consolidated vehicles to use CNG/biomethane further improving air quality.

The site was submitted through the Preferred Options Consultation to be considered as a potential location for a Compressed Natural gas (CNG) Station and freight consolidation centre. Officers consider it to be a viable and deliverable option. This is linked to its unique location i.e. located close to the appropriate CNG infrastructure.

9. The proposed solar sites are in contradiction of government legislation which discourages them in rural open countryside.

Paragraph 93 of NPPF states that:

“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.”

In addition paragraph 97 states that:

“Local Planning Authorities should consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources”

National Planning Practice Guidance (NPPG) is more specific. Paragraph 013 acknowledges that:

“The deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”.

10. The plan does not apply a “Sequential Test” to the agricultural land allocated for development.

Paragraph 112 of NPPF states that:

“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land.

Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality

Through the site selection process undertaken for the Local Plan the agricultural land classification has been taken into consideration as part of the environmental considerations. It was not used to sieve the site parcels suitable for development but to provide additional information to inform decision-making.

The Sustainability Appraisal (SA) takes agricultural land classification into consideration as detailed within the SA Framework as part of Objective 9: Use land resources efficiently and safeguard their quality. It is specifically referenced in the guide question: "safeguard soil quality, including the best and most versatile agricultural land".

11. The plan assumes that hyper-growth in outer York will be underpinned by "...the full dualling of the A1237..." but does not explain how the York will finance this multi-billion pound project, without which transport mayhem and gridlock will result.

Table 5.1 of the Infrastructure Delivery Plan (IDP) shows that substantial investment in infrastructure (circa. £300m for transport alone) will be required to support delivery of the Local Plan over a period of 15 Years. Furthermore, although the Local Plan Transport Infrastructure Investment Requirements Study shows approximately £135m of this secured leaving an approximate £171m funding gap ' the Council is confident that its actions to bridge this gap will be successful. Past successes that support this confidence include:

- York has secured approximately £90m funding for transport schemes since 2002/03;
- York has secured more than £48m for the construction of new schools

12. There has not been sufficient resident consultation regarding the radical concept of new settlements within the Greenbelt, most particularly Whinthorpe and Clifton Gate.

See answer already given to question 4.

13. There is no account of the fact that ‘jobs’ don’t directly relate one-to-one to people, as York has one of the highest part-time economies.

Oxford Economic Forecasting (OEF) produced a series of projections for York for the period 2013 to 2030 the trend based projection shows the workforce growing from 112,857 to 126,412 and GVA growth of 2.8% per annum. As a further test of their robustness this forecast has been compared with forecasts from Experian/REM and Cambridge Econometrics. All three forecasts show a similar scale of job growth, which is the key economic measure for the Local Plan as it helps to forecast the need for land and buildings to support the growth in the economy.

In calculating the floor space and employment land implications total employment change was converted into fte employment change, using the latest full/part time split by sector according to the 2012 BRES (latest available) and therefore takes into account the proportion of part time workers within the York economy.

14. Because the plan prioritises “affordable housing” it remains slanted towards allowing large-scale developers to build on out-of-city-centre greenfield sites instead of maximising brownfield areas.

The Local Plan seeks to maximise the re-use of previously developed ‘brownfield’ land where this can be proven to be viable and deliverable as required by NPPF (para 173). There is not enough brownfield land available in the City to provide enough land to meet the city’s housing needs over the plan period as evidenced in the Assessment of Housing Need.

15. The level of travellers’ site demand has not been proven and is based on a misleading method, including for example one which counts as unmet demand, travellers living in bricks and mortar.

The City of York Council Gypsy, Roma and Travellers and Travelling Showpeople Accommodation Assessment (2014) provides a robust analysis of future need. The methodology employed is a recognised approach to assessing these issues.

16. The plan fails to provide for windfall sites, though the NPPF says they can form part of a plan if there is evidence of such sites coming forward in the past and likely to continue to do so.

NPPF paragraph 48 states that:

“Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.”

To ensure that the Plan is sound where possible it is clearly preferable to plan for future housing and employment need through the specific allocation of sites. Through the Site Selection process it has been demonstrated that there is sufficient suitable, available and deliverable sites to meet the housing needs for years 1 to 15 of the Plan. The identification of windfalls is therefore unnecessary.

17. The proposed travellers' site at Rufforth goes against all of the criteria as it is inappropriate on a green corridor, has no links to public transport or services, has a poor road to link onto safety wise, is in an area of flood risk and adjacent to a tip.

As stated in paragraph 9 of Planning Policy for Traveller Sites (DCLG, 2012):

“Local planning authorities should, in producing their Local Plan:

- *identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets; and*
- *identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15”*

Officers, alongside Peter Brett Associates (PBA) have evaluated sites and undertaken full internal consultation. In light of this the two sites identified are considered suitable and deliverable.

18. The proposed travellers' site at Naburn has similar issues to Rufforth and there is a lack of consultation, including most obviously with the Designer Outlet who have in the past been interested in the land.

See answer to question 17

19. There has been no account taken of purpose built student accommodation and its effect on housing.

In line with advice from DCLG communal establishments (defined as establishments providing managed residential accommodation) are not counted in the housing supply. These cover university and college student accommodation, hospital staff accommodation, hostels/homes, hotels/holiday complexes, defence establishments (not married quarters) and prisons.

However, purpose-built (separate) homes (e.g. self-contained student flats clustered into units with 4 to 6 bedrooms for students) should be included. Each self-contained unit is to be counted as a dwelling.

The approach taken in the Local Plan follows this advice.

20. The fixed requirement for new development to contain a substantial number of affordable homes (in the current draft up to 35% for developments on greenfield sites of more than 11 houses unless offsite provision or an equivalent value financial contribution can be “robustly justified” has been shown in York to be commercially non-viable and to actually depress building starts.

The Viability Study undertaken by Peter Brett Associates to support the Local Plan demonstrates that the sites included within the plan are viable and deliverable taking into account all policy requirements. This includes the approach to affordable housing.

21. The plan has disregarded the likely effects of in and outbound commuting.

The transport model takes account of the current position including movement to and from zones outside of the City of York area. The aim in joining up employment and housing growth is to promote sustainability so that future residents will be able to both live and work in York. This will be supported by sustainable public transport.

22. The plan has too little detail on transport, including in particular to the north of the city which lessen the viability of Clifton Gate and Earswick land.

Transport modelling has been undertaken to support the plan and the effects of growth highlighted. This is linked to the infrastructure

delivery plan highlighting those interventions necessary to ensure that the city's transport network will function effectively.

23. The plan fails to take account the importance of the Greenbelt as a vital buffer against coalescence, in particular regarding the sites at Clifton Gate, Earswick and around Boroughbridge Road.

A key purpose of York's greenbelt is to preserve the historic character and setting of the city. This includes ensuring the separation between parts of the main urban area and villages where appropriate. This is a key element of the plan's overall spatial strategy. It has ensured that the sites selected do not compromise those areas that should be kept permanently open for these reasons.

24. There has not been sufficient consideration of brownfield sites as well as the likely path of available brownfield sites in the years ahead – in particular if the York Central and sites near the university go forward as envisaged in the plan.

The Council has fully assessed the availability of brownfield land and where available, viable and deliverable it has been included within the Plan. However, there is not enough brownfield land to meet the needs over the plan period.

25. The plan fails to reflect the national trend for incoming international migration falling.

In undertaking the assessment of housing need for the Local Plan Arup have taken account of the latest sub-national population and household projections.

The call in is made by
Cllr Chris Steward
Cllr Joe Watt
Cllr Paul Doughty