

From: Claire Linley [Claire.Linley@dppukltd.com]
Sent: 04 April 2018 12:04
To: localplan@york.gov.uk
Cc: Jennifer Winyard (Linden Homes) (Jennifer.Winyard@gallifordtry.co.uk); Mark Lane
Subject: York Local Plan Reps - Site 55 (formerly H26)
Attachments: H26 Land at Dauby Lane Elvington Forms.pdf; H26 Land at Dauby Lane Elvington Report and Appendices.pdf

Good morning,

Please find attached our representations on behalf of Linden Homes Strategic Land in relation to the City of York Local Plan Publication Draft Regulation 19 Consultation. This submission relates to the site known as Dauby Lane, Elvington - Site 55 (formerly H26).

Please can you confirm receipt.

Kind regards,

Claire Linley BA (hons) DIPTP MRTPI

Principal Planner

M 07870 997 841

T 0113 350 9865

www.dppukltd.com



City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

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Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph
no.

Policy
Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Local Plan does not provide a robust range and choice of housing land to meet the housing requirement and to diversify the house building sector and encourage more competition. On the basis of the above we consider that Policy H1 of the Local Plan is unsound and will not be effective and therefore not deliver sustainable development in accordance with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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To address the above H26 should be reintroduced into the plan and reallocated for housing development under Policy H1.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

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Retention of Information

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Signature



Date

04.04.18

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Part B - Your Representation

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Sustainability Appraisal/Strategic Environmental Assessment

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

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Paragraph no.

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We consider that Policy H2 and the associated assumed yields applied to various allocations are unsound and not justified and will not ensure effective delivery of the housing requirement and is therefore inconsistent with national policy.

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We suggest that that the net development density is reduced and that greater flexibility is included in the policy to allow for balanced developments to be created.

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You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that Policy H3 is unsound as it will not be effective, it is not justified, and is not consistent with national policy.

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We suggest the policy should be modified to provide greater flexibility to allow for balanced developments to be created. In this regard we would suggest amending the policy to read *“Proposals for residential development should assist in balancing the housing market, unless material considerations indicate otherwise, by including a mix of types of housing that respond to and reflects the diverse mix of need across the city and the character of the locality.”*

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Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

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Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

H26

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Council have previously accepted that H26 is available, suitable and that development is achievable. The Council are not alleging that the allocation of the Site would cause harm to the Green Belt.

We consider that the Local Plan is unsound, in that the Local Plan does not provide sufficient housing land to meet the needs of the housing market area and those sites identified will not deliver the units identified and as such the plan is not justified and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

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6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



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To address the above H26 should be reintroduced into the plan and reallocated for housing development.

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H26 is well contained by identifiable physical features and is partially a brownfield site and should be preferred to H39 which is a greenfield site and has no defensible boundary to the west. The allocation of H39 before H26 is therefore unsound and is not justified and will not be effective and is in conflict with national policy.

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Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

Lack of safeguarded Land Allocation

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

The inclusion of H26 as a safeguarded land site as an alternative to a housing allocation.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

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Date 03/04/2018

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		0113 3509865

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
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Can I submit representations on behalf of a group or neighbourhood?

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

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5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites to be contrary to national policy.

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The inclusion of a safeguarded land policy and an appropriate quantum of safeguarded land sites.

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

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Do I need to attend the Public Examination?

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

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Policies Map

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What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

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Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

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(Complete any that apply)

Paragraph
no.

Policy
Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

In these circumstances, the Local Plan is not 'sound' as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance.

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The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much-needed investment in new housing to meet the community's needs.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

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04.04.18

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Organisation (where relevant)		DPP
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Address – line 1		Second Floor
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Sustainability Appraisal/Strategic Environmental Assessment

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Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Local Plan does not provide sufficient housing land to meet a properly formulated assessment of objective need and those sites identified will not deliver the units identified and as the Site does not perform a Green Belt purpose it should not be included in the Green Belt. On the basis of the above we consider that the Local Plan is unsound and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

H26 should be removed from the Green Belt and allocated for housing development or safeguarded land.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

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To elaborate on our written representations.

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Signature

Date

04.04.18

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

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Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
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Do I have to use the response form?

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Can I submit representations on behalf of a group or neighbourhood?

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Do I need to attend the Public Examination?

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

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5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph
no.

Policy
Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider the allocation of ST5 to be unsound in that ST5 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

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We do not suggest that allocation known as ST5 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST5 should be 410 units as set out in the Publication Draft (2014). This level of development is more realistic and achievable.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

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Yes No

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Paragraph no.

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We do not object to the principle of the allocation but we do consider the estimated yield from ST14 to be overly ambitious so as to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider the yield assumed for ST14 to be unsound in that ST14 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

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We do not suggest that allocation known as ST14 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST14 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

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No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

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Signature



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Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

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You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at www.york.gov.uk/localplan or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website www.york.gov.uk/localplan.
- City of York Council West Offices
- In all libraries in York.

Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph
no.

Policy
Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We do not object to the principle of the allocation but we do consider the estimated yield from ST15 to be unrealistic and to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider that the yield assumed for ST15 to be unsound in that ST15 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We do not suggest that allocation known as ST15 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST15 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.¹

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.³

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on [01904 554145](tel:01904554145)

Signature

Date

04.04.18

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012



RESPONSE TO YORK LOCAL PLAN PRE- PUBLICATION DRAFT

LINDEN HOMES STRATEGIC LAND

**SITE 55 (FORMERLY H26) - LAND AT
DAUBY LANE, ELVINGTON**

RESPONSE TO YORK LOCAL PLAN PRE-PUBLICATION DRAFT

On behalf of: Linden Homes Strategic Land

In respect of: Site 55 (formerly H26) - Land at Dauby Lane, Elvington

Date: April 2018

Reference: CL/ML/24071e/R003cl

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Appendix 2 - A Draft Housing Layout

Appendix 3 - A table of allocation densities

Appendix 4 - Lichfields’ Technical Report on Housing Issues

Executive Summary

The Developer **objects** to the proposed deletion of the housing allocation known as Site 55 (formerly H26). The Developer also **objects** to the suggested housing requirement and to the lack of a safeguarded land policy. In the alternative to a housing allocation the Developer **objects** to the lack of a safeguarded land allocation. The Developer also **objects** to the density assumptions applied to allocated sites, particularly in rural villages, and the assumed delivery from ST14, ST15 and ST5.

The Council position is clear, due to revisions to the evidence base, certain previously proposed allocations have been modified or deleted. This does not mean that these sites or parts of them are unsuitable or inappropriate for development. Rather it simply means that the Council now consider these sites or parts of them are less preferable than those allocated in the current version of the Local Plan. The allocations of the sites or the parts of those sites therefore should remain acceptable in principle.

The Site was assessed as part of the Council's rigorous site selection methodology and as a result of passing this site selection process the Site was proposed as a housing allocation in the Preferred Options Draft and the Publication Draft versions of the plan. In this regard the Council must, at the time, have satisfied themselves that the Site is available, that the Site is suitable for development and the development is achievable at the point in time when the Site is intended to deliver development.

The Council must also accept that as the Site is a proposed housing allocation in the Preferred Options draft and the Publication Draft versions of the plan as it serves no or a limited Green Belt purpose.

On the basis of the Council's revised evidence base, primarily the alleged lower housing requirement, the Council have sought to reduce the number of housing allocations and one of those sites that the Council are proposing to be removed is Site 55 (formerly H26).

Rather than simply saying the Council are proposing to remove Site 55 (formerly H26) because of the alleged reduction in the need for housing land the Local Plan also gives a technical or planning reason or reasons.

We disagree with the reasoning given in the Local Plan and we have shown that the reasoning is flawed.

The Site is well contained visually and physically and lies in the heart of the settlement. The Site is considered to be a small gap in an otherwise built up settlement which extends east and west of the Site and its allocation would not harm the character or form of Elvington. On the basis of the above there is no constraint to the development of the Site and as such the Site should be allocated for housing development in the Local Plan.

Notwithstanding the above we have shown that the Council's objective assessment of housing need ('OAHN') is deficient and underestimates the level of housing need. This is exacerbated by

the Council's assessment of housing supply particularly their over estimation of the delivery from certain sites, particularly ST5 and ST15. Consequently we have shown that there is a need to allocate additional land for housing development.

As a consequence we conclude that the Council should reinstate the proposed housing allocation known as Site 55 (formerly H26).

To make the Local Plan sound we recommend the following:

- There are a number of significant deficiencies in the City of York SHMA and Addendum which means that the 867 dwellings per annum OAHN figure currently being pursued by the Council is not soundly based. We suggest that the OAHN should be 1150 dwellings per annum.
- The Council needs to provide a justified trajectory for the proposed housing sites and it needs to reassess the assumed delivery from certain sites particularly ST5 and ST15;
- A wider range and choice of sites need to be allocated for residential development;
- Safeguarded land policy and allocations should be incorporated within the Local Plan. Allocations should be chosen from the safeguarded sites identified within the previous iterations of the Local Plan or from sites which had been allocated for housing in the previous iterations of the Local Plan but which are allegedly no longer required due to the purported decrease in the housing requirements within the District.
- Appropriate development densities should be assumed and justified particularly from villages and rural sites; and
- The Council should reinstate the proposed housing allocation known as Site 55 (formerly H26).

1.0 Introduction

- 1.1 We are submitting this representation on behalf of our client, Linden Homes Strategic Land (“the Developer”), in respect of various issues contained in the City of York Local Plan Publication Draft Regulation 19 Consultation (“the Local Plan”) and in particular in relation to their interests at Dauby Lane, Elvington - Site 55 (formerly H26) (“the Site”).
- 1.2 Linden Homes Strategic Land have options in respect of the proposed allocation known as Site 55 (formerly H26). The land that is in the control of the Developer is shown on the plan attached at **Appendix 1**.
- 1.3 City of York Council (“the Council”) published the Local Plan for public consultation in February 2018 together with its associated evidence base. The Local Plan proposes to delete the allocation known as Site 55 (formerly H26). The Developer **objects** to the proposed deletion of Site 55 (formerly H26).
- 1.4 On behalf of the Developer we have now had the opportunity to read the document and its associated evidence base and we have made a number of comments. For the remainder of this report we will refer to the Site as H26.

2.0 The Test of Soundness

2.1 Paragraph 182 of the NPPF indicates that a Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “**sound**” namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

3.0 The Site

- 3.1 The settlement of Elvington is located approximately 10.5km to the south east of the city centre of York. Elvington is linear in form and is located along the B1228. Elvington contains a number of services and facilities.
- 3.2 The Site is approximately 5.1 hectares in size and the Site varies in level from about 8.3m AOD to 10.25m AOD.
- 3.3 The Site comprises of one large open field and two linked linear woodland blocks. The woodland blocks lie to the west and south of the Site and contain a number of buildings which form remnants of the former military camp dating back to WWII. The buildings are generally single storey brick and concrete structures with corrugated asbestos roofs. A tall building exists to the south west which is believed to have been a 'water tower'.
- 3.4 The Site boundaries to the west are formed by woodland. Beyond the western woodland area lies Elvington Medical Practice, a cricket pitch and an all-weather surface. Further to the west lies a large area of commercial buildings and houses and beyond this is the Airfield Industrial Park. To the south there is a further woodland area beyond which lies Elvington Lane. To the north the Site is bounded by a mature hedgerow and scattered hedgerow trees beyond which is a large dwelling and an agricultural field. To the east the Site is bounded by a mature hedgerow and hedgerow trees. Beyond the hedgerow lies Elvington Primary School, Dauby Lane and housing off Derwent Close and Beech Close.

4.0 Suitability of the Site

4.1 Linden Homes Strategic Land have obtained a thorough knowledge of the technical issues relating to the development of the H26 Site through commissioning the following reports and surveys:-

- A Topographical Survey;
- Archaeological Survey;
- Archaeological Evaluation Report;
- Archaeological Scheme of Investigation – Trial Trenching;
- Geo-environmental Appraisal;
- Geophysical Survey;
- Flood Risk and Drainage Assessment;
- Air Quality Impact Assessment;
- Odour Assessment;
- Transport Assessment;
- Travel Plan;
- Ecological Appraisal; and
- Bat Survey

4.2 These technical reports and surveys have informed the production of various draft layouts depicting how the Site could be developed and these technical reports and surveys together with the draft layout were submitted to the Council. The draft layout is attached at **Appendix 2**.

4.3 Through the production of the above reports and surveys the Developer has previously shown that the Site is available and suitable for residential development and that development can be achieved.

4.4 The Site was assessed as part of the Council's rigorous site selection methodology and as a result of passing this site selection process the Site was a proposed as a housing allocation in the Preferred Options (June 2013) and the Publication Draft (September 2014) versions of the local plan.

4.5 At the time the Council must have satisfied themselves that the Site was available, that the Site is suitable for development and the development is achievable at the point in time when the Site was intended to deliver development.

4.6 The suitability and appropriateness of the Site for housing development until recently has not been questioned.

Soundness

4.7 H26 was previously considered to be in a location suitable and appropriate for housing development and that the development of the land would not harm any important planning considerations. We consider that the deallocation of H26 is unjustified. On the basis of the above

we consider that the Local Plan is unsound and will not be effective and will therefore not deliver sustainable development in accordance with national policy.

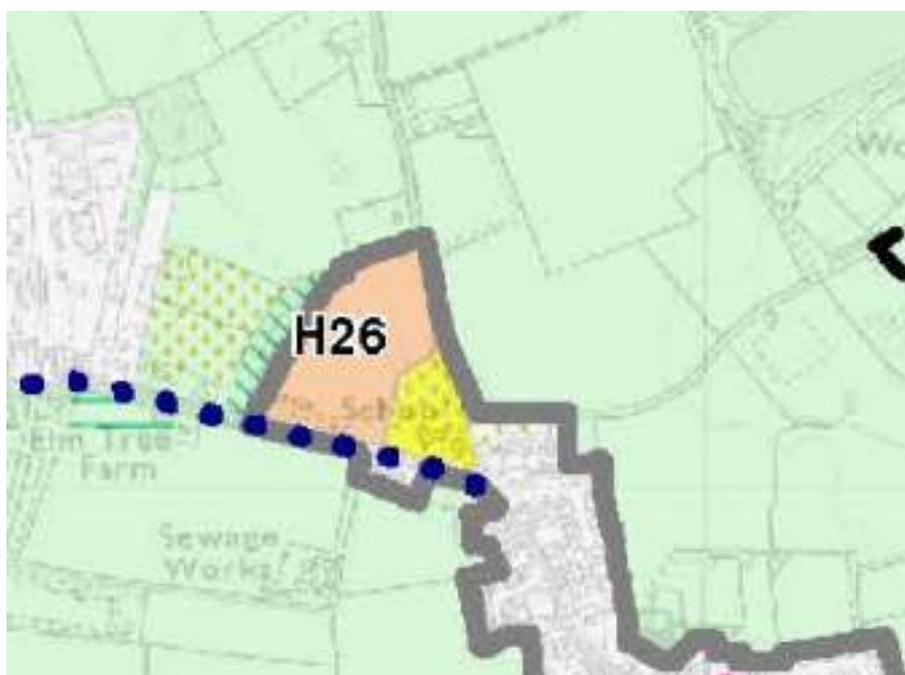
Modification

- 4.8 To address the above H26 should be reintroduced into the plan and reallocated for housing development.

5.0 Objection to the Deletion of H26

Preferred Options (June 2013)

- 5.1 The Council consulted on the Preferred Options draft and its supporting evidence base in summer 2013. The Preferred Options draft set out the spatial strategy for the City which included identifying land for housing and employment growth.
- 5.2 Within this document the Site is identified by the Council as a housing allocation known as H26. The Site is shown as being 4.05 ha in size and having an estimated capacity of 97 dwellings. The Preferred Options draft indicates that the Site is available for development in the short to medium term (1-10 years).
- 5.3 The proposed allocation is shown below.

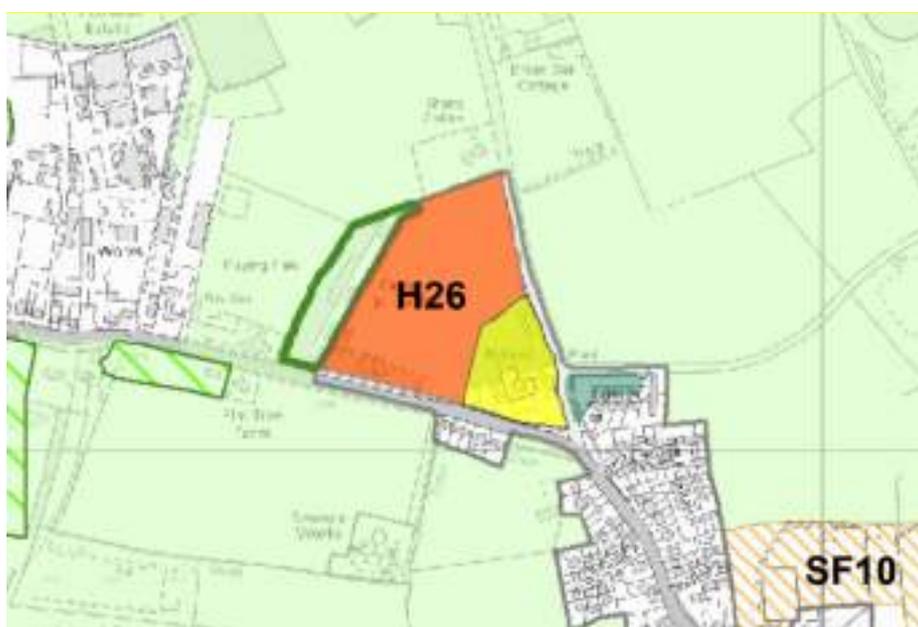


Further Sites Consultation (June 2014)

- 5.4 Following consultation on the Preferred Options draft the Council held a Further Sites Consultation (June 2014). This contained the results of the testing of the suggested modifications and new sites received as part of the previous Preferred Options draft consultation against the Council's rigorous site selection methodology.
- 5.5 The Preferred Options draft and Further Sites Consultation helped to develop and fine tune a portfolio of sites to meet the identified housing and employment needs of the City for the Publication Draft version of the plan.

Publication Draft (September 2014)

- 5.6 The Publication Draft version of the plan was taken to a Local Plan Working Group on the Monday 22nd September which was followed by a Cabinet meeting on Thursday 25th September and the Publication Draft was presented to Scrutiny Panel on Wednesday 8th October 2014. At of the above stages the Publication Draft was approved by members of the Council. However, following a Full Council meeting on 9th October progress on this plan was halted.
- 5.7 At the time that work on the Publication Draft plan was halted the Council had reaffirmed the allocation of the Site for housing. In the Publication Draft the Site is has the same area of 4.04ha, however, the capacity has increased to 117 dwellings. The Publication Draft again indicates that the Site is available for development in the short to medium term (1-10 years).
- 5.8 The proposed allocation contained within the Publication Draft version of the plan is shown below.



The Preferred Sites Consultation (July 2016)

- 5.9 Since 2014, the Council has been updating its evidence base in line with the agreed motion. This has included taking further papers to Members of the Local Plan Working Group in September 2015 in relation to the overall housing and employment requirements for York.
- 5.10 York then released a Preferred Sites Consultation in July 2016 and supporting evidence as approved by their Executive Members. This was consulted on between the 18th July and the 12th September 2016.
- 5.11 Despite being a proposed allocation in the Publication Draft, the Preferred Sites Consultation Document proposed to delete the allocation. The reason given for the deletion of the Site was as follows: -

“The site is currently an area of open land lying outside of the main village and settlement boundary and is not well related to the village in terms of shape and character. Its development would extend

the village well beyond its current boundaries and would close what is currently an important gap between the edge of the residential area of Elvington village and the industrial estate to the north.

The site is not considered to be well contained and would result in the existing urban form of Elvington village coalescing with the commercial area at Elvington Industrial Estate. The site is therefore considered to perform greenbelt purposes.”

- 5.12 The only concern raised by the Council regarding the proposed allocation of this Site therefore related to its impact on the form of the settlement and its function in Green Belt terms. There were no other issues identified by the Council affecting the allocation of this highly sustainable parcel of land.
- 5.13 On behalf of Linden Homes Strategic Land DPP made comments on this document and also objected to the deletion of the allocation of H26.

Pre-Publication Draft Regulation 18 Consultation (September 2017)

- 5.14 The LPA then published the Pre-Publication Draft version of the local plan along with its evidence base. The Pre-Publication Draft plan showed H26 to be within the Green Belt and not to be allocated for housing development.
- 5.15 Within the evidence base is the ‘Preferred Sites Consultation Statement’ which summarises the consultation responses received in relation to the Local Plan Preferred Sites Document (July 2016). Within the SHLAA which is also included within the evidence base these consultation responses have been added to the comments of the Technical Officer Workshop and a full assessment of each site has been provided.
- 5.16 Annex 1 of the SHLAA, which forms part of the Evidence Base to the Local Plan, summarises the consultation responses to the Preferred Sites Document (July 2016) and provides a summary of the findings of the Technical Officers Workshop.
- 5.17 It is important to note that of the 19 representations received the majority (16 parties including the Parish Council) objected to the removal of H26.
- 5.18 The following points were made in relation to H26 during the consultation exercise: -
- H26 should be reallocated and replace H39
 - H26 is a larger site and could provide a better mix of family housing
 - The site has direct access to Elvington Lane and would cause less impact on the village centre
 - The site is close to facilities including the school, medical centre and open space
 - The Site would bring the two areas of the village closer together and create better linkages
- 5.19 Linden Homes Strategic Land agreed with all of these points and in particular Linden Homes Strategic Land noted the support from the Parish Council for the retention of H26. There is therefore local support for the development of H26.

5.20 Despite support for the reinstatement of H26 officer's comments on the Site are as follows:

"Site was removed from PSC due to concerns regarding the impact of the development on the character of the village given its development would extend the village well beyond the main village centre and settlement limits. The site currently provides a gap between the main village centre and the industrial/commercial areas to the north. Whilst it is recognised that the site is partially contained by hedge and tree screening to the north west, Elvington Lane to the south and SINC to the west it is considered that the site would still constitute a significant change to the shape and form of the current village. Officers consider that the H39 site offers a more logical extension to the existing village and that on balance would be preferable to H26."

5.21 The officer's comments, whilst still recommending that H26 should not be allocated for housing development have been moderated and no longer raise Green Belt or containment issues. This is welcomed. Rather the essential conclusion of the officer's assessment is that H26 is a good housing site but on balance, and contrary to the views of the local population, officers prefer H39.

5.22 Linden Homes Strategic Land do not necessarily think that H26 should be developed in place of H39 as Linden Homes Strategic Land believe there is a requirement for additional sites so it would be feasible for both sites to be allocated. However, Linden Homes Strategic Land believe, like the Parish Council, that H26 is preferable to H39 and we will set out our reasons why in the next section of this Statement.

5.23 In relation to the specific reason given by the Council for proposing to delete the housing allocation Linden Homes Strategic Land consider that it raises the following issues: -

- Whether the Site is well contained;
- Not well related to the form and character of Elvington;
- The Site lies outside of the main village and settlement boundary, and
- Whether development here would close an important gap between the edge of the residential area of Elvington village and the industrial estate to the north.

5.24 On behalf of Linden Homes Strategic Land DPP addressed each of these issues in their objections to the Pre-Publication Draft version of the plan. The comments of Linden Homes are reiterated below for clarity: -

Whether the Site is well contained

5.25 Officers recognise *"that the site is partially contained by hedge and tree screening to the north west, Elvington Lane to the south and SINC to the west"*. This statement is welcomed but it does not really reflect the circumstances of the containment around the Site. Linden Homes Strategic Land strongly disagree with the word 'partially'.

5.26 It is clear from an inspection of the Site that it is actually very well contained visually. The Site is bounded on all sides by either dense woodland tree belts or mature hedgerows. Views into the Site are extremely limited. Views are potentially possible at the existing access onto Elvington Lane,

albeit we could not identify any, and glimpsed views may be available from Dauby Lane and possibly across the primary school playing fields. It is one of the most visually well contained sites being considered by the local plan process.

- 5.27 Linden Homes Strategic Land considered that if the Site was not visually well contained it would not have been allocated for development in previous iterations of the local plan.

Not well related to the form and character of Elvington

- 5.28 Elvington is essentially a linear village that extends along Elvington Lane. The reality of the situation is that Elvington starts at the entrance to the airfield and the industrial development off Halifax Way. If you go further east you then arrive at Elvington Industrial Estate on the northern side of Elvington Lane and the residential development which fronts onto the highway whilst on the opposite side of the road is the residential development on Elvington Park. Further eastwards, and before you get to the Site, there is Lower Derwent Sports and Social Club and its associated pitches and Elvington Medical Centre with the car park in between. Immediately beyond Elvington Medical Centre is the Site and directly beyond the Site is Elvington Church of England primary school. On the opposite side of the road to the primary school there is a line of residential properties. Beyond the primary school there is further residential development on either side of Elvington Lane. Along this part of Elvington Lane there is the village hall, the village store and a public house.
- 5.29 Elvington changes character as you go along the road. The character changes with the age of the development. In this regard Elvington is really in two parts. To the east and south of the Site the development, along the street frontage at least, is older and reflects more traditional pattern of development. To the west of the Site the character of Elvington is more modern. Therefore Elvington changes character as you go along the road. As the Site lies with the more modern part of the settlement the development of the Site would not affect any design considerations or character derived from the existing design of properties.
- 5.30 It is proposed to retain the woodland belts and hedgerows around the Site. From Elvington Lane there would be no perceivable difference if the Site where to be developed.
- 5.31 It is proposed to utilise the existing access to the former air force buildings. No new access point would be created.
- 5.32 The existing tree belt along Elvington Lane would screen views of any new dwellings. From Dauby Lane there may be glimpsed views, particularly of upper floors but the view from Dauby Lane would remain essentially the same. In visual terms the form and character of Elvington would remain the same.
- 5.33 In terms of the form of the settlement, Elvington is not restricted to frontage properties. There are some frontage properties but there are also estate type development which have taken place over the years. The development off Riverside Gardens extends about 130m back from the main road and so does the development off White House Grove. More in depth development can be found off Beckside and the Elvington Industrial Estate extends about 350m north of Elvington Lane.

Modern or comparatively modern housing estates and in depth industrial development are relatively common in Elvington. The development of a small housing estate would not affect the form of Elvington.

- 5.34 Contrary to the Council's statement it is considered that the Site in fact relates well to the form and character of the settlement.

The Site lies outside of the main village and settlement boundary

- 5.35 Officers consider that the development of H26 would extend the village well beyond the main village centre and settlement limits.

- 5.36 Boundaries to the settlement have not been formally established albeit there are various un-adopted and draft plans which do show boundaries. From a practical and physical point of view the Site actually lies at the heart of the settlement of Elvington. Whilst it is noted that the character of Elvington can be divided into two parts, the settlement is physically and socially a whole. Different parts of Elvington are not called separate names and existing residents of the settlement (from both the east and west) walk to or past the Site to access services and facilities. For example, residents from the eastern and southern part of the settlement would have to travel to or past the Site to go to the primary school, the sports club or medical centre. Therefore rather than outside the settlement it is our view that the Site lies firmly at the centre of the settlement.

- 5.37 The development of the Site would infill a gap between the existing medical centre and sports pitches and the primary school. From the above it is impossible to conclude that the Site does not form part of the existing settlement. These are key destinations within any settlement.

- 5.38 The Local Plan provides the opportunity to define a logical settlement boundary around Elvington which will endure in the long term and this boundary should reflect how residents use the services and facilities in the settlement.

- 5.39 It is plain that the development of the Site will not extend the village well beyond the settlement limits as alleged by officers.

Whether development here would close an important gap between the edge of the residential area of Elvington village and the industrial estate to the north.

- 5.40 Officers consider that H26 currently provides a gap between the main village centre and the industrial/commercial areas to the north.

- 5.41 It was accepted that the internally the Site is open in character but when seen from public vantage points the Site is seen as a mature belt of trees and hedgerows. These trees and hedgerows are to be retained. The development of the Site would not change the outward appearance of the Site.

- 5.42 The statement above is, in any event, untrue. It is not fair to say that to the west of the Site the land is all industrial in character. Rather when you drive along Elvington Lane this part of the settlement has a mixed character with a large proportion of the buildings being residential. Further,

the land use to the immediate west of the Site is that of the Health Centre and the sports facilities associated with the Lower Derwent Sports and Social Club. H26 is therefore separate by a considerable distance from the industrial and commercial development on the Lindum Business Park. The development of the Site would consolidate the settlement form infilling a gap in the existing built-up area.

Publication Draft Regulation 19 Consultation (February 2018)

- 5.43 The Publication Draft (February 2018) of the Local Plan continues to show Site H26 within the Green Belt and not to be allocated for housing development.

Conclusion

- 5.44 The Council have consistently allocated the Site for housing development and they must have concluded, when they undertook their original assessment exercise that H26 did not perform an important Green Belt purpose, that the Site was well contained and that the development of the Site would not adversely affect the character of the settlement. We supported the Council's initial assessment of the Site and consider their current position to be misplaced.
- 5.45 This is a highly sustainable Site which is located immediately next to the village medical centre, sports facilities and primary school and is in easy walking distance of a number of employment opportunities and other local services and facilities. There is a need to provide for sustainable development and there are few better examples of a sustainable development opportunity than H26.
- 5.46 Given all of the above we request that this most sustainable of Sites be reintroduced into the Local Plan and allocated for housing development.

Soundness

- 5.47 The Council have previously accepted that H26 is available, suitable and that development is achievable. The Council are not alleging that the allocation of the Site would cause harm to the Green Belt.
- 5.48 We consider that the Local Plan is unsound, in that the Local Plan does not provide sufficient housing land to meet the needs of the housing market area and those sites identified will not deliver the units identified and as such the plan is not justified and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

Modification

- 5.49 To address the above H26 should be reintroduced into the plan and reallocated for housing development.

6.0 Objection to H39

- 6.1 As mentioned above the essential conclusion of the officer's assessment is that H26 is a good housing site but on balance, and contrary to the views of the local population, officers prefer H39. We disagree with this conclusion.
- 6.2 We do not propose to repeat the view expressed by local residents or the Parish Council.
- 6.3 It is our view that both parcels of land should be allocated for residential development in the Local Plan but if a choice has to be made we consider that H26 is a preferable site to H39 for the following reasons:
- Whilst H39 is bounded on two sides by existing development and a third by a tree belt there is no defensible boundary to the west. H39 divides an existing arable field in half;
 - This conflicts, to some degree, with paragraph 85 of the Framework which states that local planning authorities should define boundaries clearly, using physical features that are readily recognisable and likely to be permanent; and
 - H39 is a greenfield site whereas H26 is partially a brownfield site. H26 contains a number of former military buildings shown on the aerial image and OS base below. Given its historic use there is likely to a requirement to remediate parts of the Site; and
 - Policy SS1 of the Local Plan states that *"where viable and deliverable, the re-use of previously developed land will be phased first"*. Therefore, the allocation of H26 should be prioritised before H39.





6.4 For all of the above reasons it is considered that H26 should be preferred to H39.

Soundness

6.5 H26 is well contained by identifiable physical features and is partially a brownfield site and should be preferred to H39 which is a greenfield site and has no defensible boundary to the west. The allocation of H39 before H26 is therefore unsound and is not justified and will not be effective and is in conflict with national policy.

Modification

6.6 To address the above H26 should be reintroduced into the plan and reallocated for housing development.

7.0 Objection to Policy SS1

Introduction

7.1 Lichfields has been commissioned by Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd & Bellway Homes [the Companies] to undertake a review of City of York Council's housing requirement and housing supply that has formed a key part of the evidence base to inform the Local Plan.

The City of York Strategic Housing Market Assessment

7.2 The Framework sets out that local planning authorities should use their evidence base to ensure they meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. To provide an objective assessment of housing need ("OAHN") the Council commissioned GL Hearn to produce the following reports and updates: -

- i) The City of York Strategic Housing Market Assessment (June 2016) ("SHMA")
- ii) The Strategic Housing Market Assessment Addendum (June 2016) ("the Addendum"); and
- iii) The Strategic Housing Market Assessment Update (September 2017) ("the Update")

Background

7.3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to prepare the SHMA. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of 841dpa.

7.4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However, in June 2016 GL Hearn produced an Addendum to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706dpa - 898dpa, and therefore the Council considered that it did not need to move away from the previous 841dpa figure.

7.5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. GL Hearn was asked by the Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation relating to OAN. The GL Hearn SHMA Update (September 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the

demographic starting point from 783dpa (in the 2016 SHMA) to 867dpa. In their Update, GL Hearn then applied a 10% uplift to the 867dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of 953dpa. However, a cover sheet to GL Hearn's Update, entitled '*Introduction and Context to objective Assessment of Housing Need*' was inserted at the front of this document by the Council. This states that 867dpa is the relevant baseline demographic figure for the 15-year period of the plan (2032/33). The Council rejected the 953dpa figure on the basis that GL Hearn's conclusions stating:

"...Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations."

7.6 As a result of this approach, the Publication Draft now states in Policy SS1: Delivering Sustainable Growth for York, the intention to:

"Deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38."

7.7 The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is "*an objectively assessed housing need*"

7.8 The Council therefore commissioned GL Hearn, an expert in the field, to produce a Strategic Housing Market Assessment in order to provide an OAHN and having done so the Council elected to ignore the findings of the Strategic Housing Market Assessment considering it to speculative and arbitrary. The Council provided no evidence to substantiate its claims that the Strategic Housing Market Assessment was speculative and arbitrary. The decision to ignore the advice of the Council's independent experts is flawed and unsound.

7.9 We will go onto explain why the Council decision to ignore the advice of the Council's independent experts is flawed and unsound.

Housing Requirement

7.10 There are a number of deficiencies in the Strategic Housing Market Assessment Update highlighted by Lichfields and these are summarised below.

- i) The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is considered to be fundamentally flawed. This is effectively a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the OAHN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.

- ii) There are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
- GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However, this demographic-led figure of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need. Lichfields agree with making an adjustment for demographic and household formation rates. However, it would be illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - Overall, the Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.
- 7.11 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within the Lichfields report provides alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 7.12 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates amongst younger age cohorts takes the demographic starting point to **871dpa**.
- 7.13 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, Lichfields considers that a greater **uplift of 20%** would be more appropriate in this instance. When applied to the **871dpa** re-based demographic starting point, this would indicate a need for **1,045dpa**. The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;
- 7.14 The scale of **affordable housing needs**, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045dpa set out above. It is considered that to meet affordable housing needs in full (573dpa), the OAHN range should be adjusted to 1,910dpa

@30% of overall delivery. It is, however, recognised that this level of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a **further 10% uplift** would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

- 7.15 Whilst it is accepted that limited weight can be attached to the MHCLG proposed standardised methodology figure this figure nevertheless reflects the direction of travel of Government policy. The MHCLG proposed standardised methodology figure is 1,070 dpa similar to the Lichfield figure which has been uplifted to address market signals but not be uplifted to address affordable housing need.
- 7.16 The Lichfields housing requirement allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Lichfields consider that using this figure would ensure compliance with paragraph 47 of the Framework by significantly boosting the supply of housing. It would also reflect paragraph 19 of the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.

Housing Land Supply

- 7.17 Lichfields have also assessed the Council's housing supply position. Lichfields raise issues and concerns about the following matters; -
- i) Lead in times;
 - ii) Delivery rates;
 - iii) Density assumptions;
 - iv) The components of supply;
 - v) ST14 and ST15; and
 - vi) Windfall.
- 7.18 Lichfields has undertaken an analysis of the Council's evidence base documents and question some of the assumptions in relation to the components of supply and conclude that some of the proposed delivery rates on sites are unfounded and unrealistic.
- 7.19 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall when assessed against the Lichfields assessment of the OAHN.
- 7.20 The Lichfield Report is attached at **Appendix 4**.

Soundness

- 7.21 In these circumstances, the Local Plan is not ‘sound’ as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance.

Modification

- 7.22 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a ‘sound’ plan and enable the much-needed investment in new housing to meet the community’s needs.

8.0 Objection to Policy SS2 - Green Belt Designation

8.1 Policy SS2: The Role of York's Green Belt states:

"The primary purpose of the Green Belt is to safeguard the setting and the special character of York and delivering the Local Plan Spatial Strategy. New building in the Green Belt is inappropriate unless it is for one of the exceptions set out in policy GB1.

The general extent of the Green Belt is shown on the Key Diagram. Detailed boundaries shown on the proposals map follow readily recognisable physical features that are likely to endure such as streams, hedgerows and highways.

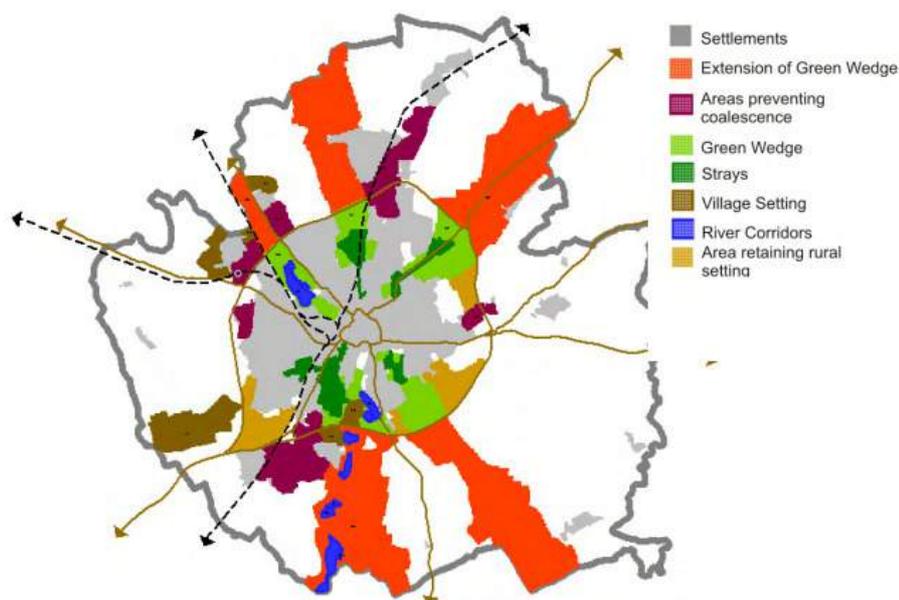
To ensure that there is a degree of permanence beyond the plan period sufficient land is allocated for development to meet the needs identified in the plan and for a further minimum period of five years to 2038."

8.2 Within the current version of the Local Plan H28 is shown to lie within the Green Belt.

8.3 Paragraph 80 of the NPPF states that the 5 purposes of including land within the Green Belt are as follows:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

8.4 An exercise was carried out by the Council in the preparation of the local plan which aimed to establish Green Belt Character Areas and highlighted the role and importance of the Green Belt surrounding Elvington.



- 8.5 The figure (shown above) was prepared following the production of a technical paper which looks at potential amendments to the Green Belt. The figure shows that the land around Elvington is not identified as having a particular Green Belt role. This clearly demonstrates that the Council considers that the land around the Site does not form any locally important Green Belt purpose.
- 8.6 Additionally, as the Site was allocated for development in the Preferred Options (2013) and the Publication Draft (2014) versions of the local plan, it is plain that the Council previously did not consider that the Site performed any significant Green Belt purpose and that it is not important to keep the Site permanently open.
- 8.7 DPP note that the Council, in their latest assessment of the Site, are not alleging the development of H26 would conflict with any of the 5 purposes of including land within the Green Belt as set out in paragraph 80 of the NPPF. The Council therefore must accept that the Site serves no Green Belt purpose and as such does not need to be kept permanently open.
- 8.8 Paragraph 85 of the Framework states that local planning authorities, when defining Green Belt boundaries (as we are here), should not include land which it is unnecessary to keep permanently open.
- 8.9 It is therefore plain that the Site should not be included within the Green Belt. The Site should be included within the settlement limits of Elvington and either allocated for housing development or identified as safeguarded land.
- 8.10 Given the Council's thorough and robust examination of the Site and the conclusions that the Council have reached regarding the Site there can be no reason to include the Site within the Green Belt.
- 8.11 Linden Homes Strategic Land therefore object to the inclusion of the Site within the Green Belt.

Soundness

- 8.12 The Local Plan does not provide sufficient housing land to meet a properly formulated assessment of objective need and those sites identified will not deliver the units identified and as the Site does not perform a Green Belt purpose it should not be included in the Green Belt. On the basis of the above we consider that the Local Plan is unsound and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

Modifications

- 8.13 H26 should be removed from the Green Belt and allocated for housing development or safeguarded land.

9.0 Objection to Policy H1 - Housing Allocations

9.1 Linden Homes Strategic Land notes that the Local Plan is highly reliant on delivery from a number of very large sites. These are sites of a 1000 dwelling or more and include: -

Site	Site Name	Plan period capacity	Overall Capacity
ST5	York Central	1500	1700-2500
ST14	Land West of Wigginton Road	1200	1348
ST15	Land West of Elvington Lane	2200	3339
Total			6387-7187

9.2 If these sites are delayed or do not come forward as anticipated it will adversely affect the ability of the Council to deliver housing in a timely manner.

9.3 Further, the reliance on these large sites inhibits housing delivery in general as only the very large volume house builders can develop these sites thereby limiting the number of outlets and house builders operating in an area. This depresses housing delivery rather than boosting delivery.

9.4 This is recognised in the Government's white paper entitled 'Fixing our broken housing market' (2017). In this document, the Government encourages local planning authorities to make more land available for homes in the right places, by maximising the contribution from brownfield and surplus public land, regenerating estates, **releasing more small and medium-sized sites**, allowing rural communities to grow and making it easier to build new settlements.

9.5 The white paper goes on to recognise that promoting a good mix of sites and increasing the supply of land available to small and medium-sized housebuilders will help to diversify the housebuilding sector and encourage more competition.

9.6 To boost significantly the supply of housing, as required by the Framework, it is clear that the Local Plan needs to identify a range and choice of sites. It is considered that the Local Plan is overly reliant on a number of very large proposed housing allocations. As such it is considered that H26, which is a relatively small parcel of land associated with a sustainable community, should be allocated for development particularly as it does not perform a Green Belt purpose and it is accepted by the Council that the Site can be developed.

Soundness

9.7 The Local Plan does not provide a robust range and choice of housing land to meet the housing requirement and to diversify the house building sector and encourage more competition. On the

basis of the above we consider that Policy H1 of the Local Plan is unsound and will not be effective and therefore not deliver sustainable development in accordance with national policy.

Modification

- 9.8 To address the above H26 should be reintroduced into the plan and reallocated for housing development under Policy H1.

10.0 Objection to Policy H2 - Density of Development

- 10.1 In addition to Lichfields' comments relating to the OAHN and the proposed housing land supply we also have concerns about the density of development that the Council believe can be delivered from the various allocated sites.
- 10.2 We welcome the clarification that this policy should be used as a general guide and that the density of any development will need to respond to its context.
- 10.3 We however have concerns about the density of development that the Council believe can be delivered from the various allocated sites.
- 10.4 We note that as a general trend the density of development on allocated sites increased in the Preferred Sites Consultation (2016) when compared to the Publication Draft (2014). These densities increased again when comparing the Preferred Sites Consultation (2016) to the Pre-Publication Draft. See the table attached at **Appendix 3**.
- 10.5 It would appear that the Council have changed their approach to calculating development densities between the various draft iterations of the local plan. For example, in the Preferred Options (2013) it was assumed that in the villages and rural areas development would occur at 30 dwellings per hectare. In the Publication Draft (2014) it is assumed that development in the villages and rural areas would occur at 35 dwellings per hectare. We feel that for villages and rural areas a development density of 30 dwellings per hectare would be more appropriate.
- 10.6 The development density for suburban areas, which includes Haxby and Wigginton, is identified as 40 dwellings per hectare. Given the character and form of some suburban areas it is considered that such a density of development could be harmful particularly if a balanced development is to be provided. A development density of 40 dwellings per hectare is more characteristic of high density urban living rather than an extension to sustainable suburban areas and villages. It implies a high proportion of small tight knit dwellings which would be uncharacteristic of locations adjoining urban areas and villages which have typically been developed at about 25 dwellings per hectare. It would be reasonable to expect a development density above 30 dwellings per hectare but 40 dwellings per hectare is too high.
- 10.7 As to the proposed development densities of 50 dwellings per hectare for urban areas and 100 dwellings per hectare within the city centre, these densities of development are considered ambitious particularly where there is a need to incorporate open space. Development at this density may limit the marketability of the product and if this is the case it would not boost housing delivery.
- 10.8 The proposed densities and the increases in the yields from individual sites needs to be fully explained and justified.

- 10.9 The Council need to justify the density of development in the various areas and the increases in the yields from various sites in order to ensure that they are robust and are not going to lead to a shortfall in housing delivery.
- 10.10 On the basis of the above we object to the proposed development densities being applied in policy H2 and on individual sites.

Soundness

- 10.11 We consider that Policy H2 and the associated assumed yields applied to various allocations are unsound and not justified and will not ensure effective delivery of the housing requirement and is therefore inconsistent with national policy.

Modification

- 10.12 We suggest that that the net development density is reduced and that greater flexibility is included in the policy to allow for balanced developments to be created.

11.0 Objection to Policy H3 – Housing Market

- 11.1 This policy is related to balancing the housing market. We do not object to the principle of this policy and indeed we welcome the acknowledgement in the Local Plan that the Council will *“seek to balance the housing market across the plan period”*. In this regard we welcome the use of the word *“seek”*. However, the policy then says that the applicants *“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”*. The use of the word *“required”* is onerous and is not reflective of the tone of the policy when read as a whole. For example, the policy goes on to state that *“the final mix of dwelling types and sizes will be subject to negotiation with the applicant”*.
- 11.2 Further, we also feel that it is unreasonable for an applicant to provide sufficient evidence to support their proposals particularly where a developer is providing a housing mix which is broadly in accordance with the identified need. This should be deleted.

Soundness

- 11.3 We consider that Policy H3 is unsound as it will not be effective, it is not justified, and is not consistent with national policy.

Modification

- 11.4 We suggest the policy should be modified to provide greater flexibility to allow for balanced developments to be created. In this regard we would suggest amending the policy to read *“Proposals for residential development should assist in balancing the housing market, unless material considerations indicate otherwise, by including a mix of types of housing that respond to and reflects the diverse mix of need across the city and the character of the locality.”*

12.0 Objection to the Allocation of ST5

- 12.1 The Local Plan identifies this site as having a total site area of 78ha and a net developable area of 35ha. The Local Plan suggests that this proposed allocation will be a mixed use development allegedly providing 1700 to 2500 dwellings of which a minimum of 1,500 will be delivered in the plan period and 100,000 sqm of office space (B1a).
- 12.2 We note that this will be an extremely challenging site to bring forward. Indeed we are aware that Network Rail and its predecessors have been trying to develop the site since the 1960's/1970's (some fifty years) but development has never been brought forward. Given the length of time that this site has been theoretically available there is quite a considerable amount of doubt as to its viability and deliverability.
- 12.3 Our concern here is exacerbated by the fact that we still do not believe that there is any developer interest. The site is not attractive to the private sector due to the high risks of development.
- 12.4 We understand that the Council are seeking to de-risk the development with public funds but this will not necessarily bring the site forward as there is no or little track record within the City of York of large scale grade 'A' office space or high rise residential accommodation particularly for private purchasers. There are therefore few or no comparable projects to give developers confidence to invest in proposals for development on the site even if public funds are invested.
- 12.5 To make the scheme work there is a need to create high density, high rise family apartment accommodation (apartment blocks of between 6 and 8 storeys in height and houses of between 2 and 4 storeys) on the site and there is no or little comparable market information for this type of development in York. Therefore the market is likely to be nervous of this type of development. Indeed family apartments of the type envisaged by the Council on the York Central site may end up being more expensive than other housing options in and around the City. Therefore, people who wish to live at York Central will do so as a life style choice and this will limit sales and further depress developer interest.
- 12.6 Without confidence in the market place, interest in speculative development is likely to be slow. This would suggest to us that the proposed development, even if allocated, will take a considerable period of time to deliver – if at all.
- 12.7 Furthermore, given the historic importance of this skyline in York we are also concerned that a large cluster of tall buildings would have an adverse impact on the skyline and would be found to be unacceptable by Historic England and the Council's own heritage department.
- 12.8 In conclusion, there is currently no developer interest and insufficient evidence to demonstrate that site ST5 is suitable for the type and scale of development proposed or when the site will be genuinely available for development and that the proposed development is achievable in the timescales and quantum set out.

Soundness

- 12.9 We consider the allocation of ST5 to be unsound in that ST5 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 12.10 We do not suggest that allocation known as ST5 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST5 should be 410 units as set out in the Publication Draft (2014). This level of development is more realistic and achievable.

13.0 Objection to the Allocation of ST14

Introduction

- 13.1 This allocation constitutes a new standalone settlement, or ‘garden village’ to the east of Skelton. The site has an indicative capacity of 1,348 dwellings, of which 1200 dwellings are to be constructed over the plan period (to 2032).
- 13.2 This site was previously included within the Publication Draft (2014) as a strategic site with a total site area of 157 hectares and a total site capacity of 2,800 dwellings. This site was revised due to concerns relating to the Green Belt, historic character and setting.
- 13.3 The site is isolated from existing settlements and located within the agreed general extent of the York Green Belt. It is unclear why this site is considered appropriate to be removed from the Green Belt, and not smaller more sustainable sites which sit at the edge of existing settlements and which could deliver housing promptly and sustainably and thereby boosting housing supply in accordance with national policy.
- 13.4 We are not sure how the changes in the size of the allocation has overcome these technical and policy concerns

Our Concerns

- 13.5 Our principle concern however relates to the delivery of the site and in particular the estimated yield within the plan period.
- 13.6 The Council have indicated in their letter to the Secretary of State in January 2018 and the Local Development Scheme (2017) that the Local Plan will be submitted to the Secretary of State at the end of May and that the plan will be examined between June and August 2018 with the Inspector’s report being available towards the end of 2018. The Council have indicated that they hope to adopt the Local Plan in February 2019.
- 13.7 Lichfields, who have produced a well-considered and robust publication on the delivery of large scale housing schemes¹ estimate lead in times for developments. Lead in times relate to matters such as: -
- Securing outline planning permission;
 - Negotiations on S106;
 - The approval of reserved matters;
 - The discharge of conditions;
 - Completion of land purchases
 - Mobilisation; and

¹ Start to Finish – How Quickly do Large-Scale Housing Site Deliver? November 2016

- Infrastructure works.

13.8 Lead in times vary in relation to the stage that a proposal has reached and by the size of the site. The larger the site the more difficult the negotiations and matters that need to be resolved. The following table sets out a general and robust methodology for calculating lead in times.

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

13.9 To date no planning application has been submitted and the development of this site will require significant infrastructure works, particularly to obtain access, and extensive community facilities in order to deliver the proposed development and to make it sustainable.

13.10 ST14 is a large proposal which will generate a significant increase in traffic on the A1237. Capacity enhancements will need to be made to roads and junctions within the vicinity of the site in order to accommodate this development and these works will need to be undertaken in advance of the completion of any units. Providing sufficient access to and mitigating the impacts of the development will require substantial infrastructure to be put in place and this will take time to deliver.

13.11 If you apply the standard methodology adopted by Lichfields it is possible that a start of development works will occur 4 years from the point of assessment or 3.5 years after the submission of the outline application which is likely to be sometime in the future. For the purpose of this exercise we have assumed 4 years from April 2018. Therefore, a start of works can be assumed as April 2022.

13.12 In a similar fashion Lichfields estimated delivery rates based on the size of the site. Lichfields indicate that small sites, less than 100 units, tend to be built by local or regional builders. On sites of less than 250 units only one volume house builder is normally active but on sites up to 500 units there may a second volume house builder and on sites over 500 units there may be a third volume house builder. See the table below.

	0-100 units	100-250 units`	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

13.13 We assume that there will be 3 different house builders on the ST14. We have therefore assumed a delivery rate of 90 dwellings per annum.

- 13.14 If the lead in time is 4 years the residual Local Plan period will be 10 years. Building at 90 dwellings per annum and assuming a remaining 10 plan period ST14 would deliver 900 dwellings. A shortfall of 300 dwellings in comparisons to the Local Plans estimated yield.
- 13.15 There is a need to allocate a wide range and choice of housing sites throughout the District and the allocation of several extremely large sites, notably ST14 and ST15, does little to ensure a robust and longer-term level of housing delivery. In fact, the allocation of these two sites limits the number of outlets and the geographical distribution of sites and as a consequence it hinders housing land supply and delivery rather than boosting it.
- 13.16 As a consequence, it is considered that the Council should reinstate the proposed housing allocation known as H26 as the Council have already concluded that this Site is available, that the land is suitable for development and that development is achievable.

Soundness

- 13.17 We do not object to the principle of the allocation but we do consider the estimated yield from ST14 to be overly ambitious so as to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider the yield assumed for ST14 to be unsound in that ST14 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 13.18 We do not suggest that allocation known as ST14 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST14 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

14.0 Objection to the Allocation of ST15

Introduction

- 14.1 This allocation is, to all intents and purposes, an entirely new settlement located within the open countryside to the west of Elvington. The site has an indicative site capacity of 3,339 dwellings, of which 2,200 dwellings will be constructed over the plan period (to 2032/33).
- 14.2 The site is currently located within the agreed general extent of Green Belt around the City of York. It is unclear why the Local Plan considers it to be appropriate to remove this large site from the Green Belt and not allocate other smaller more sustainable sites which are situated on the edge of existing settlements and which could deliver housing promptly and sustainably and thereby boosting housing supply in accordance with national policy.

Our Concerns

- 14.3 Our principle concern however relates to the delivery of the site and in particular the estimated yield within the plan period.
- 14.4 The Council have indicated in their letter to the Secretary of State in January 2018 and the Local Development Scheme (2017) that the Local Plan will be submitted to the Secretary of State at the end of May and that the plan will be examined between June and August 2018 with the Inspector's report being available towards the end of 2018. The Council have indicated that they hope to adopt the Local Plan in February 2019.
- 14.5 Lichfields, who have produced a well-considered and robust publication on the delivery of large scale housing schemes² estimate lead in times for developments. Lead in times relate to matters such as: -
- i) Securing outline planning permission;
 - ii) Negotiations on S106;
 - iii) The approval of reserved matters;
 - iv) The discharge of conditions;
 - v) Completion of land purchases
 - vi) Mobilisation; and
 - vii) Infrastructure works.
- 14.6 Lead in times vary in relation to the stage that a proposal has reached and by the size of the site. The larger the site the more difficult the negotiations and matters that need to be resolved. The following table sets out a general and robust methodology for calculating lead in times.

² Start to Finish – How Quickly do Large-Scale Housing Site Deliver? November 2016

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

- 14.7 ST15 is a large-scale proposal located in an isolated position within the open countryside and the Green Belt. No planning application has been submitted and the development of this site will require significant infrastructure works, particularly to obtain access, and extensive community facilities in order to deliver the proposed development and to make it sustainable.
- 14.8 If you apply the standard methodology adopted by Lichfields it is possible that a start of development works will occur 4 years from the point of assessment or 3.5 years after the submission of the outline application which is likely to be sometime in the future. For the purpose of this exercise we have assumed 4 years from April 2018. Therefore, a start of works can be assumed as April 2022.
- 14.9 In a similar fashion Lichfields' estimated delivery rates based on the size of the site. Lichfields indicate that small sites, less than 100 units, tend to be built by local or regional builders. On sites of less than 250 units only one volume house builder is normally active but on sites up to 500 units there may be a second volume house builder and on sites over 500 units there may be a third volume house builder. See the table below.

	0-100 units	100-250 units`	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

- 14.10 We assume that there will be 3 different house builders on ST15. We have therefore assumed a delivery rate of 90 dwellings per annum.
- 14.11 If the lead in time is 4 years the residual Local Plan period will be 10 years. Building at 90 dwellings per annum and assuming a remaining 10 year plan period then ST15 would deliver 900 dwellings.
- 14.12 There is a need to allocate a wide range and choice of housing sites throughout the District and the allocation of several extremely large sites, notably ST14 and ST15, does little to ensure a robust and longer-term level of housing delivery. In fact, the allocation of these two sites limits the number of outlets and the geographical distribution of sites and as a consequence it hinders housing land supply and delivery rather than boosting it.
- 14.13 As a consequence, it is considered that the Council should reinstate the proposed housing allocation known as H26 as the Council have already concluded that this Site is available, that the land is suitable for development and that development is achievable.

Soundness

- 14.14 We do not object to the principle of the allocation but we do consider the estimated yield from ST15 to be unrealistic and to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider that the yield assumed for ST15 to be unsound in that ST15 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 14.15 We do not suggest that allocation known as ST15 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST15 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

15.0 Objection to Lack of Safeguarded Land Policy

- 15.1 The NPPF states in paragraph 79 that the *'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence'*. It is clear from the above that a Green Belt should be permanent.
- 15.2 The NPPF does not define the term permanence or how long a Green Belt should remain unaltered. However, it is at least 5 years beyond the end of the plan period but more commonly it is 10 years.
- 15.3 Paragraph 83 of the NPPF indicates that authorities should consider Green Belt boundaries having regard to their intended permanence in the long term so that they can be capable of enduring beyond the plan period. Whilst the term permanence is not defined it is clear that a Green Belt should endure for a period longer than the plan period which, in this case, ends in 2032.
- 15.4 By the time that the plan is adopted it will be at least 2019 leaving a residual plan period of only 13 or 14 years.
- 15.5 In accordance with paragraph 84 of the NPPF, when drawing up or reviewing Green Belt boundaries local authorities are required to take account of the need to promote sustainable patterns of development.
- 15.6 In order to do this paragraph 85 of the NPPF indicates that local planning authorities should:
- *"Ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
 - *Not include land which it is unnecessary to keep permanently open;*
 - *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;*
 - *Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
 - *Satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
 - *Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent."*
- 15.7 The above means that: -
- To achieve sustainable development a local authority needs to take account of the objectively assessed need for development and provide sufficient land to accommodate this need.
 - The guidance advises that local planning authorities should not include land that does not need to be kept permanently open.
 - It is also apparent from paragraph 85 that when defining a Green Belt, a local authority needs to consider the development needs of the district which are to be met during the plan period

as well as the longer-term development needs of the District. The term “*stretching well beyond the plan period*” is significant. Well beyond implies a period greater than a few years.

- The ‘*where necessary*’ term in paragraph 85 of the NPPF applies, in our view, to situations where there is a need to allow for longer term development. So that this need can be met in due course, land should be safeguarded for the purposes of development and by identifying such land ‘*the Green Belt can be protected from encroachment thus ensuring its boundaries remain permanent.*’

15.8 What is clear from the NPPF is that when defining a Green Belt, the Green Belt should be permanent and endure well beyond the plan period and that a local authority should meet its identified development needs both during the plan period and beyond without needing to undertake an early review of the plan.

15.9 Within the Local Plan no safeguarded land is proposed. The reason given for this is that there are a few Strategic Sites identified within the document that have an anticipated build out time beyond the plan period. However, the number of the strategic sites available to provide for the longer-term development needs of the City is severely limited. Some of the identified sites are small and as allocations there is nothing stopping them being built out during the plan period.

15.10 The table below provides details of the strategic sites that the Council have identified to provide the additional housing capacity after the plan period has finished:

Site	Site Name	Plan period capacity	Overall Capacity	Additional capacity following plan period
ST5	York Central	1500	1700-2500	200- 1000
ST14	Land West of Wigginton Road	1200	1348	148
ST15	Land West of Elvington Lane	2200	3339	1139
ST36	Imphal Barracks, Fulford Road	0	769	769
Total				2306 - 3056

15.11 Only four strategic sites are identified by the Council as delivering residential development at the end of the plan period.

15.12 The City of York Council identify ST5 and ST15 as the two sites which will provide the majority of the additional housing with ST14 contributing a smaller but significant quantity.

15.13 Site ST36 is not proposed to come forward until after the plan period as The Defence Infrastructure Organisation are not intending to dispose of the Site until 2031. There are several potential issues with the delivery of this site relating to historic interest and archaeology which will need to be

investigated in detail to allow the site to come forward and may result in delays to development and/or a reduction in developable area.

- 15.14 This raises some serious concerns. The NPPF requires local planning authorities to maintain a 5-year housing land supply. It is clear from the above that even if the 4 sites identified by the Council were to deliver housing in the period 2032/33 to 2037/38 these 4 sites would not be sufficient to enable the Council to demonstrate a 5-year housing land supply as there is only so many units that can be delivered from any one site. There are simply not enough potential outlets in the supply to achieve a 5-year housing land supply. Further as two thirds of the total supply is in two sites and as we anticipate that these sites will deliver about 90 dwellings per annum it is clear that they will be delivering completions well beyond 2037/38. This further reduces the 5-year housing land supply. Effectively it would mean that before the end date of the plan period the Council would need to undertake a review of the plan to identify additional sites to ensure that the Council could maintain a 5-year housing land supply. If there is no 5-year housing land supply the Green Belt will have to be amended in 2032 or before resulting in the Green Belt not enduring for a minimum of 20 years.
- 15.15 Consequently, the life of the Green Belt around York, from adoption to modification, will be no more than 12 to 13 years and probably less. This short period of time cannot be regarded as comprising a permanent Green Belt around York. Consequently, the approach in the Local Plan of not providing a wide range and choice of safeguarded land sites is contrary to the NPPF.

Soundness

- 15.16 We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

Modification

- 15.17 The inclusion of a safeguarded land policy and an appropriate quantum of safeguarded land sites.

16.0 Objection to Lack of Safeguarded Land Allocation

- 16.1 In previous iterations of the Local Plan, the Council have accepted that the sites allocated for development performed little or no Green Belt purposes. H26 is one of these sites. Paragraph 85 of the NPPF indicates that land should not be kept within the Green Belt which is unnecessary to be kept permanently open. The Council have therefore already accepted that the sites previously allocated for housing development do not need to be kept permanently open.
- 16.2 At the very least, and in the alternative to a housing allocation in the Local Plan, it is clear that the sites that were previously identified as housing allocations should now be allocated as safeguarded land.

Soundness

- 16.3 We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

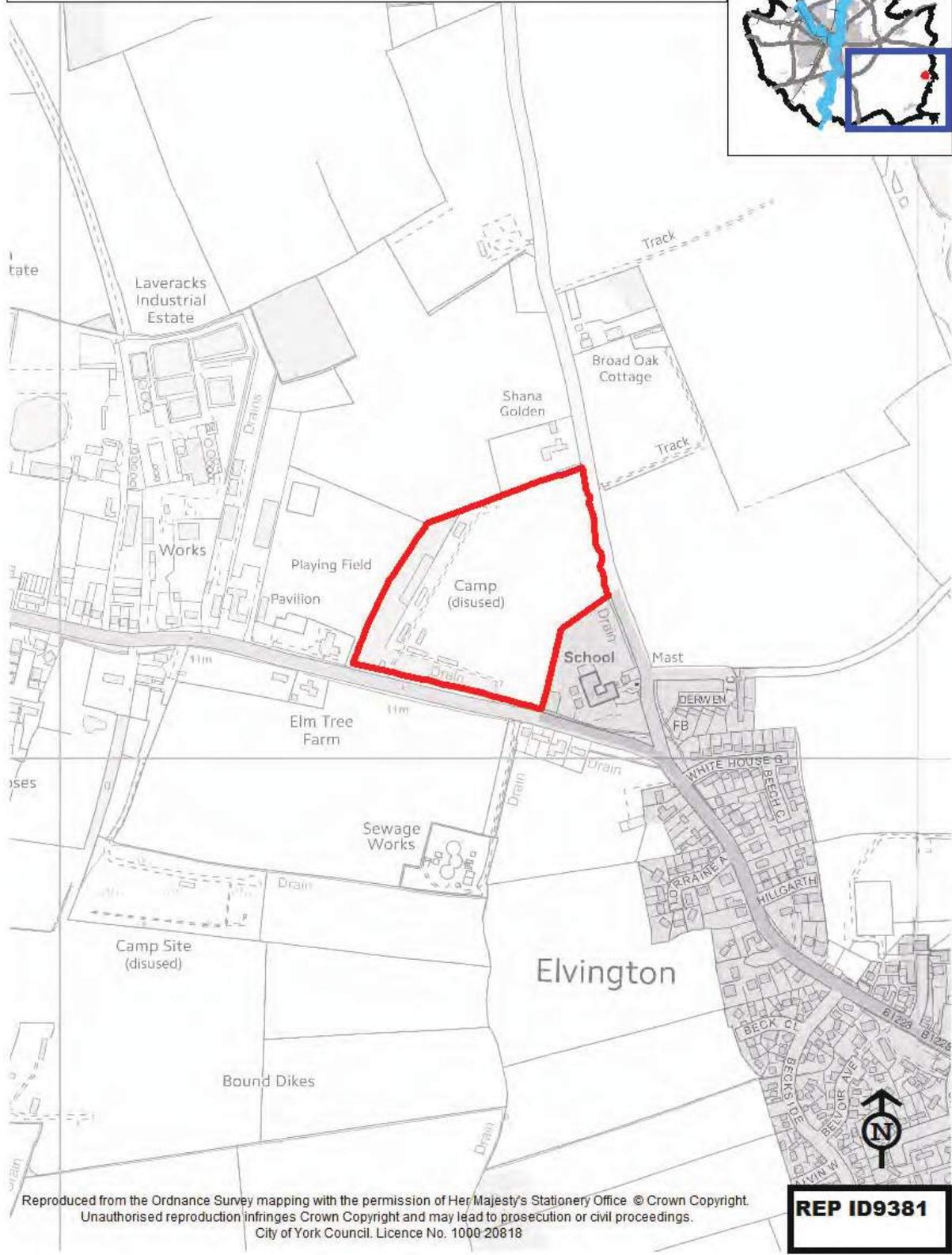
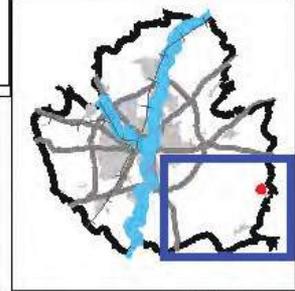
Modification

- 16.4 The inclusion of H26 as a safeguarded land site as an alternative to a housing allocation.

Appendix 1 – Site Location Plan

55: Land at Dauby Lane, Elvington, York

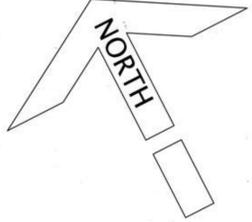
H26



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REP ID9381

Appendix 2 – A Draft Housing Layout



Schedule of Accommodation

House Type	No.	Sq. Ft.	Total Sq.Ft.	
We Welton	2 Bed, 2 Storey	40	645	25800
Ma Marston	3 Bed, 2 Storey	38	843	32034
So Somersby	3 Bed, 2 Storey	9	962	8658
Ev Everingham	3 Bed, 2 Storey	12	1012	12144
Co Conisholme	3 Bed, 2 Storey	8	1143	9144
Ne Newbury	4 Bed, 2 Storey	5	1266	6330
Es Escrick	4 Bed, 2 Storey	6	1302	7812
Bby Burnby	4 Bed, 2 Storey	5	1176	5880
Hu Hunsley	4 Bed, 2 Storey	6	1436	8616
Ri Ripplingham	4 Bed, 2 Storey	4	1603	6412
Li Linton 2	4 Bed, 2 Storey	4	1646	6584
Total		137		129414 Sqft

Developable Site Area	12.5 Acres	5.08 Hect
On Site P.O.S area	1.35 Acres	0.54 Hect
Tree Buffer Planting area	2.41 Acres	0.97 Hect
Developable Site Area	8.74 Acres	3.57 Hect

Therefore $\frac{129414 \text{ Sqft}}{8.74 \text{ Acres}} = 14807 \text{ Sqft/Acre}$

Therefore $\frac{137 \text{ Units}}{3.57 \text{ Hect}} = 38 \text{ Units/Hect}$

REV	NOTE	DR	CHK	DATE

DRAWING	BUILDING REGS
SKETCH	TENDER
PRELIMINARY	CONSTRUCTION
APPROVAL	RECORD DRAWING
PLANNING	

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CLIENT		
Linden Homes		
PROJECT		
Elvington Lane		
DRAWING		
Proposed Site Layout Plan		
SCALE @ A1		
1:500		
DATE	DRAWN	CHECKED
04.02.14	SBC	
9135-01		REVISION
		0

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Appendix 3 – A Table of Allocation Densities

Housing Density Table

Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H1	3.54	283	80	3.54	336	95	+19%	2.87	271	94	-1%	2.87	271	94	0
								0.67	65	97	+2%	0.67	65	97	0
H2A	2.33	98	42	Deleted				Deleted				Deleted			
H2B	0.44	18	41	Deleted				Deleted				Deleted			
H3	2.7	25	9	3.9	81	21	+133%	1.9	72	38	+81%	1.9	72	38	0
H4	2.56	157	60	Deleted				Deleted				Deleted			
H5	2.24	72	32	3.64	137	38	+19%	3.64	162	45	+18%	3.64	162	45	0
H6	1.53	49	32	Deleted				1.53	Specialist Housing use class C3b – supported housing			1.53	Specialist Housing use class C3b – supported housing		
H7	1.72	73	42	1.72	86	50	+19%	1.72	86	50	0	1.72	86	50	0
H8	1.57	50	32	1.57	60	38	+19%	1.57	60	38	0	1.57	60	38	0
H9	1.3	42	32	Deleted				Deleted				Deleted			
H10	0.78	187	240	0.96	Deleted	195	-19%	0.96	187	195	0	0.96	187	195	0
H11	0.78	33	42	Deleted				Deleted				Deleted			
H12	0.77	33	43	Deleted				Deleted				Deleted			
H13	1.30	55	42	Deleted				Deleted				Deleted			
H14	0.55	220	400	Deleted				Deleted				Deleted			

Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H15	0.48	27	56	Deleted				Deleted				Deleted			
H16	1.76	57	32	Deleted				Deleted				Deleted			
H17	0.80	37	46	Deleted				Deleted				Deleted			
H18	0.39	13	33	Deleted				Deleted				Deleted			
H19	0.36	16	44	Deleted				Deleted				Deleted			
H20	0.33	15	45	0.33	17	52	+16%	0.33	56	170	+8%	0.33	56	170	0
H21	0.29	11	38	0.29	12	41	+8%	Deleted				Deleted			
H22	0.29	13	45	0.29	15	52	+16%	0.29	15	52	0	0.29	15	52	0
H23	0.25	11	44	Deleted				0.25	11	44	-	0.25	11	44	0
H25	0.22	20	90	Deleted				Deleted				Deleted			
H26	4.05	114	28	Deleted				Deleted				Deleted			
H27	4.00	102	25.5	Deleted				Deleted				Deleted			
H28	3.15	88	28	Deleted				Deleted				Deleted			
H29	2.65	74	28	2.65	88	33	+18%	2.65	88	33	0	2.65	88	33	0
H30	2.53	71	28	Deleted				Deleted				Deleted			
H31	2.51	70	28	2.51	84	34	+21%	2.51	76	30	-12%	2.51	76	30	0
H32	2.22	47	21	Deleted				Deleted				Deleted			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H33	1.66	46	28	Deleted				Deleted				Deleted			
H34	1.74	49	28	Deleted				Deleted				Deleted			
H35	1.59	44	28	Deleted				Deleted				Deleted			
H37	3.47	34	10	Deleted				Deleted				Deleted			
H38	0.99	28	28	0.99	33	33	+18%	0.99	33	33	0	0.99	33	33	0
H39	0.92	29	32	0.92	32	35	+9%	0.92	32	35	0	0.92	32	35	0
H40	0.82	26	32	Deleted				Deleted				Deleted			
H43	0.25	8	32	0.25	12	48	+50%	Deleted				Deleted			
H46	4.16	118	28	2.74	104	38	+36%	2.74	104	38	0	2.74	104	38	0
H47	1.11	37	33	Deleted				Deleted				Deleted			
H48	0.42	15	36	Deleted				Deleted				Deleted			
H49	3.89	108	30	Deleted				Deleted				Deleted			
H50	2.92	70	24	Deleted				Deleted				Deleted			
H51	0.23	10	43	0.23	12	52	+21%	Deleted				Deleted			
H52	n/a			0.2	10	50	-	0.2	15	75	+50%	0.2	15	75	0
H53	n/a			0.33	11	33	-	0.33	4	12	-64%	0.33	4	12	0
H54	n/a			1.3	46	35	-	Deleted				Deleted			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H55	n/a			0.2	20	100	-	0.2	20	100	0	0.2	20	100	0
H56	n/a			4	190	48	-	4	70	18	-63%	4	70	18	0
H57	n/a			2.8	93	33	-	<i>Deleted</i>			<i>Deleted</i>				
H58	n/a			n/a				0.7	25	36	-	0.7	25	36	0
H59	n/a			n/a				1.34	45	34	-	1.34	45	34	0
ST1	40.70	1140	28	40.7	1140	28	0	46.3	1,200	26	-7%	46.3	1,200	26	0
ST2	10.43	289	28	10.4	292	28	0	10.4	266	26	-7%	10.4	266	26	0
ST3	7.80	197	25	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST4	7.54	230	30.5	7.54	211	28	-8%	7.54	211	28	0	7.54	211	28	0
ST5	10.55	410	38.9	35	1250	36	-7%	35	845	24	-33%	35	1,700	49	+101%
ST7	113.28	1800	16	34.5	805	23	+44%	34.5	845	24	+4%	34.5	845	24	0
ST8	52.28	1400	27	39.5	875	22	-18%	39.5	968	24	+9%	39.5	968	24	0
ST9	33.48	747	22	35	735	21	-5%	35	735	21	0	35	735	21	0
ST11	13.76	400	29	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST12	20.08	421	21	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST13	5.61	125	22	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST14	157.09	2800	18	55	1348	25	+36%	55	1348	25	0	55	1348	25	0

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
ST15/ST34)	392.58	4680	12	159	3339	21	+75%	159	3339	21	0	159	3339	21	0
ST16	10.23	395	39	2.04	89	44	+156%	2.18	Phase 1: 22	10	+16%	2.18	Phase 1: 22	10	0
ST16	10.23	175	17						Phase 2: 33	15			Phase 2: 33	15	
									Phase 3: 56	26			Phase 3: 56	26	
ST17 (N)	7.16	315	44	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST17 (S)		130	18	6.8	315	46	+5%	2.35	Phase 1: 263	112	+422%	2.35	Phase 1: 263	112	0
							4.7	Phase 2: 600	128	4.7		Phase 2: 600	128		
ST22	34.59	655	19	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST23 (P 2)	21.91	117	5	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST23 (P 3&4)		342	16	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST24	10.32	10	1	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST28	5.09	87	17	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST29	5.75	135	24	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
ST30	5.92	165	28	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST31	n/a			8.1	170	21	-	8.1	158	20	-5%	8.1	158	20	0
ST32	n/a			4.8	305	64	-	2.17	328	151	+136%	2.17	328	151	0
ST33 (H45)	n/a			6	147	25	-	6	147	25	0	6	147	25	0
ST35	n/a			n/a				28.8	578	20	-	28.8	500	17	-14%
ST36	n/a			n/a				18	769	43	-	18	769	43	0

Appendix 4 – Lichfields' Technical Report on Housing Issues

City of York Local Plan Publication Draft

Technical Report on Housing Issues

Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd and Bellway Homes

March 2018

LICHFIELDS

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1.0 Introduction

- 1.1 Lichfields has been commissioned by Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd & Bellway Homes [the Companies] to undertake a review of City of York Council's housing requirement and housing supply that has formed a key part of the evidence base to inform the City of York Local Plan Publication [LPP] Draft Consultation (March 2018).
- 1.2 Specifically, this report updates our September 2017 Technical Report on Housing Issues and provides a critique of the Objective Assessment of Housing Needs [OAHN] set out in the City of York Strategic Housing Market Assessment [SHMA] Assessment Update (September 2017, prepared by GL Hearn) following previous representations on behalf of the Companies on the 2016 SHMA and 2016 SHMA Addendum.
- 1.3 It also provides high level comments on the Council's housing land supply based on the evidence set out in the following documents:
- 1 The City of York Strategic Housing Land Availability Assessment [SHLAA] (September 2017);
 - 2 The City of York Local Plan Publication Draft (March 2018);
 - 3 Half Year Housing Monitoring Update for Monitoring Year 2017/18 (1st April 2017 to 30th September 2017); and,
 - 4 The City of York Windfall Allowance Technical Paper 2017 (SHLAA Annex 5).
- 1.4 Lichfields considers that on the basis of the contents of this report, the City of York Council is not providing sufficient land to meet the housing needs of the City and further sites should be allocated for housing development as part of the emerging Local Plan.
- 1.5 The remainder of this report is set out as follows:
- 1 **Section 2.0** - This section considers the approach which needs to be taken to calculating Objectively Assessed Housing Need [OAHN] and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
 - 2 **Section 3.0** – This section provides an overview of the findings of the 2016 SHMA and 2016 SHMA addendum, a summary of Lichfields response to these documents, and an overview of the findings of the September 2017 SHMA Assessment Update;
 - 3 **Section 4.0** - Provides a critique of the September 2017 SHMA Assessment Update. This Section sets out the extent to which the document fulfils the necessary requirements previously discussed and whether it represents the full, objectively assessed housing need for the City of York. **Appendix 1** sets out Lichfields' assessment of Market Signals in the City of York;
 - 4 **Section 5.0** - Considers the approach which needs to be taken to assessing housing land supply and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
 - 5 **Section 6.0** – Provides an overview of the Council's housing supply evidence;
 - 6 **Section 7.0** – Identifies the relevant housing requirement figures to be used for both the 5-year assessment and the plan period assessment;
 - 7 **Section 8.0** - Assesses the adequacy of the deliverable and developable supply of housing sites to meet the requirement for the plan period and 5-year period. It draws on the information supplied by the Council in the LPP and associated evidence base;
 - 8 **Section 9.0** - Assesses the housing supply against the OAHNs for York identified by the Council and by Lichfields; and,

- 9 **Section 10.0** Summarises the key issues within the Councils evidence base and sets out why it is not compliant with the requirements for an OAHN calculation and housing land supply.

2.0 Approach to Identifying OAHN

Introduction

- 2.1 This section sets out the requirements of the Framework and the Practice Guidance in objectively assessing housing needs. This will provide the benchmark against which the SHMA Assessment Update will be reviewed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of an OAHN calculation in a legal context.

Policy Context

National Planning Policy Framework

- 2.2 The Framework outlines a two-step approach to setting housing requirements in Local Plans. Firstly, to define the full objectively assessed need for development and then secondly, to set this against any adverse impacts or constraints which would mean that need might not be met. This is enshrined in the approach defined in the Framework which sets out the presumption in favour of sustainable development:

“For plan-making this means that:

- *LPAs should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”¹*

- 2.3 The Framework goes on to set out that in order to 'boost significantly' the supply of housing, LPAs should:

“use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the framework...”²

- 2.4 The Framework sets out the approach to defining such evidence which is required to underpin a local housing requirement. It sets out that in evidencing housing needs:

“LPAs should have a clear understanding of housing needs in their area. They should:

- *prepare a SHMA to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:*
 - *meets household and population projections, taking account of migration and demographic change;*

¹ Framework - §14

² Framework - §47

- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community...; and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand... ”³*

2.5 Furthermore, the core planning principles set out in the Framework⁴ indicate that a planned level of housing to meet objectively assessed needs must respond positively to wider opportunities for growth and should take account of market signals, including housing affordability.

Draft National Planning Policy Framework

2.6 The Framework draft text for consultation was published in March 2018. It has an unequivocal emphasis on housing, with the introduction to the consultation proposals clarifying that the country needs radical, lasting reform that will allow more homes to be built, with the intention of reaching 300,000 net additional homes a year. The draft states that to support the Government’s objective of ‘significantly boosting the supply of homes’, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay [§60].

2.7 In particular:

“In determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance – unless there are exceptional circumstances that justify an alternative approach which also reflects current and future demographic trends and market signals. In establishing this figure, any needs that cannot be met within neighbouring areas should also be taken into account”. [§61]

2.8 The draft also makes it clear that when identifying the housing need, policies should also break the need down by size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes) [§62].

2.9 Paragraphs 68 - 78 also set out how Councils should identify and maintain a five years’ worth of housing against their housing requirement.

2.10 In terms of the weight that can be attached to this draft document, it is accepted that only limited weight can be attached to the document at present as it is still out for consultation. In this regard, paragraph 209 to Annex 1 of the draft Framework states that the policies in the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before the date which is 6 months after the final Framework’s publication. *“in these cases the examination will take no account of the new Framework”*.

2.11 However the draft Framework remains a useful indicator of the direction of travel, not least with the approach to be taken to defining housing need, which has already been the subject of an earlier consultation (*‘Planning for the right homes in the right places’*, September 2017), to which MHCLG published a summary of consultation responses and its view on the way forward in March 2018.

³ Framework - §159

⁴ Framework - §17

National Planning Practice Guidance

- 2.12 The Framework is supplemented by the Practice Guidance which provides an overarching framework for considering housing needs, but also acknowledges that:

“There is no one methodological approach or use of a particular dataset(s) that will provide a definitive assessment of development need”⁵.

- 2.13 The Guidance states that household projections published by CLG should provide the starting point estimate of overall housing need⁶.

- 2.14 Although the Practice Guidance notes that demographic trends should be applied as a starting point when assessing the OAHN, it goes on to state that consideration should also be given to the likely change in job numbers. This supports the importance that the Framework⁷ places on the economy and the requirement to *“ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”*. A failure to take account of economic considerations in the determination of the OAHN would be inconsistent with this policy emphasis.

- 2.15 The Inspector at the Fairford Inquiry⁸ recognised the role of economic factors in the assessment of the OAHN for Cotswold District:

“The Council has not provided a figure for OAN which takes account of employment trends. The Council argues that the advice in the PPG does not require local planning authorities to increase their figure for OAN to reflect employment considerations, but only to consider how the location of new housing or infrastructure development could help address the problems arising from such considerations. I disagree. In my view, the PPG requires employment trends to be reflected in the OAN, as they are likely to affect the need for housing. They are not “policy on” considerations but part of the elements that go towards reaching a “policy off” OAN, before the application of policy considerations. There is no evidence that the Council’s figures reflect employment considerations” [IR. §19].

- 2.16 This view reflects the position expressed by the Inspector (and confirmed by the Secretary of State) in the Pulley Lane Inquiries in Droitwich Spa⁹. The Inspector’s report (which was accepted by the SoS) states that:

“The Council’s case that “unvarnished” means arriving at a figure which doesn’t take into account migration or economic considerations is neither consistent with the (Gallagher) judgment, nor is it consistent with planning practice for deriving a figure for objectively assessed need to which constraint policies are then applied. Plainly the Council’s approach is incorrect. Clearly, where the judgement refers to ‘unvarnished’ figures (paragraph 29) it means environmental or other policy constraints. There is nothing in the judgement which suggests that it is not perfectly proper to take into account migration, economic considerations, second homes and vacancies”. [IR. §8.45]

- 2.17 Housing need, as suggested by household projections, should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. Relevant signals may include land prices, house prices, rents, affordability (the ratio between lower quartile house prices and the lower quartile income or earnings can be

⁵ Practice Guidance – ID:2a-005-20140306

⁶ Practice Guidance – ID:2a-015-20140306

⁷ Framework - §158

⁸ Land South of Cirencester Road, Fairford (PINS Ref No: APP/F1610/A/14/2213318) (22 September 2014).

⁹ Land at Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (APP/H1840/A/13/2199085) and Land north of Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (PINS Ref No: APP/H1840/A/13/2199426) (2 July 2014).

used to assess the relative affordability of housing), rate of development and, overcrowding¹⁰:

“Appropriate comparisons of indicators should be made. This includes comparison with longer term trends (both in absolute levels and rates of change) in the: housing market area; similar demographic and economic areas; and nationally. A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.”¹¹

- 2.18 In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be¹².
- 2.19 The Guidance recognises that market signals are affected by a number of economic factors, and plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period¹³.
- 2.20 The Practice Guidance concludes by suggesting that the total need for affordable housing should be identified and converted into annual flows by calculating the total net need (subtracting total available stock from total gross need) and converting total net need into an annual flow.
- 2.21 The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments:
- “An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes.”¹⁴*

Draft Planning Practice Guidance

- 2.22 Following on from the draft Framework, on 9th March 2018 MHCLG published its draft Planning Practice Guidance for consultation. This provides further detail on 6 main topic areas: viability; housing delivery; local housing need assessments; Neighbourhood Plans; Plan-making and Build-to-rent.
- 2.23 Regarding housing delivery, the draft Practice Guidance sets out how local authorities should identify and maintain a 5-year supply of specific deliverable sites, bringing the Guidance into line with recent Ministerial statements and High Court Judgements. In particular, it clarifies that along with older peoples’ housing, all student accommodation can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market.
- 2.24 Furthermore, LPAs should deal with deficits or shortfalls against planned requirements within the first 5 years of the plan period (i.e. the ‘Sedgefield’ approach to backlog).
- 2.25 In terms of the Local Housing Need Assessment, this takes forward the approach set out in CLG’s September 2017 consultation on *“Planning for the right homes in the Right Places”*. The proposed approach to a standard method for calculating local housing need, including transitional arrangements, is set out and as before, consists of three components. The starting point would continue to be a demographic baseline using the latest CLG household projections

¹⁰ Practice Guidance – ID:2a-019-20140306

¹¹ Practice Guidance – ID:2a-020-20140306

¹² Practice Guidance – ID:2a-020-20140306

¹³ *ibid*

¹⁴ Practice Guidance – ID: 2a-029-20140306

(over a 10-year time horizon), which is then modified to account for market signals (the median price of homes set against median workplace earnings). The modelling proposes that each 1% increase in the ratio of house prices to earnings above 4 results in a ¼% increase in need above projected household growth.

2.26 The uplift is then capped to limit any increase an authority may face when they review their plan:

- a *“for those authorities that have reviewed their plan (including a review of local housing need) or adopted their plan in the last five years, a cap may be applied to their new annual local housing need figure at 40 per cent above the average annual requirement figure currently set out in their plan; or*
- b *for those authorities that have not reviewed their plan (including a review of local housing need) or adopted their plan in the last five years, a cap may be applied to their new annual local housing need figure at 40% above whichever is higher of the projected household growth for their area over the 10 years (using Office for National Statistics’ household projections), or the annual housing requirement figure set out in their most recent plan if one exists.” [page 25]*

2.27 The various stages are set out in Figure 2.1.

Figure 2.1 Proposed methodology for determination of OAHN



Source: Lichfields

2.28 In terms of the ability of LPAs to deviate from this proposed new methodology, this is discouraged unless there are compelling circumstances not to adopt the approach. For example:

“There may be circumstances where it is justifiable to identify need above the need figure identified by the standard method. The need figure generated by the standard method should be considered as the minimum starting point in establishing a need figure for the purposes of plan production. The method relies on past growth trends and therefore does not include specific uplift to account for factors that could affect those trends in the future. Where it is likely that additional growth (above historic trends identified by household

projections) will occur over the plan period, an appropriate uplift may be applied to produce a higher need figure that reflects that anticipated growth. Circumstances where an uplift will be appropriate include, but are not limited to; where growth strategies are in place, strategic level infrastructure improvements are planned, funding is in place to promote and facilitate growth (i.e. Housing Deals, Housing Infrastructure Fund). In these circumstances, the local housing need figure can be reflected as a range, with the lower end of the range being as a minimum the figure calculated using the standard method. Where an alternative approach identifies a need above the local housing need assessment method, the approach will be considered sound, unless there are compelling reasons to indicate otherwise.” [page 26]

2.29 As to whether LPAs can identify a lower level of need, as York City Council is suggesting:

“Plan-making authorities should use the standard method for assessing local housing need unless there are exceptional circumstances to justify an alternative approach. Any deviation which results in a lower housing need figure than the standard approach will be subject to the tests of soundness and will be tested thoroughly by the Planning Inspectorate at examination. The plan-making authority will need to make sure that the evidence base is robust and based on realistic assumptions, and that they have clearly set out how they have demonstrated joint working with other plan-making authorities. In such circumstances, the Planning Inspector will take the number from the standard method as a reference point in considering the alternative method.” page 26]

2.30 Lichfields notes the following with regard to the weight to be can be attached to MHCLG’s proposed new method:

- 1 **Status of the document:** MHCLG’s document is currently out for consultation, has yet to be finalised and may be subject to significant numbers of objections from interested parties;
- 2 **Proposed Transitional Arrangements:** As noted in the draft Framework above, the policies in the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before the date which is 6 months after the final Framework’s publication.

Recent Legal Judgements

2.31 There have been several key recent legal judgments of relevance to the identification of OAHN, and which provide clarity on interpreting the Framework:

- 1 ‘St Albans City and District Council v (1) Hunston Properties Limited and (2) Secretary of State for Communities and Local Government [2013] EWCA Civ 1610’ referred to as “Hunston”;
- 2 ‘(1) Gallagher Homes Limited and (2) Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283’ referred to as “Solihull”;
- 3 ‘Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370’ referred to as “Satnam”; and,
- 4 ‘Kings Lynn and West Norfolk Borough Council v (i) Secretary of State for Communities and Local Government and (ii) Elm Park Holdings [2015] EWHC 1958’ referred to as “Kings Lynn”.

Hunston

2.32 “Hunston” [EWCA Civ 1610] goes to the heart of the interpretation of the Framework¹⁵. It relates to an appeal decision in respect of a scheme predominantly comprising housing on a Green Belt site. Its relevance is that it deals with the question of what forms the relevant benchmark for the housing requirement, when policies on the housing requirement are absent, silent or out of date as referred to in the Framework¹⁶.

2.33 Hunston establishes that §47 applies to decision-taking as well as plan-making and that where policies for the supply of housing are out of date, objectively assessed needs become the relevant benchmark.

2.34 Sir David Keene in his judgment at §25 stated:

“... I am not persuaded that the inspector was entitled to use a housing requirement figure derived from a revoked plan, even as a proxy for what the local plan process may produce eventually. The words in paragraph 47(1), “as far as is consistent with the policies set out in this Framework” remind one that the Framework is to be read as a whole, but their specific role in that sub-paragraph seems to me to be related to the approach to be adopted in producing the Local Plan. If one looks at what is said in that sub-paragraph, it is advising local planning authorities:

“...to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework.”

“That qualification contained in the last clause quoted is not qualifying housing needs. It is qualifying the extent to which the Local Plan should go to meet those needs. The needs assessment, objectively arrived at, is not affected in advance of the production of the Local Plan, which will then set the requirement figure.”

2.35 Crucially Hunston determined that it is clear that constraints should not be applied in arriving at an objective assessment of need. Sir David Keene in Hunston goes on to set out that [§§26-27]:

“... it is not for an inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure. An inspector in that situation is not in a position to carry out such an exercise in a proper fashion, since it is impossible for any rounded assessment similar to the local plan process to be done... It seems to me to have been mistaken to use a figure for housing requirements below the full objectively assessed needs figure until such time as the Local Plan process came up with a constrained figure.”

“It follows from this that I agree with the judge below that the inspector erred by adopting such a constrained figure for housing need. It led her to find that there was no shortfall in housing land supply in the district. She should have concluded, using the correct policy approach, that there was such a shortfall. The supply fell below the objectively assessed five year requirement.”

Solihull

2.36 “Solihull” [EWHC 1283] is concerned with the adoption of the Solihull Local Plan and the extent to which it was supported by a figure for objectively assessed housing need. Although related to

¹⁵ Framework - §47

¹⁶ Framework - §14

plan-making, it again deals with the Framework¹⁷ and draws upon, and reiterates, the earlier Hunston judgment.

2.37 The judgment of Hickinbottom J in Solihull sets out a very useful summary of the staged approach to arriving at a housing requirement, providing some useful definitions of the concepts applied in respect of housing needs and requirements [§37]:

*“i) **Household projections:** These are demographic, trend-based projections indicating the likely number and type of future households if the underlying trends and demographic assumptions are realised. They provide useful long-term trajectories, in terms of growth averages throughout the projection period. However, they are not reliable as household growth estimates for particular years: they are subject to the uncertainties inherent in demographic behaviour, and sensitive to factors (such as changing economic and social circumstances) that may affect that behaviour...”*

*“ii) **Full Objective Assessment of Need for Housing:** This is the objectively assessed need for housing in an area, leaving aside policy considerations. It is therefore closely linked to the relevant household projection; but is not necessarily the same. An objective assessment of housing need may result in a different figure from that based on purely demographics if, e.g., the assessor considers that the household projection fails properly to take into account the effects of a major downturn (or upturn) in the economy that will affect future housing needs in an area. Nevertheless, where there are no such factors, objective assessment of need may be – and sometimes is – taken as being the same as the relevant household projection.”*

*“iii) **Housing Requirement:** This is the figure which reflects, not only the assessed need for housing, but also any policy considerations that might require that figure to be manipulated to determine the actual housing target for an area. For example, built development in an area might be constrained by the extent of land which is the subject of policy protection, such as Green Belt or Areas of Outstanding Natural Beauty. Or it might be decided, as a matter of policy, to encourage or discourage particular migration reflected in demographic trends. Once these policy considerations have been applied to the figure for full objectively assessed need for housing in an area, the result is a “policy on” figure for housing requirement. Subject to it being determined by a proper process, the housing requirement figure will be the target against which housing supply will normally be measured.”*

2.38 Whilst this is clear that a housing requirement is a “policy on” figure and that it may be different from the full objectively assessed need, Solihull does reiterate the principles set out in Hunston, namely that where a Local Plan is out of date in respect of a housing requirement (in that there is no Framework-compliant policy for housing provision within the Development Plan) then the housing requirement for decision taking will be an objective assessment of need [§88]:

“I respectfully agree with Sir David Keene (at [4] of Hunston): the drafting of paragraph 47 is less than clear to me, and the interpretative task is therefore far from easy. However, a number of points are now, following Hunston, clear. Two relate to development control decision-taking.

i) “Although the first bullet point of paragraph 47 directly concerns plan-making, it is implicit that a local planning authority must ensure that it meets the full, objectively assessed needs for market and affordable housing in the housing market, as far as consistent with the policies set out in the NPPF, even when considering development

¹⁷ Framework - §14 & §47

control decisions.”

- ii) *“Where there is no Local Plan, then the housing requirement for a local authority for the purposes of paragraph 47 is the full, objectively assessed need.”*

2.39 Solihull also reaffirms the judgment in Hunston that full objectively assessed needs should be arrived at, and utilised, without the application of any constraining factors. At §91 of the judgment the judge sets out:

“... in the context of the first bullet point in paragraph 47, policy matters and other constraining factors qualify, not the full objectively assessed housing needs, but rather the extent to which the authority should meet those needs on the basis of other NPPF policies that may, significantly and demonstrably outweigh the benefits of such housing provision.”

Satnam

2.40 “Satnam” [EWHC 370] highlights the importance of considering affordable housing needs in concluding on full OAHN. The decision found that the adopted OAHN figure within Warrington’s Local Plan was not in compliance with policy in respect of affordable housing because (as set out in §43) the assessed need for affordable housing need was never expressed or included as part of OAHN.

2.41 The decision found that the “*proper exercise*” had not been undertaken, namely:

- “(a) having identified the OAN for affordable housing, that should then be considered in the context of its likely delivery as a proportion of mixed market/affordable housing development; an increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes;”*
- (b) the Local Plan should then meet the OAN for affordable housing, subject only to the constraints referred to in NPPF, paragraphs 14 and 47.”*

2.42 In summary, this judgment establishes that full OAHN has to include an assessment of full affordable housing needs.

Kings Lynn

2.43 Whilst “Satnam” establishes the fact that full OAHN must include affordable housing needs, “Kings Lynn” [EWHC 1958] establishes how full affordable housing needs should be addressed as part of a full OAHN calculation. The judgment identifies that it is the function of a SHMA to address the needs for all types of housing including affordable, but not necessarily to meet these needs in full. The justification of this statement is set out below in §35 to §36 of the judgment.

“At the second stage described by the second sub-bullet point in paragraph 159, the needs for types and tenures of housing should be addressed. That includes the assessment of the need for affordable housing as well as different forms of housing required to meet the needs of all parts of the community. Again, the PPG provides guidance as to how this stage of the assessment should be conducted, including in some detail how the gross unmet need for affordable housing should be calculated. The Framework makes clear these needs should be addressed in determining the FOAN, but neither the Framework nor the PPG suggest that they have to be met in full when determining that FOAN. This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being

developed. It is no doubt for this reason that the PPG observes at paragraph ID 2a-208-20140306 as follows:

"i The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes."

"This consideration of an increase to help deliver the required number of affordable homes, rather than an instruction that the requirement be met in total, is consistent with the policy in paragraph 159 of the Framework requiring that the SHMA "addresses" these needs in determining the FOAN. They should have an important influence increasing the derived FOAN since they are significant factors in providing for housing needs within an area."

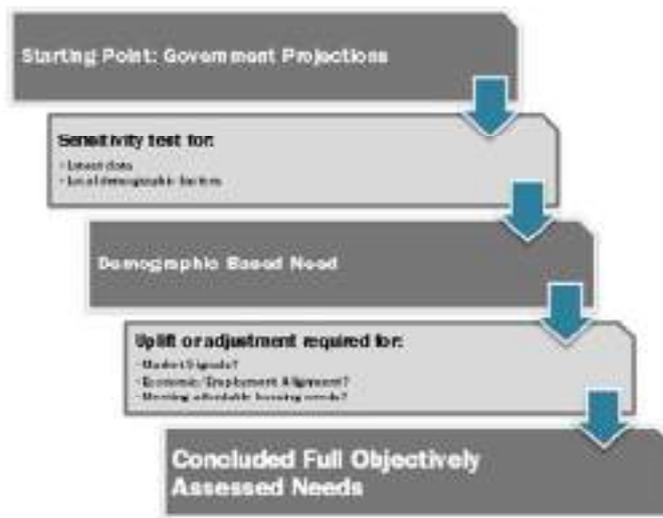
- 2.44 The judgment is clear that the correct method for considering the amount of housing required to meet full affordable housing needs is to consider the quantum of market housing needed to deliver full affordable housing needs (at a given percentage). However, as the judgment sets out, this can lead to a full OAHN figure which is so large that a LPA would have *"little or no prospect of delivering [it] in practice"*. Therefore, it is clear from this judgment that although it may not be reasonable and therefore should not be expected that the OAHN will include affordable housing needs in full, an uplift or similar consideration of how affordable needs can be 'addressed' is necessary as part of the full OAHN calculation. This reflects the Framework¹⁸.

Conclusion

- 2.45 It is against this policy context that the housing need for the City of York must be considered. In practice, applying the Framework and Practice Guidance to arrive at a robust and evidenced OAHN is a staged and logical process. An OAHN must be a level of housing delivery which meets the needs associated with population, employment and household growth, addresses the need for all types of housing including affordable and caters for housing demand.
- 2.46 Furthermore, a planned level of housing to meet OAHN must respond positively to wider opportunities for growth and should take account of market signals, including affordability. This approach has been supported by the recent Legal Judgements summarised above. This approach is summarised in Figure 2.2.

¹⁸ Framework - §158

Figure 2.2 The Framework and Practice Guidance Approach to Objectively Assessing Housing Needs



Source: Lichfields based upon the Framework / Practice Guidance

3.0 City of York Council's OAHN Evidence

Introduction

- 3.1 Before setting out a critique of CYC's housing OAHN evidence base, it is important to recognise that the Council has never had an adopted Local Plan for the City (under the 1971 Act, the 1990 Act or the 2004 Act) and progress on the current draft Local Plan has been, it is not unfair to say, glacial.
- 3.2 The development plan for York comprises two policies¹⁹ and the Key Diagram of the partially revoked Yorkshire and Humber Regional Strategy (2008) [YHRS]. There is no adopted Local Plan for York that forms part of the development plan. Instead, there is a long history of failed attempts to produce an adopted Local Plan.
- 3.3 The Council published the '*York Local Plan - Preferred Options*' document for consultation in summer 2013, followed by a 'Further Sites' consultation for six weeks in summer 2014 which included potential new sites and changes to the boundaries of some of the sites originally identified. Following these consultations, a '*Publication Draft Local Plan and Proposals Map*' was considered by the Local Plan Working Group [LPWG] and by Cabinet in September 2014²⁰. With the intention of progressing a Framework compliant Local Plan, the Cabinet resolved to carry through the LPWG's recommendations and approve the Local Plan Publication Draft for public consultation, subject to amendments circulated at the Cabinet meeting and to instruct officers to report back following the consultation with a recommendation on whether it would be appropriate to submit the Publication Draft for public examination.
- 3.4 However, at the Full Council on 9 October 2014²¹ a resolution was made to halt the public consultation on the Local Plan Publication Draft in order to reassess and accurately reflect objectively assessed housing requirements. The resolution also instructed officers to produce a report on the housing trajectory to be brought back to the next meeting of the LPWG in November 2014 along with the relevant background reports. The intention was for the report to allow the LPWG to agree an accurate analysis of the housing trajectory that is objective, evidence based and deliverable. The analysis was to be used to "*inform housing allocations and a new proposed Local Plan to be brought back to the next LPWG for discussion and recommendation to Cabinet in November.*"
- 3.5 The Council published the following 'further work' on the Local Plan relating to housing needs since the Full Council resolution to halt the Publication Draft Local Plan in 2014:
- 1 In December 2014, the LPWG considered a report on '*Housing Requirements in York*' which was based on two background documents produced by Arup²². The report set out four different housing requirement figures that were considered sound against the evidence base and three options for progressing the work on housing requirements. The LPWG members agreed a housing requirement figure of 926dpa²³;
 - 2 In September 2015 the LPWG considered an update on the '*Objective Assessment of Housing Need*' [OAHN] report produced by Arup²⁴ and a report on '*Economic Growth*'²⁵. The Arup report concluded that the housing 'requirement' should be in the range of 817

¹⁹ Both relating to Green Belt, requiring its inner boundaries to be defined in a plan and confirming that the general extent is about 6 miles out from the City centre

²⁰ Cabinet Meeting Thursday 25 September, 2014 - Minutes

²¹ Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 9th October, 2014

²² Assessment of the Evidence on Housing Requirements in York (Arup, May 2013) & Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update (Arup, September 2014)

²³ Local Plan Working Group 17 December 2014 - Minutes

²⁴ Evidence on Housing Requirements in York: 2015 Update – Arup (August 2015)

²⁵ York Economic Forecasts – Oxford Economics (May 2015)

dwellings per annum [dpa] to 854dpa between 2012 and 2031. The LPWG's recommendations were that the Executive Committee note the Arup OAHN report and endorse further work, including an evaluation of any spatial and delivery implications, on two scenarios for economic growth that would be reported back to the LPWG in due course;

- 3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to undertake a Strategic Housing Market assessment [SHMA]²⁶. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of 841dpa.
- 4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However in June 2016 GL Hearn produced an Addendum²⁷ to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706dpa - 898dpa, and therefore the Council considered that it did not need to move away from the previous 841dpa figure.
- 5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. GL Hearn was asked by City of York Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation [PSC] relating to OAN. The GL Hearn SHMA Addendum Update (May 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the demographic starting point from 783dpa (in the 2016 SHMA) to 867dpa. In their Update, GL Hearn then applied a 10% uplift to the 867dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of 953dpa. However, a cover sheet to GL Hearn's Update, entitled 'Introduction and Context to objective Assessment of Housing Need' was inserted at the front of this document by the Council. This states that 867dpa is the relevant baseline demographic figure for the 15 year period of the plan (2032/33). The Council rejected the 953dpa figure on the basis that GL Hearn's conclusions stating:

"...Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations."

- 3.6 As a result of this approach, the February 2018 City of York Publication Draft now states in Policy SS1: Delivering Sustainable Growth for York, the intention to:

"Deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38."

- 3.7 The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is "*an objectively assessed housing need*" [§3.3].
- 3.8 The remainder of this section provides an overview of the findings of the 2016 SHMA and 2016 SHMA addendum, a summary of Lichfields response to these documents, and an overview of the findings of the September 2017 SHMA Assessment Update.

²⁶GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment

²⁷GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment - Addendum

Overview of the City of York SHMA

- 3.9 The emerging City of York Local Plan is currently underpinned by three key housing need documents:
- 1 City of York Strategic Housing Market Assessment [SHMA], prepared on behalf of CYC by GL Hearn in June 2016;
 - 2 City of York SHMA Addendum, prepared on behalf of CYC by GL Hearn in June 2016; and,
 - 3 City of York September 2017 SHMA Assessment Update prepared on behalf of CYC by GL Hearn.
- 3.10 These documents follow on from previous reports prepared to inform the emerging Local Plan including the *'City of York Council Housing Requirements in York Evidence on Housing Requirements in York: 2015 Update'* (August 2015) prepared by Arup and the *'North Yorkshire Strategic Housing Market Assessment'* (November 2011) prepared by GVA.
- 3.11 A review of these documents and Lichfields' previous submissions on the City of York SHMA (June 2016) and the SHMA Addendum (June 2016) has been provided below in order to provide the context to the issues raised in this Technical Report.

City of York SHMA (June 2016)

- 3.12 GL Hearn states that the SHMA was prepared *'essentially to sensitivity check'* the Arup August 2015 Housing Requirements in York report. However, it departs significantly from the Arup approach and undertakes an entirely new set of modelling using the 2012-based SNPP and 2012-based SNHP for the period 2012-2032. The subsequent Addendum was prepared to understand the implications on the earlier SHMA analysis of the publication of the 2014-based Sub-National Population Projections [SNPP] on 25th May 2016.
- 3.13 The SHMA concludes (Section 2.0) that the HMA which covers the City of York also extends to include Selby. However:
- "While we propose a HMA which links to Selby and York we are not considering housing need across the HMA. Selby has recently produced its own SHMA and this assessment does not seek to replicate it"* [§2.106]
- 3.14 GL Hearn undertook a number of demographic modelling scenarios including the 2012-based SNPP; long term migration trends and 2012-based SNPP adjusted to take into account the (higher) 2014 MYE. GL Hearn concluded that the SNPP *"is a sound demographic projection from a technical perspective"* [page 83], although they attached greater weight to a higher figure of 833 dpa based on a projection which takes into account the 2013 and 2014 Mid-Year Population Estimates [MYE] and rolls forward the SNPP.
- 3.15 The SHMA concluded that one of the most noteworthy findings from the analysis was the relatively small increase in the population aged 15-29 (which includes the vast majority of students):
- "Whilst over the 2001-2014 period this age group increased by 12,600, there is only projected to be a 2,500 increase over the 20-years to 2032. Such a finding is consistent with this age group not being expected to see any notable changes at a national level in the future...At the time of writing York University was not expecting significant increases in the student population, whilst St Johns was only expecting a modest increase. With this knowledge, and the age specific outputs from the SNPP we can have reasonable confidence that the SNPP is a realistic projection."* [§§4.31-4.32]
- 3.16 The projections are set out in Table 3.1.

Table 3.1 Summary of the City of York SHMA (June 2016) Range of Scenarios (2012-2032)

	Change in Households	Dwellings per annum (2012-2032)	Job growth per annum (2012-2032)
2012-based SNPP	15,093	783 dpa	(not provided)
2014-based	18,458	958 dpa	
UPC adjusted	12,676	658 dpa	
10-year migration	13,660	709 dpa	
2012-based SNPP (as updated)	16,056	833 dpa	
OE Baseline	15,019	780 dpa	609
OE Re-profiling			635
OE – higher migration	15,685	814 dpa	868
YHREM	15,356	797 dpa	789

Source: City of York SHMA (June 2016)

- 3.17 The analysis also considered future economic growth performance by accessing forecasts from Oxford Economics [OE] and Experian (via the Yorkshire and the Humber Regional Economic Modelling [YHREM]). The forecasts range from 609 jobs per annum (OE baseline) to 868 (OE higher migration).
- 3.18 The GL Hearn modelling concluded that this would support a level of population growth broadly in line with the 2012-based SNPP generating between 780-814dpa, which it considered to be below the level of need identified from the most recent MYE data:
- “On balance there is no justification for an uplift to housing numbers in the City to support expected growth in employment” [page 87].*
- 3.19 The SHMA proceeds to identify a relatively high level of affordable housing need, of 573dpa, above the 486dpa need identified by GVA in the 2011 SHMA. It states:
- “The analysis undertaken arguably provides some evidence to justify considering an adjustment to the assessed housing need to address the needs of concealed households, and support improvements [sic] household formation for younger households; although any adjustment will also need to take account of any future changes already within the household projections (e.g. in terms of improving household formation). The issue of a need for any uplift is considered alongside the analysis of market signals which follows.” [§6.112]*
- 3.20 However, the SHMA concludes that whilst the affordable housing need represents 69% of the need identified in the demographic-led projections, it is not appropriate to directly compare the need as they are calculated in different ways:
- “The analysis does not suggest that there is any strong evidence of a need to consider housing delivery higher than that suggested by demographic projections to help deliver more affordable homes to meet the affordable housing need.”*
- “However, in combination with the market signals evidence some additional housing might be considered appropriate to help improve access to housing for younger people. A modest uplift would not be expected to generate any significant population growth (over and above that shown by demographic projections) but would contribute to reducing*

concealed households and increasing new household formation. The additional uplift would also provide some additional affordable housing.” [page 115]

3.21 GL Hearn’s market signals analysis in the SHMA indicates that there are affordability pressures in the City of York:

- 1 Lower quartile to median income ratio is around 7.89 (compared to 6.45 nationally);
- 2 House prices are also very high and tripled in the pre-recession decade. Private rental levels in York, at £675pcm, which are higher than comparator areas and nationally (£600pcm in England);
- 3 Over-occupied dwellings increased by 52% between 2001 and 2011: “which is high relative to that seen at a regional or national level” [§8.34].

4 Housing delivery in York:

“...has missed the target each year since 2007” [§8.38].

3.22 In this regard, GL Hearn concludes that:

“It would therefore be appropriate to consider a modest upward adjustment to the demographic assessment of housing need to improve affordability over time.” [§8.99]

3.23 To consider what level of uplift might be appropriate, GL Hearn sought to assess the degree to which household formation levels had been constrained for younger age groups, and what scale of adjustment to housing provision would be necessary for these to improve. This was derived on the assumption that household formation rates of the 25-34 age group would return to 2001 levels by 2025 (from 2015). This resulted in an increase in the annual housing provision of 8 homes per annum across the City for each of the aforementioned scenarios.

3.24 The SHMA confirms that this sensitivity analysis represents “*the market signals adjustment*” [§8.111], although in the light of GL Hearn’s conclusions concerning affordable housing needs (see above), this 8dpa uplift would also appear to be geared towards improving access to housing for younger people in the City.

3.25 The SHMA therefore concludes that applying an 8dpa uplift to the 833dpa preferred demographic scenario results in an overall housing OAHN of 841dpa over the 2012-2032 period.

SHMA Addendum (June 2016)

3.26 The Addendum revisits parts of the earlier City of York SHMA analysis following the publication of the 2014-based SNPP by ONS on 25th May 2016. The report found that the latest projections suggest a higher level of population growth, at levels around 28% higher than in the 2012-based SNPP.

3.27 GL Hearn’s analysis states that the difference between the 2014-based SNPP and the 2012-based SNPP “*is around 4,000 people, with around the same number being an additional increase in the 15-29 age group (4,200 of the difference)*” [§1.10].

3.28 GL Hearn considers that the growth in the younger age group is likely to reflect the strong growth in the student population in the City between 2008 and 2014 as a result of a new campus opening (the University of York expanded by 3,500 students over the period). The Update quotes an ONS response to CYC during the consultation to the latest projections, which suggests that some locally specific issues (such as the recorded outflow of male students from the city of York) may be under-estimated and should be treated with care.

3.29 This is in contrast to GL Hearn’s previous conclusions on the 2012-based SNPP (as set out in the earlier 2016 SHMA), where they considered that the 2012-based SNPP was a realistic projection because it forecast limited growth in the 15-29 age group going forward.

- 3.30 GL Hearn revisited the modelling using a revised long term migration trend and the 2014-based SNPP (Table 3.2).

Table 3.2 Summary of the city of York SHMA Addendum (June 2016) Range of Scenarios (2012-2032)

	2012-based SNHP Headship Rates		+ uplift to the 25-34 age group headship rates
	Change in Households	Dwellings per Annum	
2012-based SNPP	15,093	783	792
2012-based SNPP (updated)	16,056	833	841
2014-based SNPP	17,134	889	898
10-year Migration Trend	13,457	698	706

Source: City of York SHMA Addendum (June 2016)

- 3.31 Using the latest available data and including a “*market signals adjustment*” [§1.32] of 8dpa as contained in the SHMA “*and recognising concerns around the impact of historic student growth, this addendum identifies an overall housing need of up to 898dpa*”. [§1.20].
- 3.32 An update to the affordable housing need model increases the ‘*bottom line estimate of affordable housing need*’ from 573dpa to 627dpa.
- 3.33 The Addendum draws the following conclusions on OAHN:

“There are concerns relating to historic growth within the student population and how this translates into the SNPP projections. This looks to be a particular concern in relation to the 2014-based SNPP where there is a relatively strong growth in some student age groups when compared with the 2012-based version (which looks to be sound for those particular age groups). Some consideration could be given to longer term dynamics although this does need to recognise that the evidence suggests some shift in migration patterns over the more recent years – a 10 year migration trend using the latest available evidence calculates a need for 706dpa, although as noted this will not fully reflect some of the more recent trends. This projection is therefore not considered to be an appropriate starting point for which to assess housing need although it can be used to help identify the bottom end of a reasonable range.

“Given that the full SHMA document identifies an OAN for 841dpa which sits comfortably within this range set out in this addendum (706dpa – 898dpa) it is suggested that the Council do not need to move away from this number on the basis of the newly available evidence – particularly given the potential concerns about the impact of student growth in the 2014-based SNPP and also longer term trends not reflecting the most recent trends.” [§§1.33-1.34].

Lichfields Previous SHMA Representations

- 3.34 A review of the June 2016 Strategic Housing Market Assessment [SHMA], and the subsequent SHMA Addendum (June 2016) was submitted by Lichfields (then branded as Nathaniel Lichfield & Partners) on behalf of the Companies in September 2016 in response to the City of York Local Plan – Preferred Sites Consultation.
- 3.35 This review provided objective evidence on the local need and demand for housing in the City of York and its Housing Market Area [HMA]. It established the scale of need for housing in the

City of York based upon a range of housing, economic and demographic factors, trends and forecasts, based on the application of Lichfields' HEaDROOM framework.

3.36 More specifically it:

- 1 Considered the approach which needs to be taken to calculating OAHN and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
- 2 Provided a critique of the 841 dwellings per annum [dpa] identified as the City of York's OAHN in the June 2016 Strategic Housing Market Assessment [SHMA] for the City, and the subsequent SHMA Addendum which recommended a broader OAHN range of 706dpa to 898dpa and considered whether they represent the full, objectively assessed housing need for the City of York;
- 3 Set out the approach taken by Lichfields to define a new OAHN for the City of York, using the latest demographic evidence and economic forecasts and affordable housing needs;
- 4 Provided an analysis of market signals in the City;
- 5 Identified a revised OAHN for the City of York, based on Lichfields' PopGroup modelling; and,
- 6 Summarised the key issues within the SHMA and subsequent Addendum and sets out why it is not compliant with the requirements for an OAHN calculation.

3.37 The review concluded that the SHMA documents make a number of assumptions and judgements which Lichfields considered to be flawed, or which do not properly respond to the requirements of policy and guidance. As a result, the recommended OAHN was not robust and was inadequate to meet need and demand within the HMA.

3.38 The review noted that there were a number of significant deficiencies in the City of York SHMA and Addendum which means that the 841dpa OAHN figure currently being pursued by CYC is not soundly based. In particular:

- 1 The demographic modelling downplayed the robustness of the 2014-based SNPP which were not supported by the evidence in other aspects of the document;
- 2 As a result, the Council's 841dpa OAHN figure was actually below the demographic starting point in the latest 2014-based SNHP of 853hpa even before any adjustments were made;
- 3 Adjustments to headship rates had been conflated with the uplift for market signals. The SHMA did not apply a separate uplift for market signals, but instead made an adjustment to the demographic modelling based on changes to headship rates which should be part of a normal adjustment to the demographic starting point before market signals are considered. As a result, there was no adjustment for market signals at all despite the significant and severe market signal indicators apparent across the City of York;
- 4 A 'black-box' approach had been taken to the economic-led modelling, with key evidence relating to how the job projections had been factored into any PopGroup model being unpublished; and,
- 5 No explicit consideration or uplift applied in respect of delivering more homes to meet the needs of households in affordable housing need. This was despite the SHMA and Addendum indicating a level of affordable housing need (of 573dpa and 627dpa respectively) which would only be met well in excess of the concluded OAHN.

3.39 In combination, the judgements and assumptions applied within the SHMA sought to dampen the level of OAHN across the City of York. Fundamentally, it was considered that the OAHN(s) identified in the SHMA and Addendum failed to properly address market signals, economic or affordable housing needs, as envisaged by the Framework and Practice Guidance as clarified by High Court and Court of Appeal judgements.

- 3.40 Lichfields undertook its own analysis of housing need for the City of York. Based on the latest demographic data, and through the use of the industry standard PopGroup demographic modelling tool, it was Lichfields' view that the OAHN for York was at least 1,125dpa, although there was a very strong case to meet affordable housing needs in full, in which case the OAHN would equate to 1,255dpa (rounded).
- 3.41 If long term migration trends were to continue into the future, this would justify a higher OAHN of 1,420dpa, although due to uncertainties regarding the level of international net migration into York it was considered that less weight should be attached to this figure.
- 3.42 This allowed for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework²⁸ by significantly boosting the supply of housing. It would also reflect the Framework²⁹, which seeks to ensure the planning system does everything it can to support sustainable development.

September 2017 SHMA Assessment Update

- 3.43 The stated purpose of GL Hearn's Assessment Update is to review the housing need in York taking into account of the latest demographic information. In particular, it reviews the impact of the 2014-based SNHP and the 2015 Mid-Year Estimates (both published June 2016).
- 3.44 The Assessment Update also reviews the latest evidence on market signals within the City. The report states that this is not a full trend-based analysis but rather a snapshot of the latest evidence to be read in conjunction with the full SHMA document. As such, the report does not revisit the affordable housing need for the City, nor does it update analysis on the mix of housing required or the needs for specific groups.
- 3.45 The report [§2.2] finds that over the 2012-32 period, the 2014-based SNPP projects an increase in population of around 31,400 people (15.7%) in York. This is somewhat higher than the 2012-based SNPP (12.2%) and also higher than the main 2016 SHMA projection (which factored in population growth of 13.7%).
- 3.46 The report [§2.11] states that the official population projections (once they are rebased to include the latest 2015 MYE) indicate a level of population growth which is higher than any recent historic period or any trend based forecast of growth. It should therefore be seen as a positive step to consider these as the preferred population growth starting point.
- 3.47 The analysis [§2.17] finds that by applying the headship rates within the 2014-based SNHP the level of housing need would be for 867dpa – this is c.4% higher than the figure (833dpa) derived in the 2016 SHMA for the main demographic based projection.

Table 3.3 Projected Household Growth 2012-32 - Range of demographic based scenarios

	Change in households	Dwellings (per annum)
2014-based SNPP	17,120	867
2014-based SNPP (+MYE)	17,096	866

Source: SHMA Assessment Update (September 2017)

- 3.48 The report [§2.19] notes that within the SHMA, analysis was also undertaken (as part of the

²⁸ Framework - §47

²⁹ Framework - §19

market signals analysis) to recognise a modest level of suppressed household formation – this essentially took the form of returning the household formation/headship rates of the 25-34 age group back to the levels seen in 2001 (which is when they started to drop). With an uplift to the household formation rates of the 25-34 age group, the housing need (when linked to 2014-based projections when updated) increases to 873dpa. When the mid-year estimates are factored in, the housing need decreases slightly to 871dpa.

Table 3.4 Projected Household Growth 2012-32 - Range of demographic based scenarios (with uplift to headship rates for 25-34 age group)

	Change in households	Dwellings (per annum)
2014-based SNPP	17,232	873
2014-based SNPP (+MYE)	17,209	871

Source: SHMA Assessment Update (September 2017)

3.49 The SHMA Assessment Update [§5.3-5.4] states:

“Furthermore there is also the clear desire of the Government to boost housing delivery, and therefore setting an OAN that is below the most recent official projections while justifiable might be difficult to support.”

“There is however an apparent continued suppression of household formation rates within younger age groups within the official projections. In order to respond to this we have increased the household formation rates in this age group to the levels seen in 2001. The housing need (when linked to 2014-based projections) increases to 873 dwellings per annum. When the mid-year estimates are included the housing need decreases to 871dpa. This should be seen as the demographic conclusions of this report”.

3.50 GL Hearn therefore clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this ‘demographic conclusion’ of 871dpa does not appear to have been carried forward by GL Hearn through to the next steps of calculating the resultant housing need, as summarised below.

3.51 With regard to market signals and affordable housing the Assessment Update [§3.19] notes that:

“On balance, the market signals are quite strong and there is a notable affordable housing need. Combined these would merit some response within the derived OAN. This is a departure from the previous SHMA and the Addendum which did not make any market signals or affordable housing adjustment.”

3.52 The report considers a single adjustment to address both of these issues on the basis that they are intrinsically linked. The Assessment Update [§3.28] states:

“Given the balance of judgement it would appear that a 10% adjustment could be justified in York on the basis of the previously established affordable housing need the updated market signals evidence.”

3.53 With regard to this matter the Assessment Update [§5.6-5.7] draws the following conclusions:

“In response to both market signals and affordable housing need we have advocated a 10% uplift to the OAN. In line with the PPG this was set against the official starting point of 867dpa. The resultant housing need would therefore be 953dpa for the 2012-32

period.”

“The level of housing need identified is someway higher than the previous SHMA reflecting the increased starting point but also the inclusion of a market signals uplift. This OAN would meet the demographic growth in the City as well as meet the needs of the local economy”.

- 3.54 Lichfields agrees with making an adjustment for demographic and household formation rates to get to 871dpa. However, it is illogical to then revert back to the unadjusted projections of 867dpa and then apply the adjustment for market signals and affordable housing to this lower, discredited figure.
- 3.55 Moving on, GL Hearn models a series of economic growth forecasts. In this regard, they conclude that the level of housing associated with the economic growth projections are lower than the 867/871dpa demographic need, the Assessment Update considers that there is no justification for an uplift to housing numbers in the City to support the expected growth in employment.
- 3.56 As such, the report concludes that by applying a 10% uplift to the demographic starting point of 867dpa results in an OAHN of 953dpa for York City for the 2012-2032 period. However, as noted above, the Council has inserted an ‘Introduction and Context to Objective Assessment of Housing Need’ to the front of the Assessment Update which contests the need for any adjustment to the 2014-based SNHP figure.
- 3.57 It notes that Members of the Council’s Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867dpa.

4.0 Critique of the SHMA Update

Introduction

- 4.1 The Companies have serious concerns and wish to raise strong objections to the way in which the Council has chosen to identify an OAHN of 867dpa and the subsequent identification of this need as the housing requirement in Policy SS1 of the LPP. As noted above, the ‘Introduction and Context to Objective Assessment of Housing Need’ (inserted by the Council at the front of the SHMA Update Assessment) states [page 2]:

“Members of the Council’s Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867 dwellings per annum, based on the latest revised sub national population and household projections published by the Office for National Statistics and the Department of Communities and Local Government, be accepted.”

“Executive also resolved that the recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn’s conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.”

- 4.2 This is effectively a ‘policy-on’ intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that OAHN is ‘policy off’ and does not take into account supply pressures. The judgment of Hickinbottom J in Solihull sets out the definition of OAHN [§37]:

“Full Objective Assessment of Need for Housing: This is the objectively assessed need for housing in an area, leaving aside policy considerations (Lichfields emphasis). It is therefore closely linked to the relevant household projection; but is not necessarily the same. An objective assessment of housing need may result in a different figure from that based on purely demographics if, e.g., the assessor considers that the household projection fails properly to take into account the effects of a major downturn (or upturn) in the economy that will affect future housing needs in an area. Nevertheless, where there are no such factors, objective assessment of need may be – and sometimes is – taken as being the same as the relevant household projection.”

- 4.3 With regard to this matter, the SHMA Assessment Update [§§5.8-5.9] clearly states:

“The official projections should be seen a starting point only and housing delivery at this level (867dpa) would only meet the demographic growth of the City. It would not however address the City’s affordability issues.”

“Without the 10% uplift for market signals/affordable housing need the City’s younger population would fail to form properly. This would result in greater numbers residing with parents or friends or in share accommodations such as HMOs.”

- 4.4 GL Hearn is therefore clear that the 867dpa figure is not an appropriate OAHN. On one level, it is the incorrect demographic starting point in any case, which according to GL Hearn’s work is 871dpa following suitable adjustments to the 2014-based SNHP to incorporate the 2015 MYE and accelerated household formation rates. On the second level, there is an array of evidence, which we examine in further detail below, that York City is one of the least affordable local authority areas in Northern England. A market signals uplift of 10% is the very least that would

be appropriate, and indeed we provide evidence that suggests that an even higher uplift, of 20% should actually be applied.

- 4.5 It is therefore not acceptable for the Council to ignore its own housing expert's advice. The Council's approach to identifying an OAHN of 867dpa, as set out in the front section of the SHMA Assessment Update, is policy-on driven and is therefore contrary to the guidance provided by the Courts. The calculation of OAHN should be based on the normal 'policy-off' methodology.
- 4.6 Notwithstanding these points, the remainder of this section provides a detailed critique of GL Hearn's SHMA Assessment Update.

Starting Point and Demographic-led Needs

Population Change

- 4.7 The Practice Guidance³⁰ sets out that in assessing demographic-led housing needs, the CLG Household Projections form the overall starting point for the estimate of housing need, but these may require adjustments to reflect future changes and local demographic factors which are not captured within the projections, given projections are trend based. In addition, it states that account should also be taken of ONS' latest Mid-Year Estimates [MYEs]³¹.
- 4.8 The SHMA Assessment Update applies the 2014-based SNPP which projects an increase in population of around 31,400 people (15.7%) in York. This is higher than the 2012-based SNPP (12.2%) and also higher than the main SHMA projection (which had population growth of 13.7%). It also considers longer term migration trend using the latest available evidence from the 2014-SNPP and the 2015 Mid-Year Estimate.
- 4.9 The SHMA Assessment Update considers housing need based on the (then) latest CLG 2014-based household projections over the period 2012 to 2032.
- 4.10 The Companies agree with the overall principle of taking the 2014-based SNPP as the demographic starting point and rebasing population growth off the latest Mid-Year Population Estimates.
- 4.11 However, it is important to note that the household projections upon which York's OAHN is based relate to C3 uses only, and not C2. Specifically, and of particular relevance to the City of York, CLG's household projections do not include an allowance for students who might be expected to reside in Halls of Residence (termed, along with people living in nursing homes, military barracks and prisons, as the 'Institutional population').
- 4.12 As summarised by CLG in its 2014-based household projections Methodological Report (July 2016), the household projections are based on the projected household population rather than the total population. The difference between the two is the population in communal establishments, also termed the 'institutional' population. This population comprises all people not living in private households and specifically excludes students living in halls of residence:
- "The institutional population is subtracted from the total resident population projections by age, sex and marital status to leave the private household population, split by sex, age and marital status in the years required for household projections."* [page 12]
- 4.13 This is important for the City of York, because it means that if the household projections are used as the basis for calculating the OAHN (which GL Hearn's methodology does), it specifically excludes a substantial proportion of specialised student accommodation needs.

³⁰ Practice Guidance - ID 2a-015-20140306

³¹ Practice Guidance - ID 2a-017-20140306

Household Formation Rates

4.14 The Practice Guidance³² indicates that in respect of household projections:

“The household projections are trend based, i.e. they provide the household levels and structures that would result if the assumptions based on previous demographic trends in the population and rates of household formation were to be realised in practice...”

“...The household projection-based estimate of housing need may require adjustment to reflect factors affecting local demographic and household formation which are not captured in past trends...rates may have been suppressed historically by under-supply and worsening affordability of housing...”

4.15 The SHMA Assessment Update notes that there is no material difference 2014-based SNHP headship rates and the household formation rates from the 2012-based version.

4.16 The SHMA [§2.19] accepts that there has been a level of suppressed household formation arising from the 25-34 age group and in relation to this matter states [§§5.3-5.4]:

“Furthermore there is also the clear desire of the Government to boost housing delivery, and therefore setting an OAN that is below the most recent official projections while justifiable might be difficult to support.”

“There is however an apparent continued suppression of household formation rates within younger age groups within the official projections. In order to respond to this we have increased the household formation rates in this age group to the levels seen in 2001. The housing need (when linked to 2014-based projections) increases to 873 dwellings per annum. When the mid-year estimates are included the housing need decreases to 871 dpa. This should be seen as the demographic conclusions of this report.”

4.17 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. We agree with this. However this adjusted demographic figure of 871dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below.

4.18 Lichfields agrees with making an adjustment for demographic and household formation rates. However, it is illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when an adjusted demographic need of 871dpa has been identified.

Market Signals

4.19 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:

“Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.” [S17]

4.20 The Practice Guidance³³ requires that the housing need figure as derived by the household

³² Practice Guidance - ID 2a-015-20140306

³³ Practice Guidance - ID 2a-019-20140306

projections be adjusted to take into account market signals. It indicates that comparisons should be made against the national average, the housing market area and other similar areas, in terms of both absolute levels and rates of change. Worsening trends in any market signal would justify an uplift on the demographic-led needs. In addition, the Practice Guidance³⁴ highlights the need to look at longer terms trends and the potentially volatility in some indicators.

4.21 The Practice Guidance also sets out that:

“...plan-makers should not attempt to estimate the precise impact of an increase...rather they should increase planning supply by an amount that, on reasonable assumptions...could be expected to improve affordability...”³⁵.

4.22 This clearly distinguishes between the demographic-led need for housing (generated by population and household growth) and the market signals uplift which is primarily a supply response over and above the level of demographic need to help address negatively performing market signals, such as worsening affordability.

4.23 The SHMA Assessment Update (Section 3) examines a range of market signals as set out in the Practice Guidance, comparing the City of York to Ryedale, Hambleton, Yorkshire and the Humber region and England. It states that the update is a targeted update to the market signals section looking using recently published data, not a full update, as many of the datasets used have not been updated since publication of the SHMA. Attached at Appendix 1 is Lichfields’ own assessment of market signals in City of York which has been used for comparison purposes.

4.24 The findings of the SHMA Assessment Update can be summarised (with Lichfields’ commentary included) as follows:

- 1 **Land Prices** – No analysis has been presented, as was the position on the 2016 SHMA. As noted in our market signals assessment in Appendix 1, CLG land value estimates suggest a figure of £2,469,000 per hectare, well above the equivalent figure for England (excluding London) of £1,958,000.
- 2 **House Prices** – The 2016 SHMA outlined significant house price growth in the HMA between 2011 and 2007. By Q4 2014 house prices in York had reached £195,000 and by Q2 2016 this had increased to £225,000. The Assessment Update notes that, based on 2016 data, the average (median) house price in York was £215,000, compared to £148,000 across the Yorkshire and Humber region. Our market signals analysis in Appendix 1 suggests that the average (median) house price in York in 2016 was £220,000 compared to £199,995 for the North Yorkshire region. It is particularly important to note that over the previous 17 years (1999-2016), median house prices have increased by 244% (or £156,000) in York, compared to 204% nationally and 199% across North Yorkshire as a whole.

As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York’s median house prices have effectively tripled in 17 years, from £64,000 in 1999 to £220,000 in 2016, and have risen at a much faster rate than comparable national and sub-regional figures, suggests that the local market is experiencing considerable levels of stress.

- 3 **Rents** – The Assessment Update [§3.8] notes that the most recent data shows that England has grown to £650 (+8%), while York has seen median rental prices increase to £700 (+4%). In contrast rents in the region only grew by 1% to £500 per month. The Assessment Update [§3.9] finds that the most recent data shows a strong upward trend in the number of rental transactions in York although they have been falling over the last six months. In York rental transactions are currently 73% higher than in September 2011, showing a

³⁴ Practice Guidance - ID 2a-020-20140306

³⁵ *ibid*

continued return to the longer term trend than seen in the previous SHMA. By comparison, in Yorkshire and the Humber rental volumes are still slightly above (6%) past figures. Nationally, over this period there has been a slight downward trend.

Our market signals analysis in Appendix 1 shows that Median rents in York are £725 per month, with median rents ranging from £595 per month for a 1 bed flat, to £1,500 per month for a 4+ bed house. All of these figures are significantly higher than the national average, with overall average rents comprising £675 across England, and £585 for North Yorkshire. Rental levels are therefore 7.4% higher than comparable national figures. High and increasing private sector rents in an area can be a further signal of stress in the housing market.

- 4 **Affordability** – The Assessment Update [§3.10] acknowledges the affordability issues faced within the HMA with the Median Ratio being 8.3 times earnings in 2015 (compared to 7.6 nationally), whilst the Lower Quartile [LQ] ratio is 8.9 times earnings (compared to 7.0 nationally). However, it does not discuss this stark indicator of supply/demand imbalance, preferring to note instead that much of the growth in (un)affordability took place prior to 2005, with limited changes to affordability in the past decade[§3.11].

Lichfields' market signals analysis in Appendix 1 shows that although the ratio fell substantially from a peak of 8.14 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than North Yorkshire as a whole. This suggests that levels of affordability are declining in York at a pace which is not the case for the rest of the sub-region (and indeed, for the country as a whole). In 2016, the median house price in York City was approximately 9.0-times the LQ workplace-based income, compared to 7.8 for North Yorkshire and 7.2 nationally.

Our analysis shows the over the past 19 years, the ratio of lower quartile house prices to lower quartile earnings in York has been consistently above the national average, with the gap widening over time. Indeed, the rate of increase is worrying – between 2002 and 2016, the affordability ratio increased by 39%, significantly above the comparable growth rate for North Yorkshire (+27%) and England (+37%).

The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

- 5 **Rates of Development** – the Practice Guidance is clear that historic rates of development should be benchmarked against the planned level of supply over a meaningful period. The Assessment Update [§3.13] examines housing completions data for York dating back to 2004/05 and sets these against the annual housing target from 2004/05 to 2015/16. With the exception of the last year, housing delivery in York has missed the target each year since 2007. Overall delivery targets for these years was missed by 20% which equals 2,051 units below the target level. GL Hearn notes [§3.14] that under-delivery may have led to household formation (particularly of younger households) being constrained and states that this point is picked up in the report which uses a demographic projection based analysis to establish the level of housing need moving forward.

The Assessment Update [§3.15] considers that this past under-delivery is not a discrete part of the analysis but is one of the various market signals which indicate a need to increase provision from that determined in a baseline demographic projection. It notes that that this market signal will require upward adjustment through consideration of migration and household formation rates rather than just a blanket increase based on the level of 'shortfall'.

It is clear from the Council's own evidence that the City has consistently under-delivered housing, with a failure to deliver anything more than 525 dwellings in any single year between 2007 and 2015. The policy benchmarks suggest that the level of past under-

delivery is 1,793 dwellings over the past 12 years. Furthermore, the Council's already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures. For example, CYC's 2012/13 Annual Monitoring Report states that 482 (net) dwellings were completed in 2012/13, but this figure includes 124 student cluster flats. The 6 months completions data set out in CYC's Housing Monitoring Update (Table 3, October 2017) suggested that the Council was continuing to rely on student housing completions to boost its housing numbers, with 637 of the total 1,036 net completions during the first half of the 2017/18 monitoring year comprising privately managed off-campus student accommodation.

- 6 **Overcrowding** - No analysis has been presented. Our market signals analysis in Appendix 1 shows overcrowding against the occupancy rating in York is not severe, with 7.10% of households living in a dwelling that is too small for their household size and composition. This compares to 8.7% nationally. However, it represents a significant increase of 2 percentage points on the 5.1% recorded in York in 2001, which is above the national trend (which had increased by 1.6 percentage points from 7.1% in 2011). From our analysis we also note that when compared against neighbouring Yorkshire districts, York is the worst performing district regarding the rate of change in overcrowded households.

4.25 In response to both market signals and affordable housing need, the Assessment Update advocates a 10% uplift to the OAN [§3.31].

4.26 Lichfields agrees that based on the market signals analysis there are clear housing market pressures, particularly regarding affordability within the HMA. The Practice Guidance³⁶ is clear that any market signals uplift should be added to the demographic-led *needs* as an additional *supply* response which could help improve affordability, and further goes on to clarify that:

"...plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions...could be expected to improve affordability..." (Lichfields emphasis)

4.27 The Practice Guidance³⁷ is also clear that:

"...the more significant the affordability constraints...and the stronger the other indicators of high demand... the larger the improvement in affordability needed and, therefore the larger the additional supply response should be."

4.28 Whilst it is not clear cut from the Practice Guidance how an upwards adjustment should be calculated, some recent Local Plan Inspector's findings have provided an indication as to what might be an appropriate uplift. The Inspector's Report into the Eastleigh Borough Local Plan (11th February 2015)³⁸ provide interpretation of the Practice Guidance in terms of a reasonable uplift on demographic-led needs in light of market signals:

"It is very difficult to judge the appropriate scale of such an uplift. I consider a cautious approach is reasonable bearing in mind that any practical benefit is likely to be very limited because Eastleigh is only a part of a much larger HMA. Exploration of an uplift of, say, 10% would be compatible with the "modest" pressure of market signals recognised in the SHMA itself." [§§40-41].

4.29 The Eastleigh Inspector ultimately concluded that a modest uplift of 10% is a reasonable proxy for quantifying an increase from purely demographic based needs to take account of 'modest' negatively performing market signals. Furthermore, Inspectors have used figures of up to 20% for 'more than modest' market signal indicators, notably in the case of Canterbury, where the

³⁶ Practice Guidance - ID:2a-020-20140306

³⁷ Practice Guidance - ID:2a-020-20140306

³⁸ http://www.eastleigh.gov.uk/pdf/ppi_Inspectorsreport12Feb15.pdf

Inspector concluded that:

“Taking these factors in the round it seems to me that 803dpa would achieve an uplift that took reasonable account of market signals, economic factors, a return to higher rates of household formation and affordable housing needs.”³⁹

4.30 From the indicators set out by Lichfields in Appendix 1, as shown in Table 4.1, and from the commentary and analysis undertaken by GL Hearn, we consider that the current levels of market stress should be considered more severe than the ‘modest’ uplift the SHMA suggests. An application of other approaches (discussed above) would suggest an uplift of 20% could be appropriate for the City of York.

4.31 Drawing together the individual market signals above begins to build a picture of the current housing market in and around York; the extent to which demand for housing is not being met; and, the adverse outcomes that are occurring because of this. The performance of York against County and national comparators for each market signal is summarised in Table 4.1. When quantified, York has performed worse in market signals relating to both absolute levels and rates of change against North Yorkshire and England in 13 out of 28 measures.

Table 4.1 Summary of York Market Signals against North Yorkshire and England

Market Signal	North Yorkshire		England	
	Absolute Figure	Rate of Change	Absolute Figure	Rate of Change
House Prices	Worse	Worse	Better	Worse
Affordability Ratios	Worse	Worse	Worse	Worse
Private Rents	Worse	Worse	Worse	Better
Past Development	~	~	~	~
Homelessness (Households in Temporary Accommodation)	Better	Better	Better	Better
Homelessness (Households in Priority Need)	Better	Better	Better	Better
Overcrowding (Overcrowded Households)	Worse	Worse	Better	Worse
Overcrowding (Concealed Families)	Same	Same	Better	Better

Source: Lichfields Analysis

Footnote: Worse = performing worse against the average
 Better = performing the same or better against the average
 ~ = data not available

4.32 It is clear that the City is currently facing very significant challenges in terms of house prices and private rental values and under delivery, causing affordability difficulties. The GL Hearn analysis is an improvement from the 2016 SHMA and clearly is an improvement from the Council’s approach to identifying an OAHN of 867dpa, but even so, is inadequate to address the current housing crisis. For the aforementioned reasons a 20% uplift is preferable.

4.33 Whilst it can only be applied limited weight at the current time, Lichfields also note that the CLG methodology, based on the median workplace based affordability ratio, would suggest an uplift of 27% for market signals.

4.34 GL Hearn also conflates market signals and affordable housing in the 10% uplift, which is a fundamental misreading of the Practice Guidance, and should be addressed separately (see below for affordable housing commentary).

³⁹Canterbury District Council Local Plan Examination August 2015, Inspector’s Letter and Note on main outcomes of Stage 1 Hearings, paragraph 26.

Economic Growth

- 4.35 With regards to considering the need to uplift a housing figure to take account of the economic potential of the local authority, the Framework sets out the following:
- “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.” [S19]*
- 4.36 The SHMA Assessment Update presents no alternative to the work in the June 2016 SHMA. It states [S4.3] that the housing need required to meet the economic growth is lower than the demographic need. Furthermore evidence of more recent forecasts suggests that the economic growth will be even lower than anticipated. Therefore GL Hearn considers that on balance, there is unlikely to be any justification for an uplift to housing numbers in the City to support expected growth in employment. The Update states that the uplift for market signals would see the likelihood for an economic uplift reduce.
- 4.37 Lichfields considers that this approach fails to address the concerns raised in our previous submissions on behalf of the Companies to the Preferred Sites Consultation. Included in those submissions was ‘Technical Report 1’ which noted that June 2016 SHMA presents a suppressed picture of likely economic growth, drawing upon economic forecasts produced in 2014, which are outdated. The submission noted that we could only provide a limited analysis on the robustness of GL Hearn’s assessment of the implications of the job forecasts as they had not set out their assumptions in detail, and we reserved the right to review these assumptions if/when they were provided by GL Hearn.
- 4.38 Given that the SHMA Assessment Update provides no further information on this matter it has not been possible for Lichfields to make any further analysis at this stage. On this basis, the concerns raised on behalf of the Companies in Technical Report 1 still stand, particularly as the LPP Policy SS1 identifies a specific target to provide sufficient land to accommodate an annual provision of around 650 new jobs to support sustainable economic growth.

Affordable Housing Needs

- 4.39 In line with the Framework⁴⁰, LPAs should:
- “...use their evidence based to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing...”*
- “...prepare a SHMA which...addresses the need for all types of housing, including affordable.”*
- 4.40 The Practice Guidance⁴¹ sets out a staged approach to identifying affordable housing needs, and states that affordable housing need should be:
- “...considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments...an increase in the total housing figures included in the plan should be considered where it could help deliver the required number of affordable homes.”*
- 4.41 As set out in Section 2.0, two High Court Judgements go to the heart of addressing affordable housing within the identification of OAHN. ‘Satnam’ establishes that affordable housing needs are a component part of OAHN, indicating that the ‘proper exercise’ is to identify the full

⁴⁰ Framework - Paragraphs 47 and 159

⁴¹ Practice Guidance - ID: 2a-022-20140306 to 2a-029-20140306

affordable housing needs and then ensure that this is considered in the context of its likely delivery as a proportion of mixed market/affordable housing development. ‘Kings Lynn’ builds on ‘Satnam’, identifying that affordable housing needs “*should have an important influence increasing the derived OAHN since they are significant factors in providing for housing needs within an area.*” [§36] This is clear that affordable housing needs are a substantive and highly material driver of any conclusion on full OAHN.

4.42 The SHMA Assessment Update states that it does not review affordable housing need but the situation is unlikely to have changed significantly from the 2016 SHMA. The 2016 SHMA identified a net affordable housing need of 573 homes per annum or 12,033 dwellings over the 2012-2033 period. This suggests a worsening situation when compared with the previous figure of 486 affordable homes per annum needed in the previous 2011 SHMA, produced by GVA.

4.43 The SHMA Assessment Update [§3.3] suggests that large parts of this need are either existing households (who do not generate need for additional dwellings overall) or newly forming households (who are already included within the demographic modelling).

4.44 It further states [§§3.17-3.18] that:

“The City of York Council currently have an affordable housing policy of up to 30%. The SHMA identified a net affordable housing need of 573 dwellings. Based on this level of need and the current policy the City would require to deliver 1,910 dwellings per annum. To put this in context the City has only delivered more than 1000 homes once since 2004-5. Using a lower policy target would result in an even higher need.”

“While there is clearly an affordable housing issue in the City many of the households in need are already in housing (just housing that is not suitable for some reason such as overcrowding) and therefore do not generate a need for additional dwellings”.

4.45 The provision of the net affordable housing need identified is likely to be unrealistic given past dwelling completions in City of York. With regard to this matter the SHMA Assessment Update states [§3.28]:

“Given the balance of judgement it would appear that a 10% adjustment could be justified in York on the basis of the previously established affordable housing need the updated market signals evidence.”

4.46 In taking this approach, GL Hearn is effectively conflating the uplift resulting from affordable housing need with uplift resulting from market signals analysis. These are two separate steps in the Practice Guidance and should not be combined in this manner.

4.47 Lichfields has not analysed in detail the figures forming the assessment of affordable housing needs, due in part to limitations on access to the underlying data; instead, Lichfields has focused on how this need has informed the OAHN conclusion.

Addressing Affordable Housing Needs

4.48 Having identified the affordable housing needs, the Practice Guidance requires an assessment of its likely delivery to consider whether there is a need to uplift or adjust the OAHN and planned housing supply in order to address affordable housing needs. This is what the ‘Satnam’ judgment calls the ‘proper exercise’ and is undertaken by the 2016 SHMA within Figure 30. This concludes that to meet affordable housing need in full the City of York would need to deliver 573dpa. At a delivery rate of 30% of overall housing, this means that the City would need to deliver 1,910dpa to address affordable housing needs in full.

4.49 Taking into account affordable need within the calculation of OAHN does not necessarily involve a mechanistic uplift, or an indication that such identified needs must be met in full. It

has to be a scenario which, on a reasonable basis, could be expected to occur. This is set out in the Kings Lynn judgment which concluded:

"...This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being developed." [§35]

This is also consistent with the Practice Guidance⁴² which sets out the assessment of need "does not require local councils to consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur."

- 4.50 However, in line with the High Court Judgments, this still needs to be an uplift of consequence, insofar as it can reasonably be expected to occur. This will inevitably need to involve judgement, based on relevant evidence, as to the extent to which any scale of uplift could be reasonably expected to occur.
- 4.51 The SHMA ultimately does not use the identified acute affordable housing needs in a way in which it has "an important influence in increasing the derived F[ull] OAN" as per the Kings Lynn judgment.
- 4.52 The Local Plan Expert Group [LPEG], in its Report to the Secretary of State for Communities and Local Government in March 2016, recommended various changes to the Practice Guidance with the remit of considering how local plan-making could be made more efficient and effective. Although very limited weight can be given to the LPEG approach given that it is not policy or endorsed by Government, it is at least helpful in seeking to understand the general 'direction of travel' of defining OAHN and what an appropriate response might be to define the influence of market signals and affordable housing needs. LPEG recommended changes to the preparation of SHMAs and determination of OAHN.
- 4.53 With regard to affordable housing need in the preparation of SHMAs and determination of OAHN it proposed that where the total number of homes that would be necessary to meet affordable housing need is greater than the adjusted demographic-led OAHN, then this figure (953dpa) should be uplifted by a further 10%. The 10% uplift was intended to provide a streamline approach that removes judgement and debate from the process of setting OAHN (as opposed to what might be the most accurate under current Practice Guidance).
- 4.54 Given the significant affordable housing need identified in City of York Lichfields considers that this 10% uplift would be appropriate in this instance and should be applied to the OAHN.

MHCLG Standardised Approach to OAHN

- 4.55 As noted in Section 2, MHCLG has recently published for consultation the draft Planning Practice Guidance, which sets out the standard method for calculating local housing need, including transitional arrangements first set out in "Planning for the right homes in the Right Places" ..
- 4.56 Whilst relatively limited weight can be attached to this document at present given its consultation status, for the City of York, if adopted as MHCLG proposes, the approach would mean that the OAHN over the period 2016-2026 is 1,070 dpa.
- 4.57 This is based on an annual average level of household growth of 844 dpa between 2016 and 2026, uplifted by a very substantial 27% to address the fact that the latest median workplace-based affordability ratio is 8.3.

⁴² Practice Guidance - ID:2a-003-20140306

Conclusions on the City of York's Housing Need

- 4.58 The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is fundamentally flawed. This is a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the FOAN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.
- 4.59 There are a number of significant deficiencies in the SHMA Assessment Update which means that even the higher 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
- 1 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this demographic conclusion of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below. Lichfields agree with making an adjustment for demographic and household formation rates. However, it is illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - 2 The Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - 3 Given the significant affordable housing need identified in City of York Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN.
- 4.60 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 1 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates amongst younger age cohorts takes the demographic starting point to 871 dpa.
 - 2 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, for the reasons set out above, Lichfields considers that a greater uplift of 20% would be more appropriate in this instance. When applied to the 871 dpa re-based demographic starting point, this would indicate a need for 1,045 dpa.
- The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the Blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;
- The scale of affordable housing needs, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045 dpa set out above. It is considered that to meet affordable housing needs in full (573 dpa), the OAHN range should be adjusted to 1,910 dpa @30% of overall delivery. It is, however, recognised that this level

of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

This is **7.5% higher** than the MHCLG proposed standardised methodology figure of 1,070 dpa.

- 4.61 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework by significantly boosting the supply of housing. It would also reflect the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.
- 4.62 It is emphasised again that CLG's household projections explicitly exclude the housing needs of students living in halls of residence. GL Hearn has used the latest CLG 2014-based household projections to underpin its housing OAN for York. The market signals adjustment it makes does not address the separate specialised housing needs of students, which would be additional to the target identified.

5.0 **Approach to Assessing Housing Land Supply**

Introduction

- 5.1 This section sets out the requirements of the Framework and the Practice Guidance in establishing the supply of housing land to meet the housing needs of an area. This will provide the benchmark against which the SHLAA and emerging Local Plan will be assessed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of a housing supply calculation in a legal context.

Policy Context

National Planning Policy Framework

- 5.2 The Framework outlines a two-step approach to setting housing requirements in Local Plans. Firstly, to define the full objectively assessed need for development and then secondly, to set this against any adverse impacts or constraints which would mean that need might not be met. This is enshrined in the approach defined in the Framework⁴³ which sets out the presumption in favour of sustainable development.

- 5.3 The Framework⁴⁴ stresses the intention of the Government to significantly boost the supply of housing. As a consequence, the focus of national policy is to ensure the delivery of housing and, in that context, the Framework requires LPAs to:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

*identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15..."*⁴⁵

- 5.4 There is therefore a need for the Council to identify both a 5-year supply and a longer-term supply as part of the preparation of the Local Plan.

- 5.5 For the purpose of the supply assessment, the Framework advises that only deliverable sites should be included within the first 5-years. To be considered deliverable:

"...sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing

⁴³ Framework - §14

⁴⁴ Framework - §47

⁴⁵ Framework - §47

plans.”⁴⁶

- 5.6 The Framework states that for the period 5-15 years developable sites may be included, which are sites that are:

“...in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”⁴⁷

- 5.7 The Framework sets out the approach to defining such evidence which is required to underpin a local housing supply. It sets out that in evidencing housing supply:

“LPAs should have a clear understanding of housing needs in their area. They should:

...

“...prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.”⁴⁸

National Planning Practice Guidance

- 5.8 The Practice Guidance⁴⁹ provides further guidance on how an assessment of the housing supply is to be undertaken. It urges LPAs to assess the suitability, availability and achievability of sites, including whether the site is economically viable, to determine whether a site can be considered deliverable over the plan period.

- 5.9 In this context the Practice Guidance makes it clear that a site will be considered available when:

“...there is confidence that there are no legal or ownership problems, such as unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners. This will often mean that the land is controlled by a developer or landowner who has expressed an intention to develop, or the landowner has expressed an intention to sell. Because persons do not need to have an interest in the land to make planning applications, the existence of a planning permission does not necessarily mean that the site is available. Where potential problems have been identified, then an assessment will need to be made as to how and when they can realistically be overcome. Consideration should also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.”⁵⁰

- 5.10 The Practice Guidance indicates that a site is considered achievable for development where:

“...there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the developer to complete and let or sell the development over a certain period.”⁵¹

- 5.11 The LPA, when preparing a Local Plan, is urged to use the information on suitability, availability, achievability and constraints to assess the timescale within which each site is capable of development. The Practice Guidance suggests that this may include indicative lead-in times and build-out rates for the development of different scales of sites. On the largest sites

⁴⁶ Framework – Footnote 11

⁴⁷ Framework – Footnote 12

⁴⁸ Framework - §159

⁴⁹ Practice Guidance – ID:3-018-20140306

⁵⁰ Practice Guidance – ID:3-020-20140306

⁵¹ Practice Guidance – ID:3-021-20140306

allowance should be made for several developers to be involved. The Practice Guidance⁵² makes it clear that the advice of developers and local agents will be important in assessing lead-in times and build-out rates by year.

- 5.12 The Practice Guidance⁵³ accepts that a windfall allowance may be justified if a local planning authority has compelling evidence as set out in the Framework. In addition, it states that:

“Local planning authorities have the ability to identify broad locations in years 6-15, which could include a windfall allowance based on a geographical area (using the same criteria as set out in paragraph 48 of the National Planning Policy Framework).”⁵⁴

- 5.13 The Practice Guidance requires LPAs to collate this above information and present it in an indicative trajectory which:

“...should set out how much housing and the amount of economic development that can be provided, and at what point in the future. An overall risk assessment should be made as to whether sites will come forward as anticipated.”⁵⁵

- 5.14 In relation to the assessment of whether sites are deliverable within the first 5-years the Practice Guidance⁵⁶ indicates that deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5-years. It goes on to state:

“...planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.”⁵⁷

Recent Legal Judgments

- 5.15 The High Court decision in the case of Exeter City Council and Secretary of State⁵⁸ is relevant to York as it considers the appropriateness of including student accommodation in the calculation of the housing supply in accordance with the Framework. Exeter is a University City similar to York and included student accommodation within their housing land supply.

- 5.16 The Inspector who determined the appeal⁵⁹ considered the inclusion of student accommodation in the 5-year supply based on the Practice Guidance which states:

“All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market. Notwithstanding, local authorities should take steps to avoid double counting.”⁶⁰

⁵² Practice Guidance – ID:3-023-20140306

⁵³ Framework - §48

⁵⁴ Practice Guidance – ID:3-024-20140306

⁵⁵ Practice Guidance – ID:3-025-20140306

⁵⁶ Practice Guidance – ID:3-031-20140306

⁵⁷ Practice Guidance – ID:3-031-20140306

⁵⁸ Exeter City Council v Secretary of State for Communities and Local Government [2015] EWHC 1663 (Admin)

⁵⁹ Land at Home Farm, Church Hill, Pinhoe – Insp. Decision 29.10.14 [Ref: APP/Y1110/A/14/2215771]

⁶⁰ Practice Guidance – ID:3-036-20140306

5.17 The Inspector, in her decision letter, stated:

“The Council submit that the provision of student accommodation releases housing that would otherwise be occupied by students and thereby indirectly releases accommodation within the housing market. For this reason it believes that all student accommodation should be included within the housing delivery and housing land supply figures. This view is not consistent with the PPG because it is not based on any assessment of the extent to which the provision of student accommodation has released general market housing.”

5.18 She went on:

“Where student population is relatively stable, and the number of general market dwellings occupied by students declines as a consequence of the provision of student accommodation, I consider the inclusion of such accommodation as part of the housing supply would be consistent with the guidance within the PPG. However, within Exeter, due to the considerable increase in the number of students relative to the provision of purpose-built student accommodation, there has not been a reduction in the number of general market dwellings occupied by students. On the contrary, there has been a significant increase...”⁶¹

5.19 The High Court agreed that the Council did not set out any specific evidence to justify that the development of student accommodation would release housing to the market elsewhere. It stated that:

“...it simply relied upon paragraph 3.38 of the PPG in support of its proposition that, irrespective of the extent (if any) that student accommodation was included in the housing requirement figure adopted.”⁶²

5.20 As a consequence, the High Court stated that the Appeal Inspector:

“... was correct not to accede to the Council’s submission that all student accommodation supplied should or could be set off against the housing requirement. She was correct not to be persuaded by the Developers’ contention that she could not under any circumstances take into account student accommodation. She was correct to look at the facts of this case and determine whether, on the evidence before her, there was any basis for taking any of the new student accommodation into account ... she properly accepted (in paragraph 47) that, although there was currently no evidence to show that the provision of student accommodation has released housing into the general market in Exeter, the situation may in the future change if (e.g.) the delivery of student accommodation significantly exceeded the increase in student population.”⁶³

Conclusion

5.21 It is against this policy context that the proposed housing supply should be considered. In practice, applying the Framework and Practice Guidance to achieve a robust supply that will meet the needs of the community is an evidence based process which should use transparent and justifiable assumptions on lead-in times, delivery rates and density. In addition, it should be clear that the sites are available and achievable over the plan period.

5.22 In the case of York, there are inherent dangers in including student housing in the supply if there is no evidence that there has been a reduction in the number of general market dwellings

⁶¹ Land at Home Farm, Church Hill, Pinhoe – Insp. Decision 29.10.14 [Ref: APP/Y1110/A/14/2215771] - §44 & §47

⁶² Exeter City Council v Secretary of State for Communities and Local Government [2015] EWHC 1663 (Admin) - §37

⁶³ Ibid - §44

occupied by students as a direct result of the provision of purpose-built student accommodation.

6.0 Council's Housing Supply Evidence

Introduction

6.1 Detailed representations on the Council's housing land supply evidence were submitted on behalf of the Companies to the City of York Local Plan - Preferred Sites Consultation (in 'Technical Report 2: Housing Supply'). These representations concluded the following:

- 1 The Council had not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence had therefore been produced to demonstrate the Council's housing supply position.
- 2 The assessment of the balance between the housing requirement and supply demonstrated that there was a significant shortfall for both the plan period and 5-year period. In these circumstances, the emerging plan was not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 3 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that would deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

These concerns have not been addressed and reference is accordingly made below in Lichfields' assessment of the Council's latest evidence.

6.2 Before considering the adequacy of the Council's supply, it is important to consider the nature and extent of the Council's evidence base in relation to the supply. Evidence on the Council's supply is contained in a number of different places:

- 1 The City of York Strategic Housing Land Availability Assessment [SHLAA] (September 2017);
- 2 The City of York Local Plan Publication Draft (March 2018);
- 3 Half Year Housing Monitoring Update for Monitoring Year 2017/18 (1st April 2017 and 30th September 2017); and,
- 4 The City of York Windfall Allowance Technical Paper 2017 (SHLAA Annex 5).

Housing Completions

6.3 The Council has provided detailed site by site delivery figures for the past five monitoring years (2012/13 to 2016/17). In addition, the Council's annual completion figures since 2007/08 are contained in the September 2017 Half Year Housing Monitoring Update.

6.4 The Council has included student specific accommodation within their completions figures and their forward supply figures. Based on recent High Court decisions it is clear that robust evidence must be provided to justify the inclusion of student accommodation in the housing supply, specifically that the accommodation will release housing into the general market.

6.5 York Council has not provided any evidence to demonstrate that the provision of additional student accommodation would result in the release of housing into the market as required by national policy. Furthermore, the Council's June 2016 SHMA outlines that the York St John University is, over the next five years, seeking to "*grow our student numbers from 6,400 to 7,300*"⁶⁴. This reflects an aim to achieve growth in student numbers of 14.1% by 2020.

⁶⁴ City of York, June 2016 Strategic Housing Market Assessment, §10.71

- 6.6 Based on national policy, the recent High Court decision coupled with the expected growth in student numbers in York, it is considered that it is inappropriate to include student accommodation within the Council's supply. This is because there is no justification regarding how it will result in the release of current housing into the general housing market.
- 6.7 In this context, the Council has included the delivery of 124 units in monitoring year 2012/13 from the site at 6-18 Hull Road. However, a total of 97 of the units are not self-contained and share communal/living areas. As such, these bedspaces cannot contribute towards the Council's housing completion figures as there is no evidence that they have released housing to the general market. That said, we have included the delivery of 27 units from this site as they are self-contained studio apartments which could be sold on the open market at some stage in the future.
- 6.8 The Council has also included the delivery of 91 units in the monitoring year 2016/17 for the site at Hallfield Road. The majority of the units on this scheme are not self-contained and share communal/living areas. As such, these bedspaces cannot also contribute towards the Council's housing completion figures as there is no evidence that they have released housing to the general market. However approximately 9% of these units are studio apartments which could be sold on the open market at some stage in the future, so we have included 8 units from this scheme on this basis.
- 6.9 Table 6.1 sets out the Council's past completion figure and provides a cumulative running total since 2012/13. It also sets out Lichfields' assumed completions figures and provides a running total.

Table 6.1 Housing Completions

Year	Council Position		Lichfields' Position	
	Comp.	Cum +/-	Comp.	Cum +/-
2012/13	482	482	385	385
2013/14	345	827	345	730
2014/15	507	1,334	507	1,237
2015/16	1,121	2,455	1,121	2,358
2016/17	977	3,432	894	3,252
Totals	3,432		3,252	

Source: City of York Council

2017 SHLAA

- 6.10 The Framework⁶⁵ sets out that local planning authorities should prepare a SHLAA to establish assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period. Furthermore, the Practice Guidance⁶⁶ outlines that the assessment of land availability is an important step in the preparation of Local Plans. The provision of an up to date SHLAA approach ensures that all land is assessed together as part of plan preparation to identify which sites or broad locations are the most suitable and deliverable for a particular use.
- 6.11 The Council has published its City of York Strategic Housing Land Availability Assessment

⁶⁵ Framework - §159⁶⁶ Practice Guidance - ID: 12-018-20140306

September 2017. This document supersedes previous versions of the SHLAA to present the sites assessed for their development potential to form part of the evidence base for York's Local Plan. The 2017 SHLAA accompanied the Local Plan Pre Publication [LPPP] Draft, setting out the methodology for site selection in the plan, and detail of which sites have been allocated.

Site Selection

- 6.12 The 2017 SHLAA outlines the previous consultation undertaken by City of York Council in relation to site identification and consultation/engagement. It states [§2.3.1] that a two stage suitability process was undertaken in order to sieve out the potential sites most suitable for development:
- 1 Stage 1: Sustainable Location Assessment which uses the shapers set out in the emerging Spatial Strategy to assess potential site suitability. The SHLAA states that the methodology was also informed by work on the Sustainability Appraisal.
 - 2 Stage 2: Technical Officer Group which considers more site specific suitability of sites which successfully passed Stage 1 and determined whether they should progress as development sites. The SHLAA states that any sites which were wholly or partly removed from the site selection process following the Stage 1 analysis will be given the opportunity to respond to the assessment with supporting evidence.
- 6.13 Further details on the scoring process and methodology used are provided in Annex 3 of the SHLAA. As the site selection and criteria assessment process was developed in 2013, the SHLAA indicates that subsequent guidance on Impact Risk Zones for SSSIs, Flood Risk and Agricultural Land Value has been taken into consideration. It also explains the basis on which the availability and deliverability of sites has been determined.
- 6.14 The SHLAA [§§2.5.1-2.5.2] outlines how the availability of sites has been determined. It states:
- “The majority of sites assessed were received through the Call for Sites process or subsequent Local Plan consultations. Through this process we asked that landowner details were provided to us to ensure that we could confirm availability and that the site had a willing landowner. We also asked for details of whether the site had been promoted commercially or by an agent as well as when the site would be become available for development. Since 2012, the availability of sites has been reconfirmed through consultation.”*
- “For the allocated sites set out in the Section 3.3, availability of the site has been confirmed and the timescales reflect our understanding of when the site will be brought forward in the plan period”.*
- 6.15 The SHLAA [Section 2.6] sets out a series of archetypes which have been used to determine the scale of potential development on sites less than 5ha (non-strategic sites). It notes that for Strategic Sites (over 5 ha) a bespoke approach is taken to reflect the site characteristics and detailed work undertaken.

Housing Supply

- 6.16 A summary of housing completions and permissions for the period April 2016 to March 2017 is provided.
- 6.17 The SHLAA identifies a windfall allowance of 169 dwellings per annum and states that windfalls will be included from year 4 of the trajectory. Included at Annex 5 of the SHLAA is City of York Local Plan Windfall Allowance Technical Paper (2017) which explains how the windfall figure has been derived.
- 6.18 The SHLAA does not provide any detailed calculation to demonstrate how a 5-year housing land

supply is achieved. This is wholly unacceptable and does not demonstrate the deliverable 5 year housing land supply as required by national guidance.

City of York Local Plan Publication Draft [LPP]

- 6.19 The Council published its LPP in February 2018 for public consultation. Policy H1 identifies the sites which have been allocated to meet the housing requirement set out in Policy SS1 over the plan period 2017/18 to 2032/33 (867dpa).
- 6.20 Table 5.1 in the LPP identifies the sites which have been allocated in the LPP and provides the estimated dwelling yield and estimated phasing for these sites (i.e. Short Term: Years 1-5, Medium Term: Years 1 -10 etc.). For those sites where the phasing extends beyond years 1-5, the anticipated delivery of the sites in each 5 year phase is not confirmed.
- 6.21 The LPP (Figure 5.1 and Table 5.2) provides housing trajectories for the period April 2017 to March 2033 (16 years) against the identified housing target of 867dpa. The LPP [5.6] states that the trajectory shows there is an adequate supply to meet the objectively assessed need throughout the plan period. However, there is a lack of detailed evidence on the supply to demonstrate this position.
- 6.22 Lichfields notes that the period March 2017 to April 2018 has been identified as Year '0', rather than Year '1', which would be the usual approach. Years 0 to 4 (rather than Years 1 to 5) is therefore the period against which the Framework requirement of achieving a 5-year supply would be assessed.
- 6.23 The information provided in the trajectories is high level. They do not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total completion figure for all sites each year without detailed reasoning on the methodology for deriving this figure. In addition, there is a lack of evidence in the SHLAA on lead-in times and delivery rate assumptions for the Council's unimplemented permissions and draft allocations.
- 6.24 With regard to providing a rolling 5 year supply of deliverable sites the LPP [5.9] states:

"The Council accepts that there has been persistent under delivery of housing as defined in the NPPF and consequently has included enough land in the early years of the trajectory to ensure there is a 20% buffer in the 5 year supply. This land has been brought forward from later in the plan period. Progress on meeting delivery targets will be assessed through the authority monitoring report and the 20% buffer will be rolled forward within the 5 year supply until such time as the under delivery has been satisfactorily addressed. This does not mean that overall more land has been allocated in the plan, what it does mean is that the development trajectory (see Figure 5.1) ensures that in the early years of the plan additional land is available to address previous under delivery".

However, as with the SHLAA, the LPP does not provide any detailed calculation to demonstrate how the 5-year housing land supply is achieved.

- 6.25 With regard to site yield and delivery, the LPP [5.12] notes that the yield for each of the strategic sites has been established through working with site promoters to produce an individual assessment of the yield for each site. For non-strategic sites the LPP refers to the yield archetypes identified in the SHLAA [2.6.2].
- 6.26 With regard to the delivery and phasing of allocated sites the LPP [5.13-5.14] states:

"Each allocated site has been assessed for its likelihood of being delivered to ensure that we are satisfied that each site is likely to come forward for development during the plan period, although ultimately this can be dependent upon external factors such as finance

availability for house builders, mortgage availability for purchasers and the aspirations of landowners. In all cases there have been discussions with the land owner about their current plans. We have at this stage placed each allocated site within a timescale of short (1-5 years), medium (6-10 years), long term (11-15 years) or life time of the plan (1-21 years). The timescale of each site is an indication of when we think the site is likely to come forward and reflects the timescale put forward by the landowner or developer in the discussions referred to above, the requirement to develop the most sustainable sites within a settlement first and viability”.

“The phasing of sites is important for the successful delivery of the plan’s priorities and sites should only come forward in different phases if they would not prejudice the delivery of other allocated sites. For example where the construction of essential infrastructure is linked to the delivery of a package of sites, these sites will need to be brought forward in an orderly fashion to ensure the infrastructure is in place to mitigate the impacts of development”.

- 6.27 As with the SHLAA, there is a lack of evidence in the LPP on lead-in times and delivery rate assumptions for the Council’s unimplemented permissions and draft allocations. This is a flawed approach which does not meet the requirements of national guidance.

Conclusion

- 6.28 The Council has compiled and recently published housing completions figures for the past ten monitoring years as well as published detailed site by site completion figures for the past 5 years. However, the Council’s housing land supply figures do not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total delivery figure for each site without detailed reasoning on the methodology for deriving this figure.
- 6.29 Insufficient information has also been provided on the assumptions used to derive the Council’s proposed delivery in the LPP and associated evidence base documents. There is a distinct lack of evidence on lead-in times and delivery rate assumptions for the Council’s unimplemented permissions and draft allocations.
- 6.30 Furthermore, the Council includes several student sites in its future supply, which is inappropriate, as there is no justification regarding how these developments will result in the release of housing into the general housing market as required by the Practice Guidance. In particular, no robust evidence has been provided to clearly demonstrate that there has been a reduction in the number of general market dwellings occupied by students as a direct result of the provision of purpose-built student accommodation. As a result, the Council’s land supply figures risk being severely distorted.

7.0 Housing Requirement

Introduction

- 7.1 The Framework⁶⁷ and Practice Guidance require LPAs to demonstrate a developable 5-year supply and a deliverable supply for the period 5-15 years. This requires an understanding of the relevant housing requirements for each of these time periods.
- 7.2 This Technical Report sets out a critique of the Council's OAHN and the need to increase the target to meet the needs of the local community. This section briefly sets out the relevant figures to be used for both the 5-year assessment and the plan period assessment.

Plan Period Housing Requirement

- 7.3 The Council's SHMA Assessment Update seeks to provide the evidence to justify the housing requirement for the City of York Local Plan. It sets the Plan period as 2012-2032.
- 7.4 This Technical Report sets out the flaws in the SHMA Assessment Update and the Council's approach in rejecting the 953 dpa figure recommended in the SHMA Assessment Update. It requests that the OAHN is recalculated using an appropriate methodology. Lichfields considers that the Council's SHMA makes a number of flawed assumptions and judgements and does not properly respond to the requirements of policy and guidance. As a result, the proposed OAHN set out in the SHMA is not robust and is inadequate in meeting the need and demand for housing.
- 7.5 Even so, the Council has resolved to reject the OAHN of 953 dpa set out in the SHMA update and adopt a figure of 867 dpa, based on the latest revised SNHP published by ONS and MHCLG with no adjustment for market signals or affordable housing. By way of contrast, MHCLG's standard methodology produces an OAHN figure of 1,070 dpa, significantly higher than adopted by the Council which again demonstrates the inappropriateness of the Council's approach.
- 7.6 As noted in Section 4, Lichfields considers that the OAHN for York is **at least 1,150 dpa**. To be robust however, for the purposes of this report, we have also used GL Hearn's 953 dpa OAHN figure to calculate the City's 5YHLS.

5-Year Housing Requirement

Annual Requirement

- 7.7 When calculating the 5-Year Housing Requirement the annual average requirement should be used. As there is disagreement over the appropriate OAHN with the Council preferring a housing requirement of 867 dpa rather than their own housing evidence which suggests a need for 953 dpa figure in the SHMA Update, with Lichfields recommending a yet higher figure (1,150 dpa). All three are used in this assessment.
- 7.8 We would note that whichever figure is used, it does not include the specific needs of students living in halls of residence, which would be additional as these are explicitly excluded from the CLG's household projections.

⁶⁷ Framework - §47

Under Supply

- 7.9 The Practice Guidance⁶⁸ indicates that LPAs should aim to deal with any under supply within the first 5-years of the plan period where possible. Table 7.1 sets out the net completions recorded by the Council since 1st April 2007 compared to the now withdrawn RS for Yorkshire and the Humber requirement which the Council has been using in the absence of an adopted Local Plan. Table 7.1 shows the failure of York to deliver housing to meet the needs of the community.

Table 7.1 Housing Completions 2007/08 - 2016/17

Year	Target	Comp.	+/-	Cum +/-
2007/08	650	523	-127	-127
2008/09	850	451	-399	-526
2009/10	850	507	-343	-869
2010/11	850	514	-336	-1,205
2011/12	850	321	-529	-1,734
2012/13	850	482	-368	-2,102
2013/14	850	345	-505	-2,607
2014/15	850	507	-343	-2,950
2015/16	850	1,121	+271	-2,679
2016/17	850	977	+127	-2,552
Totals	8,300	5,748	-2,552	

Source: York Housing Monitor Update for Monitoring Year 2016/17

- 7.10 The Council has produced a Half-Year Monitoring Update for 2017/18 (1st April 2017 to 30th September 2017). This indicates that net completions over this period have totalled 1,036 dwellings.
- 7.11 However, as details of the full monitoring year 2017/18 are not yet available it is not possible to include this latest dataset in the analysis.
- 7.12 Table 7.2 sets out the net completions recorded by the Council since 1st April 2012 compared to the Council's requirement and the Lichfield's target. In this context it should be noted that the Lichfield completions exclude the student accommodation (180 units) previously included in the Council's delivery figures for the reasons set out in Section 6.0. The table shows the failure of York to deliver sufficient housing to meet the emerging OAHN.

⁶⁸ Practice Guidance - ID:3-035-20140306

Table 7.2 Housing Completions

Year	Council Position				SHMA OAHN				Lichfield Position			
	Target	Comp.	+/-	Cum +/-	Target	Comp.	+/-	Cum +/-	Target	Comp.	+/-	Cum +/-
2012/13	867	482	-385	-385	953	482	-471	-471	1,150	385	-765	-765
2013/14	867	345	-522	-907	953	345	-608	-1,079	1,150	345	-805	-1,570
2014/15	867	507	-360	-1,267	953	507	-446	-1,525	1,150	507	-643	-2,213
2015/16	867	1,121	+254	-1,013	953	1,121	168	-1,357	1,150	1,121	-29	-2,242
2016/17	867	977	+110	-903	953	977	24	-1,333	1,150	894	-256	-2,498
Totals	4,335	3,432	-903		4,765	3,432	-1,333		5,750	3,252	-2,498	

Source: York Housing Monitoring Update for the Year 2016/17 / Lichfields analysis

Application of the Buffer

- 7.13 Judgements on the appropriate Framework buffer (i.e. 5% or 20%) to apply turns on whether there is a record of “*persistent under delivery*”.
- 7.14 In this case, the Council has under-delivered in 8 of the past ten years when compared to the previous housing target and the emerging Local Plan (see Tables 7.1 & 7.2). A ten year period is considered to represent an entire economic cycle and an appropriate period for considering past delivery. This results in a substantial shortfall which needs to be quickly rectified. It is therefore appropriate to apply a 20% buffer to help address the significant delivery failings. This approach aligns with the Framework⁶⁹ objective to “*boost significantly*” the supply of housing and ensure that objectively assessed housing needs are met.
- 7.15 In respect of applying the buffer, it should be applied to both the forward requirement and the under supply. This approach accords with the Framework, which suggests that the buffer should be added to the total requirement which would, inevitably, include any under delivery from earlier years. In this regard, the purpose of the buffer is to increase the supply of land; it does not change the number of houses required to be built within that period. Put simply, the buffer is not, and it does not become, part of the requirement; it is purely a given excess of land over the land supply necessary to permit the identified need for housing to be delivered.
- 7.16 There have been a number of appeal decisions supporting this approach. In particular, the appeal in Droitwich Spa⁷⁰ where the Inspector indicated that the buffer should be applied to the forward requirement and under supply. He stated:
- “It is also clear that the 20% buffer should be applied to the entire 5-year requirement (including the historic shortfall). The Council could not point to any provision in policy or previous decisions which supports the contention that the 20% should not apply to the historic shortfall...”* [§8.46]
- The Secretary of State supported this approach in his decision letter.⁷¹
- 7.17 Table 7.3 sets out respective positions in relation to the 5-year requirement.

⁶⁹ Framework - §47

⁷⁰ Land at Newland Road and Primsland Way, Droitwich Spa (SoS Decision 02.07.14 – Ref: APP/H1840/A/13/2199085)

⁷¹ *ibid* – DL §14

Table 7.3 5-Year Housing Requirement

	Council		SHMA OAHN		Lichfields	
	Calc.	Total	Calc.	Total	Calc.	Total
Policy Requirement (2017-2022)	867 dpa x 5	4,335	953 dpa x 5	4,765	1,150 dpa x 5	5,750
Under Supply (2012-2017)	4,335 – 3,432	903	4,765 – 3,432	1,333	5,750 – 3,252	2,498
Buffer at 20%	$(4,335 + 903) \times 0.2$	1,048	$(4,765 + 1,333) \times 0.2$	1,220	$(5,750 + 2,498) \times 0.2$	1,650
Total Requirement		6,286		7,318		9,898
Annual Requirement	6,286 / 5	1,257	7,318 / 5	1,464	9,898 / 5	1,980

Source: Lichfields

7.18 On this basis, the 5-year requirement ranges from **6,286** to **9,898** dwellings.

Conclusion

7.19 The SHMA Update sets out an OAHN for York of 953 dpa; however, the Council has ignored this figure and adopted 867dpa for the plan period. Lichfields considers that an OAHN of 1,150 dpa is more appropriate. Even this figure explicitly excludes the needs of students living in purpose-built halls of residence.

7.20 The appropriate plan period is for this assessment is 2012-2032. We have set out the Council's past completion data and consider that a 20% buffer is required due to the persistent under delivery of housing in the City over the past 10 years.

7.21 When using the Council's OAHN and factoring in backlog and an appropriate buffer it is concluded that the annual housing requirement over the next 5-years is 6,286 (1,257 dpa), rising to 7,318 (1,464 dpa) using the SHMA's OAHN. Using Lichfields' OAHN figure would result in an annual requirement of 9,898 (1,980 dpa) over the next 5-years.

8.0 Housing Land Supply

Introduction

8.1 This section assesses the adequacy of the deliverable and developable supply of housing sites to meet the requirement for the plan period and 5-year period. It draws on the information supplied by the Council in the LPP and associated evidence base.

8.2 Before considering the individual components of the supply some initial points on the assumptions made by the Council on deliverability, particularly in relation to lead-in times and delivery rates. In this context it is important to be cautious in relation to the likelihood of sites delivering and the scale of that delivery. This is because the purpose of the assessment is to provide a realistic view of whether there is sufficient land available to meet the community's need for housing. If those needs are to be met a cautious approach must be taken.

Delivery Assumptions

Lead in Times

8.3 From the information released to date by York City Council it is impossible to decipher the Council's assumed lead in times for the proposed housing allocations outlined in the LPP.

8.4 Whilst housebuilders aim to proceed with development on site as quickly as possible, lead-in times should not underestimate inherent delays in the planning process (e.g. the approval of reserved matter and discharge of planning conditions) as well as the time taken to implement development (e.g. complete land purchase, prepare detailed design for infrastructure, mobilise the statutory utilities and commence development).

8.5 Another fundamental element in calculating appropriate lead-in times is the size and scale of the site. As a generality, smaller sites can commence the delivery of units before larger sites. Larger sites often have more complex issues that need to be addressed and require significantly greater infrastructure development which must be delivered in advance of the completion of units.

8.6 Table 8.1 sets out our general methodology in terms of lead-in times. We have split the methodology by site size and stage in the planning process.

Table 8.1 Lead-in Times

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

Source: Lichfields

8.7 We provide a detailed breakdown in Table 8.2 to Table 8.5 of the lead-in times and the factors that have been taken into account. The tables, breakdown the lead in times for a typical site of up to 250 units. Obviously, the larger site categories would take long to come forward as given the additional complexities in relation to negotiate S.106 contributions, discharge conditions

and put in place the necessary on-site infrastructure.

- 8.8 We have incorporated a period between the grant of outline planning permission and the formulation of the scheme to allow for market assessments and board approvals. Finally, if the outline permission has been secured by a land promoter or a landowner the site would need to be marketed during this period. This period has not been included but would add between 6 months to 9 months to the delivery.
- 8.9 On the sites with no current planning application, the timetable assumes there is a willing developer/landowner who wishes to commence the preparation of an application immediately. However, this is not always the case and a draft allocation in a Local Plan does not necessarily mean the process of securing planning permission is commenced immediately.

Table 8.2 Full Planning Permission - Lead-in Times (Site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Full Permission						
Discharge of Pre-Commencement Conditions	3	2				5
Site Commencement				3	6	9
Overall Time to 1st Completion						14*

Source: Lichfields

Notes: * rounded down to 12 months for the purposes of calculating a delivery trajectory.

Not included time within the timetable for market assessment and board approval as it is assumed this has been completed

Table 8.3 Outline Planning Permission - lead-in Times (Site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Outline Permission						
Reserved Matters and Discharge of Pre-Commencement Conditions	6	4				10
Site Commencement				3	6	9
Overall Time to 1st Completion						19*

Source: Lichfields

Notes: * rounded down to 12 months for the purposes of calculating a delivery trajectory.

Not included time within the timetable for market assessment and board approval as it is assumed this has been completed

Table 8.4 Application Pending Outline Permission - Lead-in Times (Site up to 250 units)

Key Stages	Prep. of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Outline Application		4	3			7
Market Assessment						3
& Board Approval	6	4				10
Reserved Matters and/or Discharge of Pre-Commencement Conditions				3	6	9
Overall Time to 1st Completion						29*

Source: Lichfields

Notes: * rounded to 30 months for the purposes of calculating a delivery trajectory.

Table 8.5 No Planning Application - Lead-in Times (site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Application	6	4	3			13
Market Assessment						
& Board Approval						3
Reserved Matters and/or Discharge of Pre-Commencement Conditions	6	4				10
Site Commencement				3	6	9
Overall Time to 1st Completion						35*

Source: Lichfields

Notes: * rounded to 36 months for the purposes of calculating a delivery trajectory.

- 8.10 The lead-in times set out in these tables are likely to be an underestimate based on the recent report by Barratt Homes and Chamberlin Walker.⁷² The report notes that:

“New data for 2017 presented in this report, from Barbour ABI, indicates that ‘post-planning permission’ development timescales (C+D) have increased markedly: on sites of 20 homes or more it now takes at least 4.0 years on average from the grant of detailed planning permission to site completion, compared to the earlier LGA estimates of 1.7 to 3.2 years.”

In these circumstances the Council must set out clearly the lead-in times that are assumed and demonstrate that they are sound and robust. This is clearly not the case with the current evidence base.

Delivery Rates

- 8.11 Whilst housebuilders aim to deliver development on site as quickly as possible, in a similar fashion to the lead-in times outlined above, the annual delivery rate on sites will depend on a number of factors including overall site capacity. In our experience, sites with a capacity of less than 250 units are built out by one housebuilder using one outlet. As such, a reasonable average

⁷² The Role of Land Pipelines in the UK Housebuilding Process (September 2017) Barratt Homes & Chamberlin Walker

annual delivery rate in York is 40 dpa for sites with a capacity of less than 250 units. However, on sites of less than 100 units we have assumed a lower delivery rate of 25 dpa as these sites will generally be delivered by smaller housebuilders.

- 8.12 Generally, in York on sites with a capacity of between 250 units and 500 units there is often a second developer (or national housebuilders use a second outlet) delivering units simultaneously. As such, annual delivery rates increase but not exponentially to the number of housebuilders or delivery outlets. In our experience in the current market, sites with 2 outlets deliver approximately 65 dpa.
- 8.13 Finally, on large-scale sites with a capacity of more than 500 units, there are often up to three housebuilders or outlets operating simultaneously. As before, this does not increase delivery exponentially but it can be expected that three outlets operating simultaneously on a large scale would deliver approximately 90 dpa.

Table 8.6 Annual Delivery Rates

	0-100 units	100-250 units	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

Source: Lichfields

- 8.14 Lichfields considers that it would be appropriate to apply the delivery rates identified above. The quantum of delivery of units on a site can be affected by a significant number of factors including local market conditions, general economic conditions, proximity to competing site, housing market area, type and quality of unit and the size of the development. There will be a number of sites in York that will experience higher annual delivery rather than the averages outlined above but there will also be a number of who deliver below the average also. It is therefore important not to adopt an average delivery rate which may only be achieved by a small minority of the strategic sites.

Density Assumptions

- 8.15 The 2017 SHLAA (page 20) sets out the density assumptions for each residential archetype.
- 8.16 It is considered that, the proposed densities are overly ambitious and will not be achieved on average on sites throughout York. For example, from our experience, it is not anticipated an average density of 50dph on sites of 1ha+ with a gross to net ratio of 95% can be achieved. Meeting open space requirements alone will preclude this ratio. There will be a very limited number of examples where this density has been achieved but a more appropriate and conservative figure should be pursued in the absence of firm details from a developer. The gross to net ratio at most should be 85%, although this can reduce to less than 60% for larger developments with significant infrastructure requirements.
- 8.17 Secondly, it is considered that a density of 40dph on suburban sites is highly aspirational and is unlikely to be achieved across a significant number of sites. This density is characterised by housing for the smaller households and thus not suitable for family accommodation. Our housebuilder clients and local intelligence has reaffirmed our concerns with the proposed average densities. Unless there is specific evidence to the contrary the default density on suburban sites should be 35 dph.
- 8.18 The Council has not provided sufficient information to back up their assumptions and we consider that these development densities should be revised downwards to ensure that the capacity of sites is not artificially inflated. Assumptions on development densities in the

absence of specific developer information should air on the side of caution and we consider that the details in the 2017 SHLAA are at variance with this principle.

Components of the Housing Supply

- 8.19 The components of the Council's supply are set out in the LPP. The LPP does not set out a delivery trajectory for each site and only sets out the expected delivery from each site over the plan period.
- 8.20 The information provided in the trajectory in the LPP is high level. It does not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total completion figure for all sites each year without detailed reasoning on the methodology for deriving this figure.
- 8.21 As set out above, the Council includes several student sites in its future supply which is inappropriate as no robust evidence has been provided to demonstrate that there has been a reduction in the number of general market dwellings occupied by students as a direct result of the provision of purpose-built student accommodation. As a result, including student accommodation in the supply is flawed and risks severely distorting the figures.

Sites with Planning Permission

- 8.22 It is now a standard approach that sites with planning permission should be included in the supply (unless there is a good reason to exclude them) whereas sites without planning permission should be excluded (unless there is a good reason to include them). This interpretation is entirely logical as the absence of a planning permission is a clear impediment to development, which is contrary to the test that land should be available now.
- 8.23 The LPP [5.3] indicates that, as at 11th April 2017, there were extant planning permissions for 3,578 homes which will contribute towards meeting the overall housing requirement in the Plan. However, the Council has not identified these sites nor has it provided a delivery trajectory for each site to demonstrate how each of these sites contributes to delivery over the Plan period or to the 5-Year housing land supply. In the absence of this information it is not possible to ascertain whether these sites should be included in the supply. Lichfields therefore reserves the right to provide further comment on this matter as and when more detailed information is made available.

Allocations

- 8.24 Table 5.1 of the LPP identifies the housing and strategic sites which are proposed for allocation. It provides an estimated dwelling yield and estimated phasing for these sites (i.e. Short Term: Years 1-5, Medium Term: Years 1-10 etc.). For those sites where the phasing extends beyond years 1-5, the anticipated delivery of the sites in each 5 year phase is not confirmed.
- 8.25 The Council has not provided a detailed delivery trajectory for each of the Potential Strategic Housing Allocations and Potential General Housing Allocations. The Council has simply provided a figure for the total dwellings to be provided for the plan period without any justification or clarification on the assumptions used to derive the delivery figure. Lichfields therefore reserves the right to provide further comment on this matter as and when more detailed information is made available.
- 8.26 The estimated phasing in LPP Table 5.1 indicates that a number of large strategic sites are to commence delivery in Year 1. With regard to this matter, Lichfields would like to express a degree of caution in relation to resourcing issues at the Council. The Council are assuming that a significant number of large planning applications will be submitted and determined concurrently in a relatively short space of time. It is not clear if the Council has fully considered

the resourcing issues associated with dealing with all these application at the same time. In our experience, the Council's Department may not have sufficient capacity to deal with a number of major applications at the same time.

- 8.27 Based on the information provided, Lichfields also consider there are a number of sites where the delivery of development has been substantially overestimated by the Council, including the examples below.

Sites ST14 Land to West of Wigginton Road & ST15 Land to West of Elvington Lane

- 8.28 The estimated phasing in LPP Table 5.1 indicates that sites ST14 (Land to West of Wigginton Road) and ST15 (Land to West of Elvington Lane) will begin to deliver in Year 1 (2018/19). Lichfields consider this anticipated early delivery to be unrealistic for a number of reasons:
- 1 The sites are located within the Green Belt and no application is likely to be permitted until the Local Plan is adopted.
 - 2 A clear strategy is needed to deliver the sites during the plan period. Both are in multiple ownerships and the siting of each allocation without access to a public highway introduces an added level of complexity in negotiation and agreement between the parties involved.
 - 3 In view of their size and complexity much work will be needed to develop masterplans and establish viability of the developments to be progressed through the planning system.
 - 4 Detailed masterplans will be required to secure an appropriate form of development and ensure a phased delivery of the on-site services and facilities.
 - 5 Given the scale and location of the developments the schemes will need to be subject to full environmental assessment, especially to consider the likely impact on landscape, ecology and transportation and historic character of the City.
 - 6 The sites are isolated and there is no existing infrastructure capable of accommodating the proposed level of development. Both sites do not have frontage to a public highway with capacity that would allow even the smallest amount of development to commence. Their development will require major off-site highway improvements and new highway access roads and junctions. Other utilities will need to be procured and delivered in advance of any construction works on the site. This will inhibit the early delivery of the developments.
 - 7 The proposed sites are not obviously sustainable in that they are not easily accessible to existing social and community facilities or located close to existing public transport routes. Considerable effort will need to be made to ensure the allocations do not become satellite, dormitory communities wholly reliant on private transport for every journey away from the home.
- 8.29 The proposed delivery of units in Year 1 (2018/19) is ambitious and unrealistic given the extensive infrastructure requirements which will need to be put in place in advance of any development taking place. In addition, in view of the application of restrictive Green Belt policy it is inevitable that once the Local Plan is adopted the City of York Council will receive many planning applications for both large and smaller developments. Processing these applications will inevitably cause added delay, especially to the major, complex, housing allocations.
- 8.30 We consider that the identification of a portfolio of small site allocations (e.g. up to 250 dwellings) would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.

Windfalls

- 8.31 The Council claims that 169dpa will be delivered on windfall sites from Year 3 of the trajectory (2020/21) and provides justification for their windfall allowance in its Windfall Allowance Technical Paper (2017).

- 8.32 The Framework⁷³ sets out the local planning authorities may make allowance for windfall sites in the 5-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. Furthermore, any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends.
- 8.33 Lichfields accept that windfalls should be included in the overall housing delivery trajectory but only consider that they are appropriate outwith the first 5-year period. The inclusion of a significant windfall figure in earlier years increases the likelihood of artificially inflating the housing delivery figures in year 3 and double counting sites with permission. It does not account for any potential delays to the build out sites with extant consent. As such, the windfall allowance should be amended to only make an allowance from Year 5 (2022/23) onwards.
- 8.34 The Council consider that an annual windfall of 169dpa is appropriate to take account of potential delivery on sites of <0.2ha and completions on change of use and conversion sites.
- 8.35 However, the figure of 169 dwellings has only been achieved four times over the past 10 years and only twice since the base date of the new plan period (2012). This is during a period when the application of a very tight inner Green Belt boundary has precluded urban edge development at a time of ever increasing housing demand. In such circumstances it would have been an ideal period for windfall development to increase; but it did not. There is therefore no justification for such a high allowance.
- 8.36 In relation to the delivery on sites of <0.2ha, Lichfields consider that the proposed windfall allowance is too high because tightly defined settlement boundaries in York and surrounding settlements means there is a finite supply of sites which can come forward. This supply has been curtailed by the change in definition of previously developed land (June 2010) to remove garden sites. In addition, the Council started to request small sites to make contributions towards affordable housing provision and required rural sites with a capacity of more than 15 units to provide on-site affordable housing. This has made the provision of units on small sites less attractive to the market. Since the policy change and the introduction of affordable housing contributions the quantum of completions on windfall sites in York has plummeted. As a consequence, the future supply from this source should only consider the average completion rate since 2009/10 of 33dpa.
- 8.37 In relation to the delivery from conversions, the average completion figure in the past three years is largely dependent on recent changes to permitted development rights. As a consequence, it is considered that after an initial surge the conversion rate will revert back to the long term average. It is likely that the optimum conversion sites will be completed in the short term and the less sustainable and attractive office developments in York will not be converted. As such the average conversion rate from 2007/08 to 2013/14 of 64dpa should be used.
- 8.38 Based on the above assessment it is considered that the proposed windfall allowance should be reduced from 169dpa to 100dpa (rounded up from 97) which represents a far more realistic windfall allowance over the plan period. The incorporation of this figure would ensure that the Council's trajectory is not artificially inflated, can be realistically achieved and would only be incorporated into the delivery trajectory at Year 5 (2022/23) to ensure no double counting.
- 8.39 It is considered that the Council's information does not adequately justify a windfall allowance of 169dpa and does not provide sufficient certainty that this figure will be achieved over the plan period. We reserve the right to revise our position on windfalls if the Council prepares and releases further justification.

⁷³ The Framework, §48

Conclusion

- 8.40 Lichfields has undertaken an analysis of the Council's evidence base documents and consider that the evidence provided by the Council is not sufficient to demonstrate that the dwelling requirement over the plan period and a 5-Year supply will be achieved. It is also considered that some of the proposed delivery rates on sites are unfounded and unrealistic.

9.0 **Balance of the Requirement and Supply**

Introduction

9.1 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position, as required by the Framework. In these circumstances, it can only be assumed that the Council considers that it can demonstrate an adequate housing supply in the initial 5-year period and over the plan period. However, no evidence has been produced to demonstrate this position.

9.2 As a consequence, this section sets out an assessment of the housing supply against the three OAHNs for York (set out in Section 4).

5-Year Supply

Adequacy of Supply

9.3 The five year supply has been assessed against the Council's LPP housing target of 867 dpa; the SHMA Update's OAHN of 953 dpa; and Lichfields OAHN (1,150 dpa). The requirement is then compared to the Council's supply figures. The assessments in both cases make provision for the backlog and 20% buffer for persistent under delivery as calculated in Section 7. The calculation of Lichfields' position excludes any windfall allowance for the reasons we have set out in this Technical Report. As the Council has not provided adequate evidence to show how committed, allocated sites, student housing etc. factor into the housing supply, it has not been possible to fully assess the supply position and make further amendments. However, on the basis of our comments above, it is likely that this would reduce the housing supply considerably. Table 9.1 sets out the relative positions.

Table 9.1 5-Year Housing Land Supply Position using the Council's and Lichfields' OAHNs

Housing Requirement (2017-2022)		York Assumed Position		SHMA OAHN		Lichfields' Position	
Local Plan OAHN (dpa)			867		953		1,150
5 Year Requirement	2017-2022		4,335		4,765		5,750
Backlog	2012-2017	903		1,333		2,498	
Framework Buffer	20%	1,048		1,220		1,650	
Sub Total		1,951	1,951	2,553	2,553	4,148	4,148
5-year Requirement	2017-2022		6,286		7,318		9,898
Annual 5-year requirement			1,257		1,464		1,980
Housing Supply (2017-2022)							
Projected Housing Completions including Windfall Allowance from Year 3 (windfall allowance excluded from Lichfields' Position)			5,902		5,902		5,769
Total Supply	2017-22		5,902		5,902		5,769
Difference (Undersupply expressed as a minus)			-384		-1,416		-4,129
5-Year Supply Expressed as Years of Residual Annual Requirement			4.70		4.03		2.91

Source: Lichfields Analysis

- 9.4 The table demonstrates that even when comparing the likely delivery within the 5-year period to the Council's OAHN, there is not an adequate supply of housing land. Based on the Council's approach, there is only a supply of 4.70 years (with an undersupply of 384 dwellings), falling to 4.03 years if the higher SHMA OAHN is applied. If the Lichfields OAHN is used there is a supply of 2.91 years and a shortfall of 4,129 dwellings.
- 9.5 In addition, for the reasons we have raised in the previous section, the Council's 5-year supply figure of 5,902 dwellings is considered to be optimistic and all of this supply is unlikely to come forward over the 5-year period, which would further exacerbate the supply shortfall. Furthermore, including student accommodation in the supply without clearly evidencing how this would release housing onto the market elsewhere is not in accordance with the Practice Guidance or recent High Court judgements, and risks severely distorting the Council's land supply figures as a consequence.

Implications of the 5-Year Supply Position

- 9.6 The Council has a significant shortage of housing land in the first 5-years. This is a significant issue for the Council which means the plan is not 'sound' in its current form. It is therefore imperative that additional sites are allocated for housing to tackle this issue. These should be sites without any immediate constraints that can be delivered quickly once the plan is adopted.

The Plan Period Supply

- 9.7 There is also a significant shortfall of housing over the Plan period, when assessed against the Lichfields OAHN of 1,150 dpa and the 2,498 dwelling shortfall in delivery for the period 2012 to 2017 identified in Table 7.2 (a total figure of 20,898 dwellings over the Plan period 2012 to 2033). LPP Table 5.2 indicates a supply of 18,839 dwellings which is equivalent to a shortfall of 2,059 dwellings over this period.

Conclusion

- 9.8 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence has therefore been produced to demonstrate the Council's housing supply position.
- 9.9 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall for 5-year period. For the plan period, there is also a significant shortfall when assessed against the Lichfields assessment of the OAHN.
- 9.10 In these circumstances, the emerging plan is not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 9.11 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.
- 9.12 It should be noted that the above assessment is reliant upon the information provided in the LPP and associated evidence base documents. Lichfields therefore reserves the right to update the above evidence as and when further information becomes available, particularly regarding student housing needs.

10.0 Summary

Context

- 10.1 The Framework sets out that LPAs should use their evidence base to ensure they meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework.
- 10.2 The SHMA Assessment Update makes a number of assumptions and judgements which Lichfields considers to be flawed, or which do not properly respond to the requirements of policy and guidance. As a result, the concluded OAHN is not robust and is inadequate to meet need and demand within the HMA.

Conclusions on the City of York's Housing Need

- 10.3 The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is considered to be fundamentally flawed. This is effectively a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the OAHN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.
- 10.4 There are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
- 1 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this demographic-led figure of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below. Lichfields agree with making an adjustment for demographic and household formation rates. However, it would be illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - 2 Overall, the Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - 3 Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.
- 10.5 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 1 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates

amongst younger age cohorts takes the demographic starting point to 871dpa.

- 2 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, for the reasons set out above, Lichfields considers that a greater uplift of 20% would be more appropriate in this instance. When applied to the 871dpa re-based demographic starting point, this would indicate a need for 1,045dpa.

The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the Blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;

- 3 The scale of **affordable housing needs**, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045dpa set out above. It is considered that to meet affordable housing needs in full (573dpa), the OAHN range should be adjusted to 1,910dpa @30% of overall delivery. It is, however, recognised that this level of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

This is 7.5% higher than the MHCLG proposed standardised methodology figure of 1,070 dpa.

- 10.6 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework [§47] by significantly boosting the supply of housing. It would also reflect the Framework [§19], which seeks to ensure the planning system does everything it can to support sustainable development. We would note that these figures do not include the need for specialised student accommodation, which would be additional.

Conclusions on Housing Land Supply

- 10.7 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence has therefore been produced to demonstrate the Council's housing supply position.
- 10.8 Furthermore, including student accommodation in the supply without clearly evidencing how this would release housing onto the market elsewhere does not accord with the Practice Guidance or recent High Court judgements, and risks severely distorting the Council's land supply figures as a consequence
- 10.9 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall for the 5-year period. For the plan period, there is also a significant shortfall when assessed against the Lichfields assessment of the OAHN. Based on the Council's approach, there is only a supply of 4.70 years (with an undersupply of 384 dwellings), falling to 4.03 years if the higher SHMA OAHN is applied. If the Lichfields OAHN is used there is a supply of 2.91 years and a shortfall of 4,129 dwellings.
- 10.10 In these circumstances, the emerging plan is not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 10.11 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

- 10.12 **It should be noted that the above assessment is reliant upon the information provided in the LPP and associated evidence base documents. Lichfields therefore reserves that right to update the above evidence as and when further information becomes available.**

Appendix 1: Lichfields Market Signals Assessment

Appendix 1

Our ref 50642/03/MW/CR

Date 19th March 2018

Subject Lichfields Market Signals Assessment

1.0 Market Signals

Introduction

- 1.1 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:

“Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.” [§17]

- 1.2 The Practice Guidance requires market signals to be assessed against comparator locations . The analysis in the following sections focuses on comparing the City of York and other Local Authorities and England to benchmark their performance against trends both across the wider region and nationally.

- 1.3 The Guidance sets out six key market signals¹:

- 1 land prices;
- 2 house prices;
- 3 rents;
- 4 affordability;
- 5 rate of development; and,
- 6 overcrowding.

- 1.4 It goes on to indicate that appropriate comparison of these should be made with upward adjustment made where such market signals indicate an imbalance in supply and demand, and the need to increase housing supply to meet demand and tackle affordability issues:

“This includes comparison with longer term trends (both in absolute levels and rates of change) in the housing market area; similar demographic and economic areas; and nationally. Divergence under any of these circumstances will require upwards adjustment to planned housing numbers compared to ones based solely on household projections”.

“In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in

¹ 2a-019-20140306

affordability needed and, therefore, the larger the additional supply response should be.”²

- 1.5 The Practice Guidance sets out a clear and logical ‘test’ for the circumstances in which objectively assessed needs (including meeting housing demand) will be in excess of demographic-led projections. In the context of the Framework and the Practice Guidance, the housing market signals have been reviewed to assess the extent to which they indicate a supply and demand imbalance in the City of York and other comparable local authorities and therefore indicate that an upwards adjustment should be made over the demographic-led baseline already identified.

Housing Market Indicators

- 1.6 In the context of The Framework and the Practice Guidance, each of the housing market signals have been reviewed to assess the extent to which they indicate an imbalance between supply and demand in the City of York.

Land Prices

- 1.7 CLG has published a document entitled ‘*Land value estimates for policy appraisal*’ (February 2015) which contains post permission residential land value estimates, per hectare for each Local Authority. For York this figure is £2,469,000 per hectare, well above the equivalent figure for England (excluding London) of £1,958,000.

House Prices

- 1.8 The Practice Guidance³ identifies that longer term changes in house prices may indicate an imbalance between the demand for and supply of housing. Although it suggests using mix-adjusted prices and/or House Price Indices, these are not available at local authority level on a consistent basis, and therefore for considering market signals in York, price paid data is the most reasonable indicator.
- 1.9 Land Registry price paid data displays the median prices in York, alongside North Yorkshire and England as of 2016 (Table 1.1). These median prices illustrate lower prices in York compared to national rates, but higher prices than in the surrounding sub-region.

Table 1.1 Median Dwelling price, York (2016)

	Median Dwelling Price 2016
York	£220,000
North Yorkshire	£199,995
England	£224,995

Source: ONS Price Paid Data

- 1.10 CLG publishes series data on median house prices based on the same Land Registry price paid data series. This currently runs from 1996 to 2016. This longitudinal analysis is illustrated in Figure 1.1, which indicates that the City of York has seen virtually identical levels of house price growth to the national average since 1999. The figure remains slightly below the England

² 2a-020-20140306

³ 2a-019-20140306

average at present, but is above the North Yorkshire median.

Figure 1.1 Median House Prices



Source: ONS Price Paid Data

- 1.11 In 2016 median house prices in York were just 2% lower than the national average, whilst the City ranked as being the 166th most expensive place to live in England (out of 326 districts).
- 1.12 It is particularly important to note that over the previous 17 years (1999-2016), median house prices have increased by 244% (or £156,000) in York, compared to 204% nationally and 199% across North Yorkshire as a whole.
- 1.13 As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York's median house prices have effectively tripled in 17 years, from £64,000 in 1999 to £220,000 in 2016, and have risen at a much faster rate than comparable national and sub-regional figures, suggests that the local market is experiencing considerable levels of stress.

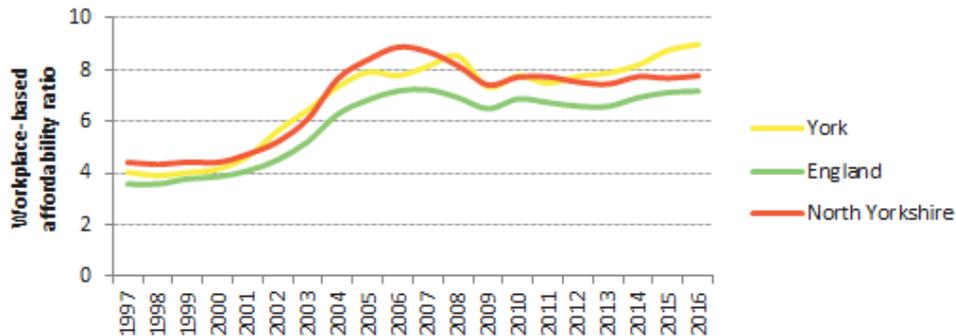
Affordability

- 1.14 The CLG's former SHMA Practice Guidance defines affordability as a '*measure of whether housing may be afforded by certain groups of households*'⁴. A household can be considered able to afford to buy a home if it costs 3.5 times the gross household income for a single earner household or 2.9 times the gross household income for dual-income households. Where possible, allowance should be made for access to capital that could be used towards the cost of home ownership [page 42].
- 1.15 The Practice Guidance concludes that assessing affordability involves comparing costs against a household's ability to pay, with the relevant indicator being the ratio between lower quartile house prices and lower quartile [LQ] earnings.
- 1.16 Using CLG affordability ratios, Figure 1.2 illustrates that although the ratio fell substantially from a peak of 8.14 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than North Yorkshire as a whole. This suggests that levels of affordability are declining in York at a pace which is not the case for the rest of the sub-region (and indeed, for the country as a whole). In 2016, the median house price

⁴ Annex G

in York City was approximately 9.0-times the LQ (workplace-based) income, compared to 7.8 for North Yorkshire and 7.2 nationally.

Figure 1.2 Ratio of house price to lower quartile earnings



Source: ONS Affordability Data

- 1.17 It can be seen in Figure 1.2 that over the past 19 years, the ratio of lower quartile house prices to lower quartile earnings in York has been consistently above the national average, with the gap widening over time. Indeed, the rate of increase is worrying – between 2002 and 2016, the affordability ratio increased by 39%, significantly above the comparable growth rate for North Yorkshire (+27%) and England (+37%). Indeed, across the whole of northern England, only Manchester City has experienced a higher rate of increase in its affordability ratio than York.
- 1.18 The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

Rents

- 1.19 On a similar basis, high and increasing private sector rents in an area can be a further signal of stress in the housing market. Median rents in York are £725 per month, with median rents ranging from £595 per month for a 1 bed flat, to £1,500 per month for a 4+ bed house. All of these figures are significantly higher than the national average, with overall average rents comprising £675 across England, and £585 for North Yorkshire. Rental levels are therefore 7.4% higher than comparable national figures (Figure 1.3).

Figure 1.3 Median Monthly Rents



Source: VOA Private Rental Market Statistics

Rate of Development / Under delivery

1.20 The rate of development is intended to be a supply-side indicator of previous delivery. The Practice Guidance states that:

“...if the historic rate of development shows that actual supply falls below planned supply, future supply should be increased to reflect the likelihood of under-delivery of a plan”⁵

1.21 York has never had an adopted Local Plan, hence the only relevant previous ‘planned supply’ figure is the target within the former Yorkshire and the Humber RS up to 2012. Thereafter, we have compared delivery against the household projections and its preferred OAHN range, as set out in Table 1.2.

Table 1.2 Rate of net housing delivery in York against possible policy benchmarks, 2004/05-2015/16

Year	Net Housing Completions	Council's OAHN (867 dpa)	
		'Need'*	+/-
2004/05	1,160	640	+520
2005/06	906	640	+266
2006/07	798	640	+158
2007/08	523	640	-117
2008/09	451	850	-399
2009/10	507	850	-343
2010/11	514	850	-336
2011/12	321	850	-529
2012/13	482	867	-385
2013/14	345	867	-522
2014/15	507	867	-360
2015/16	1,121	867	+254
2016/17	977	867	110
Total	8,612	10,295	-1,683

Source: ARUP (August 2015): Evidence on housing Requirements in York: 2015 Update, Table 4 and City of York Half Year Housing Monitoring Update for Monitoring Year 2017/181

*RSS assumed average 640 dpa 2005/05-2007/08; 850 dpa 2008/09 -2011/12

⁵Section 2a-019-20140306

- 1.22 It is clear from the Council’s own evidence that the City has consistently under-delivered housing, with a failure to deliver anything more than 525 dwellings in any single year between 2007 and 2015. The policy benchmarks suggest that the level of past under-delivery is 1,683 dwellings over the past 13 years.
- 1.23 Furthermore, the Council’s already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures. For example, CYC’s 2012/13 Annual Monitoring Report states that 482 (net) dwellings were completed in 2012/13, but this figure includes 124 student cluster flats. The 6 months completions data set out in CYC’s Housing Monitoring Update (Table 3, October 2017) suggested that the Council was continuing to rely on student housing completions to boost its housing numbers, with 637 of the total 1,036 net completions during the first half of the 2017/18 monitoring year comprising privately managed off-campus student accommodation.

Overcrowding and Homelessness

- 1.24 Indicators on overcrowding, sharing households and homelessness demonstrate un-met need for housing within an area. The Practice Guidance suggests that long-term increases in the number of such households may be a signal that planned housing requirements need to be increased.
- 1.25 The Guidance states that indicators on:
- “...overcrowding, concealed and sharing households, homelessness and the number in temporary accommodation demonstrate unmet need for housing. Longer term increases in the number of such households may be a signal to consider increasing planned housing numbers...”*⁶
- 1.26 The Census measures overcrowding based on a standard formula, which measures the relationships between members of a households (as well as the number of people in that household) to determine the number of rooms they require. A rating of -1 or less indicates a household has one fewer room than required, +1 or more indicates a household has one or more rooms than needed. At the national level, affordability issues in recent years, as well as a shortfall in housing supply, have meant that people are either willing to accept sub-optimal living conditions (e.g. living in a smaller home to manage costs) or are forced into accepting such housing outcomes (e.g. are priced out of the market and have to share with friends/family).
- 1.27 Table 1.3 illustrates that overcrowding against the occupancy rating in York is not severe, with 7.10% of households living in a dwelling that is too small for their household size and composition. This compares to 8.7% nationally. However, it represents a significant increase of 2 percentage points on the 5.1% recorded in York in 2001, which is above the national trend (which had increased by 1.6 percentage points from 7.1% in 2011).

⁶ Section 2a-019-20140306

Table 1.3 Overcrowding: Household Room Occupancy Rating

	2001			2011		
	Total Households	-1 room occupancy or less	-1 room occupancy or less (%)	Total Households	-1 room occupancy or less	-1 room occupancy or less (%)
York	76,926	3,887	5.1%	83,552	5,930	7.1%
England	20,451,427	1,457,512	7.1%	22,063,368	1,928,596	8.7%

Source: Census 2001 / Census 2011

Note: The definition of the Census 'bedroom standard' is slightly different from the 'occupancy rating' that informs the Government's Under-Occupancy Charges, i.e. the Census states that 'two persons of the same sex aged between 10 and 20' can occupy one bedroom, whilst the Under Occupancy Charge changes this to 'any two children of the same sex aged under 16'. It is possible that if the Government's policy continues into the long term, then changes will be made to the categorisation of the Census's Occupancy Rating to bring the two datasets into line.

1.28 The Census also recorded the number of concealed families (i.e. where there is more than one family present in a household). Nationally, this rose significantly between 2001 and 2011, at least in part due to the impact of the recession on younger households' ability to afford their own home. This meant that many younger people, including families, remained in the family home for longer than might have been expected in the past, either through choice (to save money) or through necessity.

1.29 At the time of the 2011 Census, 1.9% of all families in England were concealed; this represented 275,954 families. This is a rise compared to 2001 when 1.2% of families were concealed. In York, a lower percentage of families were concealed (1.1%) than nationally (1.9%). However, this represents a higher proportional rise, of almost two thirds, from the 2001 figure. This is presented in Table 1.4.

Table 1.4 Concealed Families in York, Yorkshire and Humber and England 2001-2011

	Concealed Families		Change (percentage points)	Change in %
	2001	2011		
York	330 (0.7%)	586 (1.1%)	+0.43	+65.7%
Yorkshire and the Humber	15,890 (1.1%)	25,410 (1.7%)	+0.57	+51.1%
England	161,254 (1.2%)	275,954 (1.9%)	+0.69	+59.2%

Source: Census 2011/2011

1.30 The levels of overcrowding and concealed households in York are moderate when compared with the national and regional averages but have increased at a higher rate (albeit from a lower base). While the level of overcrowding and number of concealed households is not so significant as to conclude that there is severe market pressure, it nevertheless highlights inadequacy reducing flexibility in the housing market.

1.31 The levels of overcrowding are likely to be a symptom associated with restricted incomes in York, with people either willing to accept sub-optimal living conditions (e.g. living in smaller houses to manage costs) or forced into accepting such housing outcomes (e.g. are priced out and have to share with friends/family). In such circumstances, overcrowding and concealed households may be indicative of insufficient supply to meet demand.

- 1.32 Table 1.5 indicates that York has a comparatively low number of homeless people in priority need, of just 97 (or 1.1 per 1,000 households), which is less than half the national rate. The fall in homelessness levels in the City has also been much more pronounced than elsewhere in England over the past ten years, although broadly comparable to Yorkshire and the Humber as a whole.

Table 1.5 Number accepted as being homeless and in priority need 2006/07-2016/17

	Homeless and in Priority Need		% Change	Absolute Change
	2006/07	2016/17		
York	213 (2.70 / 1,000 H'holds)	97 (1.1 / 1,000 H'holds)	-54%	-1.60 / 1,000 H'holds
Yorkshire and the Humber	8,220 (3.87 / 1,000 H'holds)	3,670 (1.60 / 1,000 H'holds)	-55%	-2.27 / 1,000 H'holds
England	73,360 (3.48 / 1,000 H'holds)	59,110 (2.54 / 1,000 H'holds)	-19%	-0.94 / 1,000 H'holds

Source: CLG Live Table 784: Local authorities' action under the homelessness provisions of the Housing Acts (P1e returns)

Synthesis of Market Signals

- 1.33 Drawing together the individual market signals above begins to build a picture of the current housing market in and around York; the extent to which demand for housing is not being met; and the adverse outcomes that are occurring because of this.
- 1.34 The performance of York against County and national comparators for each market signal is summarised in Table 1.6. When quantified, York has performed worse in market signals relating to both absolute levels and rates of change against North Yorkshire and England in 13 out of 28 measures.
- 1.35 It is clear that the City is currently facing very significant challenges in terms of house prices and private rental values causing affordability difficulties.

Table 1.6 Summary of York Market Signals against North Yorkshire and England

Market Signal	North Yorkshire		England	
	Absolute Figure	Rate of Change	Absolute Figure	Rate of Change
House Prices	Worse	Worse	Better	Worse
Affordability Ratios	Worse	Worse	Worse	Worse
Private Rents	Worse	Worse	Worse	Better
Past Development	~	~	~	~
Homelessness (Households in Temporary Accommodation)	Better	Better	Better	Better
Homelessness (Households in Priority Need)	Better	Better	Better	Better
Overcrowding (Overcrowded Households)	Worse	Worse	Better	Worse
Overcrowding (Concealed Families)	Same	Same	Better	Better

Source: Lichfields Analysis

Footnote: Worse = performing worse against the average
 Better = performing the same or better against the average
 ~ = data not available

- 1.36 To draw meaningful conclusions on the extent to which these market indicators show housing market stress within the City of York and a level of supply that is not meeting demand, the Practice Guidance suggests that comparisons of absolute levels and rates of change in such indicators should be made with comparator areas and nationally. For this reason, York has been compared and ranked against other local authority areas, and England as a whole.
- 1.37 These comparator areas have been chosen on the following basis:
- 1 Other nearby areas within the wider Yorkshire and the Humber Region:
 - a East Riding
 - b Hambleton
 - c Harrogate
 - d Hull
 - e Leeds
 - f Ryedale
 - g Selby
 - h Wakefield
 - 2 The Practice Guidance also states that market signals must be compared with authorities which are not necessarily close geographically, but which share characteristics in terms of economic and demographic factors. These authorities have been chosen by examining the ‘OAC Supergroup Area Classification Map’, produced by the ONS in 2015, which groups each local authority into various socio-economic classifications. York, as a ‘Coast and Heritage’ authority, has been compared with other communities similarly classified within this ranking and which share similar socio-economic characteristics:
 - a Bath and North East Somerset
 - b Canterbury
 - c Cheltenham
 - d Colchester
 - e Lancaster
 - f Scarborough
 - g Taunton Deane
 - h Worcester
- 1.38 England has been used as the final comparator for both sets of tables. A comparison across the range of housing market signals within the authorities identified above is presented in Table 1.7 and Table 1.8. A higher ranking in these tables suggests a worse, or comparatively poorer-performing, housing market for that indicator.

Table 1.7 York Market Signals Comparator Table [Neighbouring Authorities]

		House Prices (to year ending December)			Resident-based Affordability			Workplace-based Affordability			Rents			
Rank		2016	Change (£) 1999-2016	Change (%) 1999-2016	2016	Change (absolute) 2002-2016	Change (%) 2002-2016	2016	Change (absolute) 2002-2016	Change (%)	Sep 2017	Change (absolute) June 2011-Sep 2017	Change (%) June 2011-Sep 2017	
Worsening housing market outcomes	1	Harrogate	Harrogate	York	Ryedale	Ryedale	gston upon Hull, Cit	Ryedale	Ryedale	gston upon Hull, Cit	York	England	England	
	2	England	York	Harrogate	Harrogate	Harrogate	ast Riding of Yorkshi	Harrogate	York	Ryedale	Harrogate	Leeds	Leeds	
	3	Hambleton	England	Ryedale	York	York	Wakefield	York	gston upon Hull, Cit	York	England	Harrogate	gston upon Hull, City of	
	4	York	Hambleton	Selby	Hambleton	ast Riding of Yorkshi	England	Hambleton	England	ast Riding of Yorkshi	Leeds	gston upon Hull, Cit	Harrogate	
	5	Ryedale	Ryedale	England	England	England	Ryedale	Selby	ast Riding of Yorkshi	England	Hambleton	York	Ryedale	
	6	Selby	Selby	Hambleton	Selby	Selby	gston upon Hull, Cit	York	England	Harrogate	Wakefield	Ryedale	Selby	
	7	Leeds	ast Riding of Yorkshi	gston upon Hull, Cit	ast Riding of Yorkshi	Selby	ast Riding of Yorkshi	Harrogate	Selby	Selby	Selby	Selby	York	
	8	ast Riding of Yorkshi	Leeds	ast Riding of Yorkshi	Leeds	Wakefield	Leeds	Leeds	ast Riding of Yorkshi	Hambleton	Leeds	Wakefield	ast Riding of Yorkshi	ast Riding of Yorkshire
	9	Wakefield	Wakefield	Leeds	Wakefield	Leeds	Selby	Selby	Wakefield	Wakefield	Harrogate	ast Riding of Yorkshi	Hambleton	Hambleton
	10	gston upon Hull, Cit	gston upon Hull, Cit	Wakefield	gston upon Hull, Cit	Hambleton	Hambleton	Hambleton	gston upon Hull, Cit	Leeds	Hambleton	gston upon Hull, Cit	Wakefield	Wakefield
		ONS Price Paid Data			ONS Affordability Data			ONS Affordability Data			VOA Private Rental Market Statistics			
Rank		Overcrowded households			Concealed families			~			~			
Rank		2011	Change (% points)	Change (number)	2011	Change (% points)	Change (number)							
Worsening housing market outcomes	1	Leeds	York	England	England	gston upon Hull, Cit	England							
	2	England	England	Leeds	Leeds	England	Leeds							
	3	gston upon Hull, Cit	gston upon Hull, Cit	gston upon Hull, Cit	gston upon Hull, Cit	Selby	gston upon Hull, City of							
	4	York	Leeds	York	Wakefield	Leeds	Wakefield							
	5	Wakefield	Harrogate	ast Riding of Yorkshi	Selby	Wakefield	ast Riding of Yorkshire							
	6	Harrogate	Selby	Wakefield	York	York	York							
	7	Selby	ast Riding of Yorkshi	Harrogate	Hambleton	Hambleton	Selby							
	8	ast Riding of Yorkshi	Wakefield	Selby	ast Riding of Yorkshi	ast Riding of Yorkshi	Harrogate							
	9	Ryedale	Hambleton	Hambleton	Harrogate	Harrogate	Hambleton							
	10	Hambleton	Ryedale	Ryedale	Ryedale	Ryedale	Ryedale							
		Census			Census									
Rank		~			~			~			~			
Rank		~			~			~			~			
Better housing market outcomes	11													
	12													
	13													
	14													

Table 1.8 York Market Signals Comparator Table ['Coast and Heritage' Authority Comparisons]

Rank	House Prices (to year ending December)			Resident-based Affordability			Workplace-based Affordability			Rents		
	2016	Change (£) 1999-2016	Change (%) 1999-2016	2016	Change (absolute) 2002-2016	Change (%) 2002-2016	2016	Change (absolute) 2002-2016	Change (%)	Sep 2017	Change (absolute) June 2011-Sep 2017	Change (%) June 2011-Sep 2017
1	and North East Som	and North East Som	Canterbury	and North East Som	and North East Som	Lancaster	Canterbury	Canterbury	York	and North East Som	Lancaster	Lancaster
2	Canterbury	Canterbury	York	Canterbury	Canterbury	and North East Som	and North East Som	York	England	Canterbury	and North East Som	and North East Somerset
3	Cheltenham	Colchester	Colchester	York	York	England	York	and North East Som	Lancaster	York	England	England
4	Colchester	Cheltenham	and North East Som	Colchester	Colchester	Canterbury	Cheltenham	England	Canterbury	Colchester	Colchester	Colchester
5	England	York	England	Taunton Deane	England	York	Cheltenham	Cheltenham	Cheltenham	Cheltenham	Worcester	Worcester
6	York	England	Lancaster	Worcester	Lancaster	Colchester	Taunton Deane	Lancaster	and North East Som	England	Cheltenham	Scarborough
7	Taunton Deane	Taunton Deane	Cheltenham	Cheltenham	Scarborough	Scarborough	Worcester	Worcester	Worcester	Taunton Deane	Scarborough	Cheltenham
8	Worcester	Worcester	Taunton Deane	England	Worcester	Worcester	England	Colchester	Scarborough	Worcester	Canterbury	Taunton Deane
9	Lancaster	Lancaster	Scarborough	Scarborough	Taunton Deane	Taunton Deane	Scarborough	Scarborough	Colchester	Lancaster	York	Canterbury
10	Scarborough	Scarborough	Worcester	Lancaster	Cheltenham	Cheltenham	Lancaster	Taunton Deane	Taunton Deane	Scarborough	Taunton Deane	York
11												
12												
13												
14												
	ONS Price Paid Data			ONS Affordability Data			ONS Affordability Data			VOA Private Rental Market Statistics		

Rank	Overcrowded households			Concealed families			~			~		
	2011	Change (% points)	Change (number)	2011	Change (% points)	Change (number)						
1	England	York	England	England	England	England						
2	Cheltenham	Colchester	York	Worcester	Canterbury	York						
3	Canterbury	Cheltenham	Colchester	Canterbury	York	Canterbury						
4	Colchester	England	and North East Som	Scarborough	Taunton Deane	Colchester						
5	York	Worcester	Canterbury	Lancaster	Scarborough	and North East Somerset						
6	and North East Som	and North East Som	Cheltenham	Taunton Deane	Worcester	Taunton Deane						
7	Worcester	Taunton Deane	Worcester	York	Colchester	Scarborough						
8	Scarborough	Canterbury	Taunton Deane	and North East Som	Lancaster	Lancaster						
9	Taunton Deane	Scarborough	Scarborough	Cheltenham	and North East Som	Worcester						
10	Lancaster	Lancaster	Lancaster	Colchester	Cheltenham	Cheltenham						
11												
12												
13												
14												
	Census			Census								

- 1.39 It is clear from this analysis that the housing market in the City of York is increasingly dysfunctional, with a very steep level of house price growth in recent years leading to significant affordability challenges generating adverse outcomes for residents who need to access the housing market. The comparative analysis suggests that when compared against neighbouring Yorkshire districts, York has experienced the highest rate of house price growth over the period 1999 to 2016, at levels significantly above the national average at a rate higher than the national level of growth. Only Harrogate and Hambleton have higher house prices, whilst only Harrogate and Ryedale have higher affordability ratios.
- 1.40 Median rental levels are also the highest of all the comparator Yorkshire authorities and the City has the highest rate of change of overcrowded households.
- 1.41 The performance of York's housing market relative to comparable authorities further afield (Table 1.8) which share similar socio-economic characteristics also suggests that the local housing market is under stress, with York amongst the very worst performing districts regarding rates of change in house prices, absolute and relative changes in affordability, median rents, and the rate of change in overcrowded households and concealed families.
- 1.42 The Practice Guidance, as well as providing general economic principles, points towards such factors as indicating that additional supply, over and above that solely needed by demographic change, may need to be delivered in order to address affordability and to reverse adverse housing market trends within the HMA.

Bristol
0117 403 1980
bristol@lichfields.uk

Cardiff
029 2043 5880
cardiff@lichfields.uk

Edinburgh
0131 285 0670
edinburgh@lichfields.uk

Leeds
0113 397 1397
leeds@lichfields.uk

London
020 7837 4477
london@lichfields.uk

Manchester
0161 837 6130
manchester@lichfields.uk

Newcastle
0191 261 5685
newcastle@lichfields.uk

Thames Valley
0118 334 1920
thamesvalley@lichfields.uk

From: Claire Linley [Claire.Linley@dppukltd.com]
Sent: 04 April 2018 11:59
To: localplan@york.gov.uk
Cc: Jennifer Winyard (Linden Homes) (Jennifer.Winyard@gallifordtry.co.uk); Mark Lane
Subject: York Local Plan Repls - Site 814 – formerly SF4
Attachments: SF4 Land north of Haxby Report and Appendices.pdf; SF4 Forms.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good morning,

Please find attached our representations on behalf of Linden Homes Strategic Land in relation to the City of York Local Plan Publication Draft Regulation 19 Consultation. This submission relates to the site known as land north of Haxby, (Site 814 – formerly SF4).

Please can you confirm receipt.

Kind regards,

Claire Linley BA (hons) DIPTP MRTPI
Principal Planner

M 07870 997 841

T 0113 350 9865

www.dppukltd.com



City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

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Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph
no.

Policy
Ref.

Site Ref.

SF4

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

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To elaborate on our written representations.

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Signature

Date

04.04.18

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
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Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

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No

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(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

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You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites to be contrary to national policy.

See attached report for full comments.

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The inclusion of a safeguarded land policy and an appropriate quantum of safeguarded land sites.

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Signature



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Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
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E-mail Address		Claire.linley@dppukltd.com
Telephone Number		0113 3509865

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Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

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Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

Lack of safeguarded Land Allocation

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

The inclusion of ST12 as a safeguarded land site as an alternative to a housing allocation.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

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Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.³

Your rights

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Signature



Date 03/04/2018

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		0113 3509865

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at www.york.gov.uk/consultations

What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at www.york.gov.uk/localplan or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website www.york.gov.uk/localplan.
- City of York Council West Offices
- In all libraries in York.

Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

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Yes

No

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No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

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 Effective Consistent with national policy

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(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

It is considered that the Council are not providing sufficient land to ensure that the Green Belt, when adopted for the first time, will be permanent. The Local Plan has therefore not been positively prepared and is inconsistent with national policy.

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The inclusion of a safeguarded land policy and Site 859 – formerly SF15 as a safeguarded land site.

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Signature



Date

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³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012



RESPONSE TO YORK LOCAL PLAN PUBLICATION DRAFT

LINDEN HOMES STRATEGIC LAND

**SITE 814 (FORMERLY SF4) - LAND
NORTH OF HAXBY**

RESPONSE TO YORK LOCAL PLAN PUBLICATION DRAFT

On behalf of: Linden Homes Strategic Land

In respect of: Site 814 (formerly SF4) - Land north of Haxby

Date: April 2018

Reference: CL/ML/2417le/R003cl

Author: Claire Linley

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1 City Square
Leeds
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Tel: 0113 350 9865
E-mail: info@dppukltd.com

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Appendix 1 – Site Location Plan

Appendix 2 – Note from Counsel

Executive Summary

The Developer objects to the proposed deletion of the site known as Site 814 (formerly SF4). The Developer also objects to the lack of a safeguarded land policy.

We have shown that the following: -

- The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence. Therefore, when defining a Green Belt, the Green Belt should be permanent and endure well beyond the plan period;
- To ensure that a Green Belt is permanent local planning authorities allocate safeguarded land. A plan that incorporates safeguarded land will have been positively prepared and will be justified;
- The Local Plan recognises that the Preferred Options draft and the subsequent Publication Draft sought to apply the national and saved regional policies in setting out the extent of the Green Belt and in identifying a reserve of safeguarded land to ensure that the Green Belt boundary was capable of enduring beyond the Plan period. The Council previously considered that this course of action accorded with Government policy and we agree;
- The Inspector who considered the previous plan confirmed that Green Belts should be permanent and importantly the inspector advocated that the Green Belt should remain unchanged for at least 20 years;
- John Hobson QC, who provided advice to the City of York Council on the issue of the permanence of the Green Belt, indicated that the length of time that a Green Belt is intended to endure is considered to be a matter of planning judgement but he believed that '*a 10-year horizon beyond the life of the Plan*' would be appropriate;
- The quantum of safeguarded land or land excluded from the Green Belt should be based on the annual average house building rate adopted during the plan period;
- The Local Plan seeks to provide for the longer-term development needs of the City by relying upon development from a few larger allocations. This is an unusual approach which cannot provide any certainty that the Green Belt will be permanent;
- The Local Plan has identified the land for long term development within a limited number of very large sites that the Council believe will deliver housing beyond the plan period. This cannot be assured;
- In any event the limited pool of sites which are expected to deliver housing beyond the plan period will not be sufficient to ensure that the Council has a 5-year housing land supply. Consequently, the Local Plan will need to be reviewed early and before the end of the plan period;
- The life of the Green Belt around York, from adoption to modification, will be no more than 12 to 13 years and probably less. This short period of time cannot be regarded as comprising a permanent Green Belt around York. Consequently, the approach in the Local Plan of not providing a wide range and choice of safeguarded land sites is contrary to the NPPF;
- The City of York Council have a track record of not being able to produce a plan and define a Green Belt. The Government first announced that the City of York should have a Green Belt in

1957, some 60 years ago. 60 years later the City of York still has not got an adopted local plan or Green Belt. History would therefore strongly suggest that it is essential that when the Green Belt around York is finally adopted that it must endure for a significant period of time;

- If there is no pool of reserve land to call upon at the end of the plan period to meet the city's development needs then there is a real danger that the Council will not be able to produce a new plan in a timely fashion and the city's development needs will go unmet. This would not constitute sustainable development; and
- The guidance advises that local planning authorities should not include land that does not need to be kept permanently open. We would argue that as the Council have proposed to allocate the Site they must have found that it does not need to be kept permanently open. Consequently, it should be removed from the Green Belt.

The approach advocated by the Council will not achieve a truly permanent Green Belt as intended by the NPPF and as such the Local Plan is **unjustified**, it has **not been positively prepared** and it would **not be effective** and is **not in accordance with national guidance**. Consequently, we request that the Local Plan be modified in accordance with our recommendations.

To make the plan sound we recommend that the Council should reintroduce a safeguarded land policy, that the quantum of safeguarded land to be provided should reflect the annual average completion rate utilised in the plan period up to 2032 and that the Site which is the subject of this representation should be reallocated as safeguarded land along with a wide range and choice of other safeguarded land to ensure that the Green Belt does not need to be altered at the end of the plan period.

1.0 Introduction

- 1.1 We are submitting this representation on behalf of our client, Linden Homes Strategic Land (“the Developer”), in respect of various issues contained in the City of York Local Plan Publication Draft Regulation 19 Consultation (“the Local Plan”) and in particular their interests in the proposed safeguarded land north of Haxby, (Site 814 – formerly SF4) (“the Site”).
- 1.2 The Developer has options in respect of the Site known as Site 814 (formerly SF4). The land that is in the control of the Developer is shown on the plan attached at **Appendix 1**.
- 1.3 The City of York Council (“the Council”) published the Local Plan for public consultation in February 2018 together with its associated evidence base.
- 1.4 The Local Plan proposes to delete the safeguarded land policy together with the proposed safeguarded land allocation known as SF4 (now known as Site 814). The Developer objects to the deletion of the safeguarded land policy and the proposed allocation SF4 (now known as Site 814).
- 1.5 On behalf of the Developer we have now had the opportunity to read the document and its associated evidence base and we have made a number of comments. The Site will be referred to as SF4 for the purpose of this report.

2.0 The Test of Soundness

2.1 Paragraph 182 of the NPPF indicates that a Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “**sound**” namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

3.0 Objection to Deletion of SF4

Introduction

3.1 The size and shape of the SF4 allocation has been altered through the different stages of the local plan process. We therefore set out below the allocation history of the Site before we conclude that the Site plainly does not perform a Green Belt purpose and should be allocated as safeguarded land.

The Preferred Options (June 2013)

3.2 The Preferred Options draft contained a policy on safeguarded land. Policy SS6 stated that: -

Policy SS6: Safeguarded Land

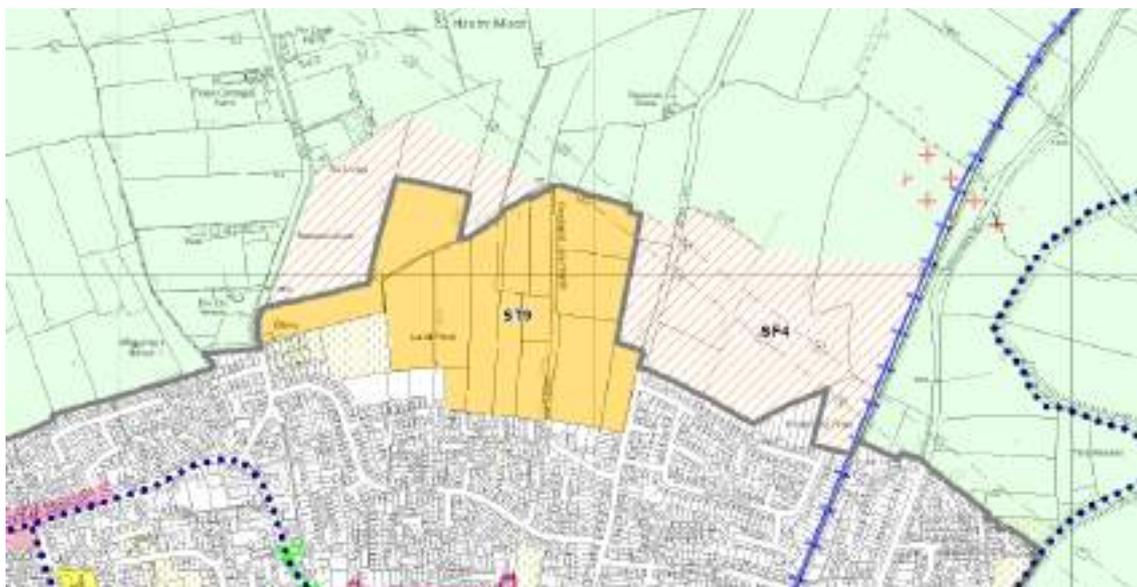
The following sites have been identified as land to be safeguarded for longer term development needs:

• SF1 Land south of Strensall Village	29 ha
• SF2 Land north of Clifton Moor	72 ha
• SF3 Land at Whinthorpe	174 ha
• SF4 Land north of Haxby	29 ha
• SF5 Land to west of Copmanthorpe	22 ha
• SF6 South of Airfield Business Park, Elvington	15 ha
• SF7 Land adjacent to Designer Outlet	16 ha
• SF8 Land at Northminster Business Park	40 ha

On these sites planning permission will only be granted for development which is required for established operational uses on the site and for temporary uses that will not prejudice the long term development needs that the site may be required to accommodate.

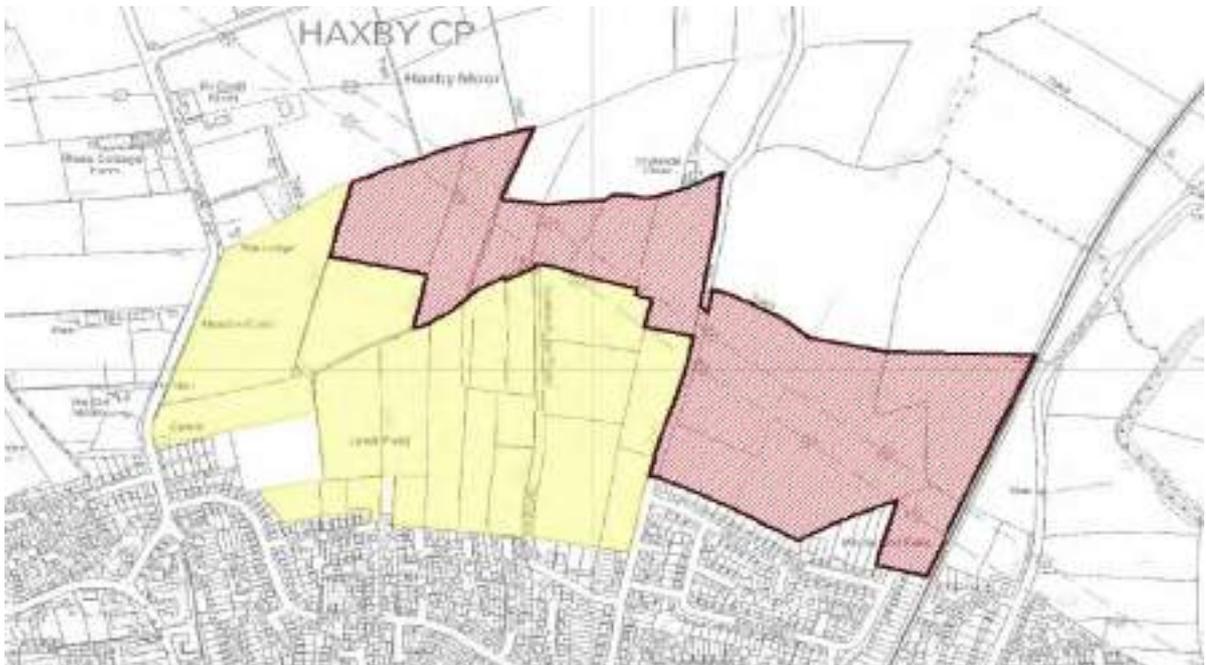
3.3 The Site, which is the subject of this representation, is identified by the Council as SF4 and is allocated as safeguarded land within policy SS6. The City of York preferred Options (June 2016) indicates that the Site has an area of 29ha.

3.4 As can be seen on the extract of the proposals map below that the safeguarded land allocation was split into two areas. The first area being located to the north west of strategic housing site ST9 and the second area being situated to the east of Usher Lane with its southern boundary located directly adjacent to the northern boundary of the existing built form of Haxby. The western boundary of the Site is formed by Moor Lane and the eastern boundary is form by the railway. The northern boundary of the Site is formed by the existing field network and drainage ditches.



Further Sites Consultation (June 2014)

- 3.5 A Further Site Consultation exercise was carried out in June 2014.
- 3.6 This document notes that the Site *'is an extension to the existing safeguarded land site SF4 that is proposed following discussions with the site's promoters about the overall scheme for the land to the south which is a proposed housing site. The proposal along with land to the east which was included in the preferred options consultation Local Plan as safeguarded land will provide an opportunity to consider some development of the village at a future date without incursion into the green belt'*
- 3.7 The Further Site Consultation (June 2014) confirms that the Site *'is not within any of the areas of primary constraints which are designed to; protect the districts heritage and environmental assets, and ensure flood risk is properly managed. The site does not fulfil the five purposes for including land within the green belt and forms a logical conclusion to the form of the settlement.'*
- 3.8 The Further Site Consultation (June 2014) proposed a slight change to the safeguarded land boundary. The eastern most part of the Site, east of Usher Lane, remained as it was in the Preferred Options (June 2013) but the western part was extended to the north. The safeguarded land, as altered, is shown in red/brown colour on the proposals map extract below.



The Publication Draft (September 2014)

- 3.9 The Publication Draft (September 2014) version of the plan was taken to the Local Plan Working Group on the Monday 22nd September which was followed by a Cabinet meeting on Thursday 25th September. The Publication Draft plan was presented to Scrutiny Panel on Wednesday 8th October 2014. At all of the above stages the Publication Draft was approved. However, following a Full Council meeting on 9th October the local plan process was suspended.
- 3.10 The Publication Draft (September 2014) version of the plan also contained a policy on safeguarded land. Policy SS3 states that: -

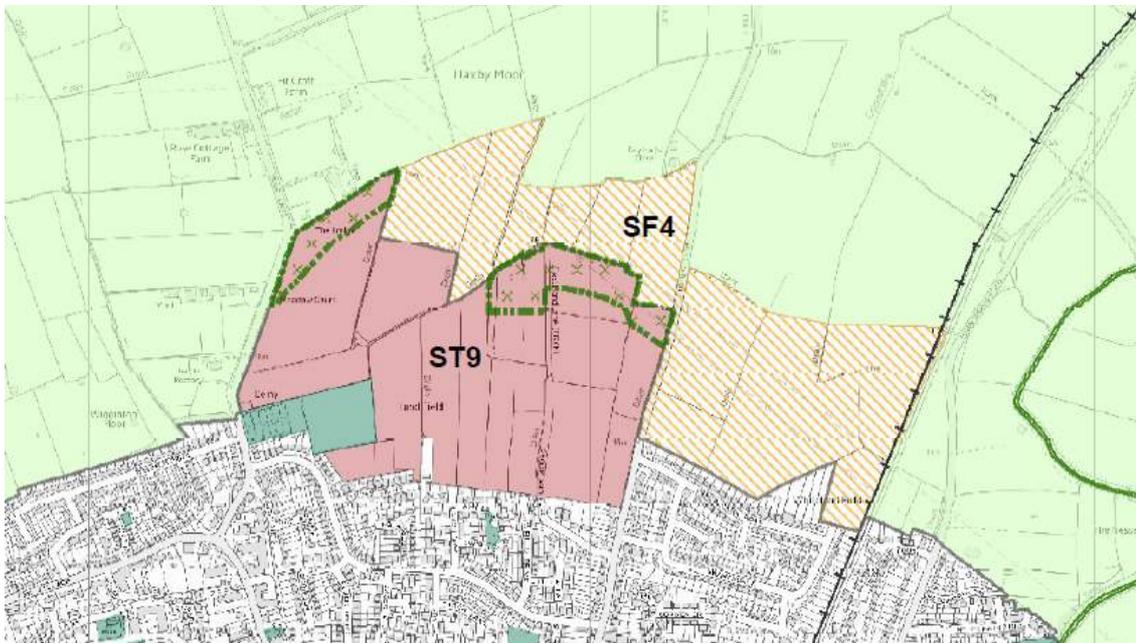
Policy SS3: The Creation of an Enduring Green Belt

In order to create a Green Belt that endures beyond the plan period the following sites have been identified as land to be safeguarded for longer term development needs:

• SF1 Land south of Strensall Village	29 ha
• SF2 Cliftongate	54 ha
• SF3 Reference not used ²	
• SF4 Land north of Haxby	30 ha
• SF5 Land to west of Copmanthorpe	22 ha
• SF6 South of Airfield Business Park, Elvington	8 ha
• SF7 Reference not used	
• SF8 Land at Northminster Business Park	51 ha
• SF9 Land at Intake Lane, East of Dunnington	5 ha
• SF10 Land at Elvington Village	4 ha
• SF11 East Field, Wheldrake	5 ha
• SF12 Land at Moor Lane, Woodthorpe	17 ha
• SF13 Land East of Grimston Bar	5 ha
• SF14 Earswick	95 ha
• SF15 Land North of Escrick	10 ha

On these sites planning permission will only be granted for development which is required for established operational uses on the site and for temporary uses that will not prejudice the long term development needs that the site may be required to accommodate.

3.11 The Site which is the subject of this representation is again identified as SF4 and is allocated as safeguarded land under policy SS3. The Publication Draft (September 2014) proposed to increase the size of the Site to 30 ha. The Site is again depicted in the extract from the proposals map below.



The Preferred Sites Consultation Document (July 2016)

3.12 Since 2014, the Council has been updating its evidence base in line with the agreed motion. This has included taking further papers to the Members of the Local Plan Working Group in September 2015 in relation to the overall housing and employment requirements for York.

- 3.13 York then released a Local Plan Preferred Sites Consultation Document in July 2016 and supporting evidence as approved by the Executive Members. This was consulted on between the 18th July and 12th September 2016. Within the Preferred Sites Consultation Document (July 2016), the Council proposed the deletion of the safeguarded land policy and all of the safeguarded land allocations.

Pre-Publication Draft Regulation 18 Consultation (September 2017)

- 3.14 Towards the end of 2017 the Council published the Pre-Publication Draft of the local plan along with its evidence base. There was no safeguarded land policy in the Pre-Publication Draft. The Council claimed that land for housing development beyond the plan period would be provided by the development of a number of large sites which are not expected to be completed before 2031.

Publication Draft Regulation 19 Consultation (February 2018)

- 3.15 In February 2018 the Council published the Publication Draft of the Local Plan along with its evidence base. Again, there is no safeguarded land policy in the Publication Draft. The Council claimed that land for housing development beyond the plan period would be provided by the development of a number of large sites which are not expected to be completed in before 2031.

Summary

- 3.16 The Council rigorously assessed the Site as part of the site selection methodology and have proposed to allocate the Site as safeguarded land in the Preferred Options (June 2013), the Further Sites Consultation (June 2014) and the Publication Draft (September 2014) versions of the local plan. The Council has consistently proposed to allocate the Site as safeguarded land.
- 3.17 In this regard the Council must have satisfied themselves that the Site is available, that the Site is suitable for development at a point in time in the future and the development is achievable at the point when the Site may be needed.
- 3.18 The Council have consistently suggested that the Site does not fulfil the five purposes for including land within the Green Belt and forms a logical extension to the form of the settlement and therefore there is no need to keep the Site permanently open.
- 3.19 The NPPF advises that local planning authorities should not include land within the Green Belt that does not need to be kept permanently open. Consequently, it is plain that the Site should be excluded from the Green Belt.
- 3.20 The proposed inclusion of the Site into the Green Belt would therefore not be consistent with national policy and for reasons that will be set out in the next sections, such a proposal would not reflect the need to plan positively and would not be justified.

Soundness

3.21 The Framework advises local planning authorities to identify safeguarded land. The Council considered that the Site does not fulfil the five purposes for including land within the Green Belt and that it forms a logical extension to the form of the settlement and as such the Council proposed to allocate the Site as safeguarded land. Whilst the Council contend that several of the larger housing allocations will deliver homes beyond the end of the plan period, which will mean that the Green Belt does not need to be altered until 3037/38, we have demonstrated in the following section that this is not the case. Therefore, we contend that the Green Belt will need amending before the end of the plan period and this cannot result in the creation of a permanent Green Belt which is contrary to the Framework. Given the above and the lack of any safeguarded land allocations we consider that the Local Plan is unsound. As such the Local Plan has not been positively prepared, it will not be effective and it is not justified. It is also contrary to national policy.

Modification

3.22 To address the above, SF4 should be reintroduced into the Local Plan and reallocated as safeguarded land.

4.0 Objection to The Lack of a Safeguarded Land Policy

Introduction

- 4.1 In this section of the representation we will first look at the background to the establishment of a Green Belt around the City of York, then Government Guidance followed by the approach to the provision of safeguarded land advocated in the previous versions of the local plan before turning to the proposals in the current Local Plan. Finally, we will comment on the Council's overall approach in relation to the provision of safeguarded land and argue that the Council should have a policy relating to the provision of safeguarded land.

The Background to the Establishment of a Green Belt

- 4.2 The principle of a Green Belt around York has long been established with its general extent being identified within the Regional Spatial Strategy ("the RSS"). The RSS contained the following policies regarding York's Green Belt:

'Policy YH9: Green Belts

C) 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.

Policy YH1: York Sub area policy

Plans, strategies, investment decisions and programmes for the York sub area should:

C. Environment

1. In the City of York LDF, 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.

2. Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.'

- 4.3 The RSS was revoked in February 2013 but the Green Belt policies for York were expressly excluded from the revocation. Although the general extent of the Green Belt has been identified, the detailed boundaries have not. The Green Belt around the City of York remains, and has done for some 60 years, in draft. There is an urgent requirement to define, for the first time, a permanent Green Belt around York.

Government Guidance (NPPF)

- 4.4 The NPPF states in paragraph 79 that the *'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence'*. It is clear from the above that a Green Belt should be permanent.
- 4.5 The NPPF does not define the term permanence or how long a Green Belt should remain unaltered.
- 4.6 Paragraph 83 of the NPPF indicates that authorities should consider Green Belt boundaries having regard to their intended permanence in the long term so that they can be capable of enduring beyond the plan period. Whilst the term permanence is not defined it is clear that a Green Belt should endure for a period longer than the plan period which, in this case, ends in 2032/33.
- 4.7 By the time that the plan is adopted it will be at least 2019/20 leaving a residual plan period of only 13/14 years.
- 4.8 In accordance with paragraph 84 of the NPPF, when drawing up or reviewing Green Belt boundaries local authorities are required to take account of the need to promote sustainable patterns of development.
- 4.9 In order to do this paragraph 85 of the NPPF indicates that local planning authorities should: -
- *"Ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
 - *Not include land which it is unnecessary to keep permanently open;*
 - *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;*
 - *Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
 - *Satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
 - *Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent."*
- 4.10 The above means that: -
- To achieve sustainable development a local authority needs to take account of the objectively assessed need for development and provide sufficient land to accommodate this need.
 - The guidance advises that local planning authorities should not include land that does not need to be kept permanently open.
 - It is also apparent from paragraph 85 that when defining a Green Belt, a local authority needs to consider the development needs of the district which are to be met during the plan period as well as the longer-term development needs of the District. The term *"stretching well beyond the plan period"* is significant. Well beyond implies a period greater than a few years.

- The ‘*where necessary*’ term in paragraph 85 of the NPPF applies to situations where there is a need to provide for longer term development. This situation applies to York.

4.11 What is clear from the NPPF is that when defining a Green Belt, the Green Belt should be permanent and endure well beyond the plan period and that a local authority should meet its identified development needs both during the plan period and beyond without needing to undertake an early review of the plan. To do this the Framework advises local planning authorities to safeguard land for future development.

What is Safeguarded Land and what is its Purpose

4.12 Safeguarded land is not an allocation for development at the present time. The Framework makes it very clear that planning permission for the permanent development of safeguarded land should only be granted following a review of the Local Plan. If the Local Plan properly provides for the City’s development needs during the plan period, development should not take place on the safeguarded land. The safeguarded land is intended to provide a pot of land to be potentially developed in the future if there is a need. If there is no need for additional development beyond the plan period it may be decided, during the next plan review, to retain some or all of the land as safeguarded land.

4.13 There is little or no harm in identifying safeguarded land. Far greater harm is caused if the fundamental principles of Green Belt policy are undermined by having to review the Green Belt at an early stage or if the development needs of the City go unmet.

The Approach Adopted in the Previous Versions of the Plan

4.14 This is the approach adopted in the early versions of the local plan.

4.15 Within the Preferred Options (2013) draft of the plan, the Council proposed to allocate 397ha of safeguarded land. In the Publication Draft (2014) version the Council proposed to allocate 335ha; slightly less safeguarded land than in the previous version of the plan.

4.16 Policy SS6/SS3 makes it clear that this land was allocated in order to act as a reserve of land for considerations for development at the time of a subsequent plan review and to ensure that the Green Belt endures beyond the plan period.

4.17 The approach adopted in the Preferred Options (2013) and the Publication Draft (2014) versions of the plan are plainly consistent with the NPPF. We fully endorse the approach adopted in previous iterations of the plan.

The Approach Advocated in the Preferred Sites Consultation (July 2016)

4.18 The Preferred Sites Consultation (July 2016) proposed to delete the safeguarded land policy and allocations. In doing so paragraph 2.5 of the Preferred Sites Consultation version of the Local Plan recognised that “*The preferred options draft Local Plan and the subsequent publication draft sought*

to apply the national and saved regional policies in setting out the extent of the Green Belt and identifying a reserve of safeguarded land to ensure that the Green Belt boundary was capable of enduring beyond the Plan period for 10 years.”

- 4.19 The words “sought to apply the national and saved regional policies” suggests that the LPA do not believe that the approach proposed in the current Local Plan reflects the intentions of national and saved regional policies.
- 4.20 Further, the Preferred Sites Consultation (July 2016) appears to accept that Green Belts are intended to endure 10 years beyond the plan period i.e. the Green Belt is intended to endure for a period of 25 years from adoption.

The Approach Advocated in the Local Plan

- 4.21 The Local Plan proposes no safeguarded land policy or safeguarded land sites.
- 4.22 Rather than allocating safeguarded land the Council are proposing to rely on the continued delivery of a limited number of large allocations. The Council anticipate that some of the strategic sites identified in the Local Plan will be delivering dwellings beyond the plan period and if this coupled with a small windfall allowance the Council believe that the Green Belt will endure a minimum of 20 years. In the Council’s view, it is no longer necessary to designate safeguarded land. The Council believe that this approach will ensure that the Green Belt boundaries will not need to be altered at the end of the plan period.
- 4.23 We disagree with the Council’s stance on this matter. By not identifying any safeguarded land, the Council are not in our view striking the right balance between preservation of the Green Belt and the need for future development.
- 4.24 We do not consider that the potential future housing delivery, from a few large sites, provides sufficient certainty that the Green Belt will endure well beyond the plan period.

Counsel’s Opinion

- 4.25 The Council were also clearly not convinced of their stance as Legal advice was sought by the Council on this matter.
- 4.26 Counsel was of the opinion that if no safeguarded land was identified within the Local Plan it would ‘give rise to the serious risk of the Plan being found unsound.’ Furthermore, ‘there would be a failure to identify how the longer-term needs of the area could be met, and in particular a failure to indicate how those longer-term needs could be met without encroaching into the Green Belt and eroding its boundaries.’ The City of York’s own Counsel therefore does not agree with the approach taken in the Local Plan.
- 4.27 However, Counsel (in an attempt to support the Council position) does indicate that the only argument that could conceivably be deployed to avoid providing safeguarded land would be to

demonstrate that there is sufficient land outside the Green Belt boundary which will be suitable for meeting the needs of further development and which is likely to be available when those needs arise. Counsel notes that the most important point is the ability to demonstrate that the Green Belt boundary will not be affected.

- 4.28 Counsel also notes that the Council need to provide sufficient land to ensure that the Green Belt remains unaltered well beyond the plan period. Therefore, in order to ensure the permanency of the Green Belt, the Council needs to allocate areas of land that can be developed after the plan period has finished. This is usually done in the form of safeguarded land but it does not exclude the approach adopted in the Local Plan.
- 4.29 It would seem to us, and Counsel for the City of York, that it would be better planning practice to provide a safety net of a pool of safeguarded land, as was proposed within the earlier stages of the Local Plan process, in order to ensure that the Green Belt does not need to be amended at an early stage. The allocation of a few large sites that may deliver beyond the plan period is a policy 'work around' that is flawed for the reasons we will set out later.
- 4.30 Counsel's opinion is attached at **Appendix 2**.

The History of the Green Belt Around York

- 4.31 The City of York Council have a track record of not being able to produce a plan and define a Green Belt in a timely manner. The Government first announced that the City of York should have a Green Belt in 1957, some 60 years ago. Over 60 years later the City of York still has not got an adopted local plan or Green Belt. History would therefore strongly suggest that it is essential that when the Green Belt around York is finally adopted that the Green Belt should endure for a significant period of time. If there is no pool of reserve land to call upon at the end of the plan period to meet the city's development needs then there is a real danger that the Council will not be able to produce a new plan in a timely fashion and the city's development needs will go unmet. History strongly suggests that this will be case.

The Permanence of the Green Belt

- 4.32 The Framework makes it clear at paragraph 79 that the essential characteristics of Green Belts are their openness and their permanence.
- 4.33 The Local Plan suggests that it has allocated sufficient land to accommodate York's development needs in the plan period between 2012 and 2032/33 as well as 2037/38 therefore providing a permanent Green Belt.
- 4.34 As we have indicated, the Council do not propose to allocate safeguarded land but rather they intend to rely on the delivery form a limited number of large allocations to meet development needs beyond the plan period. These large allocations are intended to accommodate the development needs of the City until 2037/38 – a 5-year period beyond the expiry of the plan. The

Local Plan therefore suggests that the Green Belt boundaries, once adopted, will endure for a period of 20 years. There are a number of points here: -

- By the time that the plan is adopted it will be at least 2019/20 leaving a residual plan period of only 12/13 years. If you add on the additional 5 years that the Local Plan considers sufficient to provide a degree of permanence to the Green Belt the Green Belt will actually only have been adopted for 17/18 years – 2/3 years short of the 20 years that the Council themselves deem appropriate;
- In January 2000 the Council received an interim view from the previous Local Plan Inspector on the old Plan’s proposed Green Belt boundary. The Inspector advised that the Council’s position *“to establish a ‘non-permanent’ or ‘interim’ greenbelt, and undertake a formal green belt review immediately after the Plan’s adoption - ran contrary to government guidance which states that Green Belts should be ‘permanent’, importantly advocating that they remain unchanged for at least 20 years”*. The previous Inspector therefore recommended that the Green Belt should endure for a period of at least 20 years;
- The term ‘at least’ means that the Green Belt should endure for 20 years as a minimum;
- Whilst the NPPF does not define a period that a Green Belt is intended to endure for it is common practice for it to mean a period in excess of 20 years. 25 years is often the period adopted in local plans and indeed this is the period inferred in the Preferred Sites Consultation Document (2016);
- John Hobson QC, who provided advice to the City of York Council on the issue of the permanence of the Green Belt in January 2015, indicated that the length of time that a Green Belt is intended to endure is considered to be a matter of planning judgement but he believed that *‘a 10-year horizon beyond the life of the Plan’* would be appropriate i.e. to 2042;
- As there is a requirement for local planning authorities to provide a 5-year supply of housing land it is plain that even on a crude calculation the Local Plan will not endure for 20 years. To ensure that the Green Belt endures for at least 20 years, as recommended by the previous Inspector, it is necessary to allocate ample land to cater for all eventualities. This normally means allocating more land than less. Allocating the bare minimum amount of land, which the Local Plan has sought to do, does not reflect the term ‘at least’.

4.35 All of the above strongly suggests that the stance advocated by the Council is inappropriate and is not consistent with national guidance.

Soundness

4.36 For the above reasons we consider that the lack of a safeguarded land policy to be unsound and unjustified and as such the Local Plan has not been positively prepared and will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites to be contrary to national policy.

Modification

4.37 The inclusion of a safeguarded land policy and Site 814 – formerly SF4 as a safeguarded land site.

5.0 Objection to Lack of Safeguarded Land Allocation

5.1 In previous iterations of the Local Plan, the Council have accepted that the sites allocated for development performed little or no Green Belt purposes. Paragraph 85 of the NPPF indicates that land should not be kept within the Green Belt which is unnecessary to be kept permanently open. The Council have therefore already accepted that the sites previously allocated for housing development do not need to be kept permanently open.

5.2 At the very least, and in the alternative to a housing allocation in the Local Plan, it is clear that the sites that were previously identified as housing allocations should now be allocated as safeguarded land.

Soundness

5.3 We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

Modification

5.4 The inclusion of a safeguarded land policy and Site 814 – formerly SF4 as a safeguarded land site.

6.0 Objection - Quantum of Long Term Land

Introduction

6.1 In this section we will consider the quantum of land identified to meet the future development needs of the District.

The Council's Position

6.2 The Council believe that there is no need to provide safeguarded land as the Council consider that the allocated housing sites will deliver the District's future development needs. As discussed above the most important point is that the Council must demonstrate that the Green Belt boundary will endure well beyond the plan period and that the development needs of the District can be met and as such the Council need to demonstrate that the housing allocations will be able to deliver the quantum of houses needed.

6.3 The table below provides details of the strategic sites that the Council have identified to provide the additional housing capacity after the plan period has finished:

Site	Site Name	Plan period capacity	Overall Capacity	Additional capacity following plan period
ST5	York Central	1500	1700-2500	200- 1000
ST14	Land West of Wigginton Road	1200	1348	148
ST15	Land West of Elvington Lane	2200	3339	1139
ST36	Imphal Barracks, Fulford Road	0	769	769
Total				2306 - 3056

6.4 Only four strategic sites are identified by the Council as delivering residential development at the end of the plan period.

6.5 The Council indicate that they are relying on windfall development to contribute to the housing needs in the period 2032/3 to 2037/8.

Actual Position

6.6 The Local Plan indicates that the annual housing requirement is a minimum of 867 dwellings per annum. Whilst we consider this figure for the housing requirement is insufficient but if the Council's annual housing requirement of 867 is applied to the suggested residual supply of 3506 units this gives a 3.52-year housing land supply. If the lower figure is used the housing land supply is 2.66

- years. The Council also say that windfall will contribute to the supply in the future but the Council have not even demonstrated that windfall can be relied upon in the plan period never mind a period after the expiry of the plan when we would expect that windfall opportunities would be greatly diminished. We consider that the Local Plan annual housing requirement, or the requirement finally settled upon, can be used to provide an indication of the soundness of the quantum of land proposed. It is clear that even on a crude analysis the Council do not have sufficient land to ensure that the Green Belt will not need to review early.
- 6.7 The City of York Council identify ST5 and ST15 as the two sites which will provide the majority of the additional housing with ST14 contributing a smaller but significant quantity.
- 6.8 Site ST36 is not proposed to come forward until after the plan period as The Defence Infrastructure Organisation are not intending to dispose of the Site until 2031. There are several potential issues with the delivery of this site relating to historic interest and archaeology which will need to be investigated in detail to allow the site to come forward and may result in delays to development and/or a reduction in developable area.
- 6.9 This raises some serious concerns. The NPPF requires local planning authorities to maintain a 5-year housing land supply. It is clear from the above that even if the 4 sites identified by the Council were to deliver housing in the period between 2032/3 and 2037/38 these 4 sites would not be sufficient to enable the Council to demonstrate a 5-year housing land supply as there is only so many units that can be delivered from any one site. There are simply not enough potential outlets in the supply to achieve a 5-year housing land supply. Further, two thirds of the total supply are in two sites, circa 1000 dwellings each, and as we anticipate that these sites will deliver about 90 dwellings per annum it is clear that they will be delivering completions well beyond 2037/38. This further reduces the 5-year housing land supply and exacerbates the issue.
- 6.10 Effectively it would mean that before the end date of the plan period the Council would need to undertake a review of the plan to identify additional sites to ensure that the Council could maintain a 5-year housing land supply. Therefore, the Green Belt in 2032, or before, will have to be amended resulting in the Green Belt not enduring for a minimum of 20 years.
- 6.11 Consequently, the life of the Green Belt around York, from adoption to modification, will be no more than 12 to 13 years and probably less. This short period of time cannot be regarded as comprising a permanent Green Belt around York. Consequently, the approach in the Local Plan of not providing a wide range and choice of safeguarded land sites is contrary to the NPPF.
- 6.12 As we have mentioned previously, a more robust period for the Green Belt to endure would be 10 years after the expiry of the plan period i.e. 2032 to 2042. The Council have not demonstrated that sufficient land has been provided to cover the period 2032/33 to 2037/38 never mind the period 2032/33 to 2042/43.

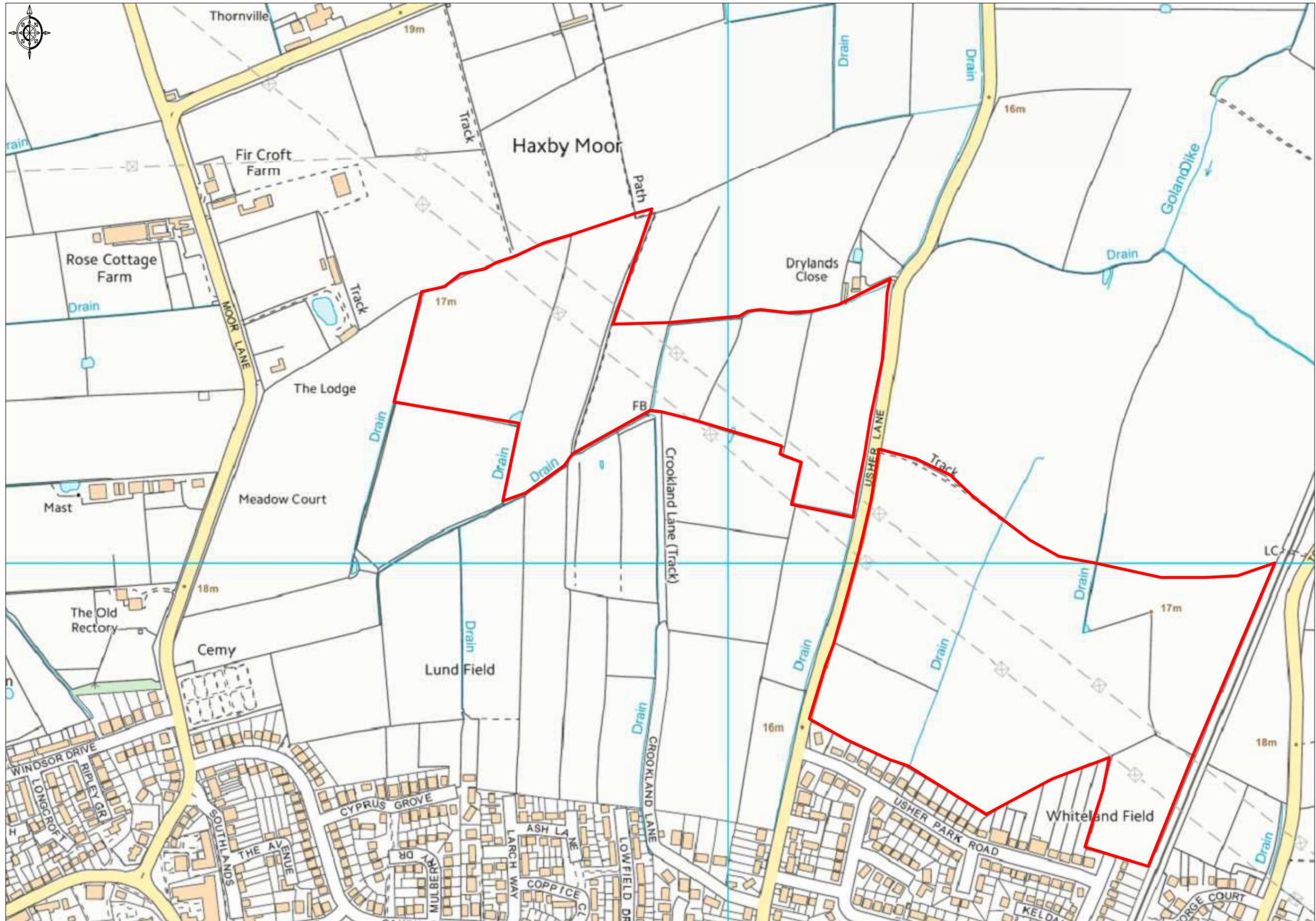
Soundness

- 6.13 It is considered that the Council are not providing sufficient land to ensure that the Green Belt, when adopted for the first time, will be permanent. The Local Plan has therefore not been positively prepared and is inconsistent with national policy.

Modification

- 6.14 The inclusion of a safeguarded land policy and Site 814 – formerly SF4 as a safeguarded land site.

Appendix 1 – Site Location Plan



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Appendix 2 – Note from Counsel

THE COUNCIL OF THE CITY OF YORK

**IN THE MATTER OF THE PREPARATION OF
THE YORK LOCAL PLAN**

ADVICE

1. I am asked to advise the Council as to the approach which should be adopted in relation to the determination of the Green Belt boundary in the preparation of the York Local Plan.
2. The background to this advice can be stated briefly. The principle of a Green Belt around the City of York has been long established. Its general extent was identified in the Regional Strategy for Yorkshire and Humber (RSS). The RSS included the following York Green Belt policies:

POLICY YH9: Green belts

C 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.

POLICY Y1: York sub area policy

Plans, strategies, investment decisions and programmes for the York sub area should:
C Environment

1. In the City of York LDF, 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.
2. Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

The RSS Key Diagram illustrated the RSS York Green Belt policies and the general extent of the Green Belt around the City of York.

3. When the RSS was revoked in February 2013 the Green Belt policies and Key Diagram were expressly excluded from the revocation. They continue in force and, as the Ministerial statement on the revocation explains: "in York, the development plan will continue to include the regional strategy's green belt policies".
4. Although the general extent of the Green Belt has thus been identified, the detailed boundaries remain undefined. Attempts have been made to achieve definition of the boundaries in various studies and plans since at least the early 1980s, but none have reached a successful conclusion. It is now part of the function of the emerging Local Plan to set the detailed boundaries for the first time. In doing so it is important to ensure that the approach adopted by the Council accords with relevant national policy.
5. National policy in this respect is to be found in the National Planning Policy Framework (NPPF) published in March 2012.
6. Paragraph 79 of the NPPF emphasises the importance of Green Belts and provides that

"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 80 sets out five purposes which the Green Belt serves:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The importance of permanence is further emphasised in paragraph 83, which provides:

“Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.”

7. In the light of this policy advice I am asked to consider how long beyond the Plan period should a Green Belt endure once it is defined in a statutory plan. In my opinion there is no finite period for a Plan to endure. The land which is designated as Green Belt should be expected to remain open and undeveloped indefinitely.
8. In deciding which land should be designated and what the boundaries should be, the Council should consider the extent to which the land identified serves one or more of the five Green Belt purposes set out in paragraph 80. The 4th bullet point is likely to be of particular relevance to York, namely the preservation of the setting and special character of the historic City.
9. In accordance with paragraph 84 of the NPPF authorities are also required, when drawing up Green Belt boundaries to take account of the need to promote sustainable patterns of development. This requires consideration of the development needs of the area, which should be objectively assessed. As paragraph 85 makes clear this involves consideration of the development needs which are to be met during the Plan period, and also the longer term development needs, “stretching well beyond the Plan

period". Quite how far beyond is a matter of planning judgment, but in my opinion a 10 year horizon beyond the life of the Plan as mentioned in my Instructions would be appropriate.

10. Once the need for development, both within the Plan period and beyond, is ascertained, a further judgment is required as to the extent to which the objectively assessed needs should be met. In deciding this further question it is legitimate to consider the effect of meeting the needs in full in relation to the impact that would have on the Green Belt and whether it would still be capable of fulfilling its purpose. As Ouseley J held in *South Northamptonshire Council v Secretary of State for Communities and Local Government* [2014] EWHC 573 (Admin) at paragraph 31:

"The question is not whether the Green Belt constrains the assessment, but whether the Green Belt constrains meeting the needs assessed. Once the Local Plan is adopted, it is the constrained needs in the Plan which are to be met".

11. With regard to those needs which are to be met in the Plan period allocations should be made and the land required for development should be excluded from the Green Belt.
12. Looking beyond the Plan period there are three potential options in respect of land which is required to meet the longer term development needs of the area: it can be left unallocated; it can remain in the Green Belt; or it can be designated as safeguarded land in accordance with NPPF paragraph 85. Of these three potential options in my opinion the first two are entirely inappropriate. If the land is simply left unallocated it may be difficult to resist proposals for development which is not in accordance with the ascertained needs. If it is left within the Green Belt in the emerging Plan that would be contrary to the overriding requirement of permanence, because it known

that the land will be required to be released to meet future development needs, if not in this Plan's period then at least in the next.

13. The proper course, in my view, is to identify land as safeguarded land to meet the future requirement for development. As the notes in the Planning Encyclopaedia to the now superseded PPG 2 explain, safeguarded land is required in order to strike the balance between preservation of the Green Belt and the need for further expansion. Consequently if land is required to meet the longer term needs it should be excluded from the Green Belt and protected from pressure for development contrary to the longer term needs by including it as safeguarded land. However it is important that any such land will be genuinely available and capable of development when it is needed: *Prowting Projects Ltd v Wychavon DC & Secretary of State for the Environment, Transport and the Regions* (CO/798/98). In the context of land included as safeguarded for employment use, paragraph 22 of the NPPF should be borne in mind, which cautions against long term protection of sites for employment use where there is no reasonable prospect of the site being used for that purpose; see also *DB Schenker Rail (UK) Ltd and another v Leeds City Council* [2013] EWHC 2865 (Admin).
14. The "where necessary" test adumbrated in the third bullet point of NPPF paragraph 85 therefore applies where longer term needs for development have been identified. So those needs can in due course be met, land should be safeguarded for the purpose of that development and, by identifying such land, the Green Belt can be protected from encroachment thus ensuring its boundaries remain permanent.

15. From the information provided with my Instructions it appears to me that the situation in York is within the circumstances contemplated by this test.
16. In my opinion if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to identify how the longer term needs of the area could be met, and in particular a failure to indicate how those longer term needs could be met without encroaching into the Green Belt and eroding its boundaries.
17. The only argument which it seems to me the Council could deploy to avoid this danger is to be able to demonstrate that there is sufficient land outside the Green Belt boundary which will be suitable for meeting the need for further development, and which is likely to be available when those needs arise. The important point is to be able to demonstrate that the Green Belt boundary will not be affected. I assume many authorities have adopted Local Plans without including safeguarded land. It would have been appropriate for them to do so in accordance with their local circumstances. However I am unaware of a situation comparable to the circumstances in York.
18. I do not consider there is any additional general advice I can usefully add at this stage. However my Instructing Solicitor should not hesitate to get in touch if I can be of any further assistance.

JOHN HOBSON QC

**Landmark Chambers
180 Fleet Street
London EC4A 2HG**

16th January 2015

From: Claire Linley [Claire.Linley@dppukltd.com]
Sent: 04 April 2018 11:58
To: localplan@york.gov.uk
Cc: Jennifer Winyard (Linden Homes) (Jennifer.Winyard@gallifordtry.co.uk); Mark Lane
Subject: York Local Plan Reps - Land north of Escrick,- Site 859 (formerly SF15)
Attachments: SF15 Land north of Escrick Report and Appendices.pdf; SF15 Forms.pdf

Good morning,

Please find attached our representations on behalf of Linden Homes Strategic Land in relation to the City of York Local Plan Publication Draft Regulation 19 Consultation. This submission relates to the site known as Land north of Escrick,- Site 859 (formerly SF15).

Please can you confirm receipt.

Kind regards,

Claire Linley BA (hons) DIPTP MRTPI
Principal Planner

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www.dppukltd.com



City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		0113 3509865

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph
no.

Policy
Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that Policy H2 and the associated assumed yields applied to various allocations are unsound and not justified and will not ensure effective delivery of the housing requirement and is therefore inconsistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We suggest that that net development density is reduced and that greater flexibility is included in the policy to allow for balanced developments to be created.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

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Storing your information and contacting you in the future:

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Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.³

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Signature



Date 03/04/2018

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

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Yes

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4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

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Paragraph no.

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This policy is related to balancing the housing market. We do not object to the principle of this policy and indeed we welcome the acknowledgement in the Local Plan that the Council will “seek to balance the housing market across the plan period”. In this regard we welcome the use of the word “seek”. However, the policy then says that the applicants “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”. The use of the word “required” is onerous and is not reflective of the tone of the policy when read as a whole. For example, the policy goes onto state that “the final mix of dwelling types and sizes will be subject to negotiation with the applicant”.

Further, we also feel that it is unreasonable for an applicant to provide sufficient evidence to support their proposals particularly where a developer is providing a housing mix which is broadly in accordance with the identified need. This should be deleted.

We consider that Policy H3 is unsound as it will not be effective, it is not justified, and is not consistent with national policy.

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We suggest the policy should be modified to provide greater flexibility to allow for balanced developments to be created. In this regard we would suggest amending the policy to read *“Proposals for residential development should assist in balancing the housing market, unless material considerations indicate otherwise, by including a mix of types of housing that respond to and reflects the diverse mix of need across the city and the character of the locality.”*

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4.(2) Do you consider that the document complies with the Duty to Cooperate?

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No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

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You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Local Plan is not 'sound' as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance.

See attached report for full comments.

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The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much-needed investment in new housing to meet the community's needs.

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		0113 3509865

Guidance note

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

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Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Local Plan does not provide sufficient housing land to meet needs of the housing market area and those sites allocated will not deliver the units identified and as the Site does not perform a Green Belt purpose it should not be included in the Green Belt. On the basis of the above we consider that the Local Plan is unsound, it is not justified and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

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The Site should be removed from the Green Belt.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

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Last Name		Linley
Organisation (where relevant)		DPP
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3. To which document does your response relate? (Please tick one)

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4.(3) Please justify your answer to question 4.(1) and 4.(2)

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Paragraph no.

Policy Ref.

Site Ref.

SF15

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We consider that deallocation of the Site is unjustified particularly as this decision clearly conflicts with the Council's own evidence base and the recommendation of the Local Plan Working Group. The lack of a housing allocation or safeguarded land allocation is unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a housing allocation or safeguarded land allocation to be contrary to national policy.

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The inclusion of the Site as either a housing allocation or a safeguarded land allocation.

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Paragraph
no.

Policy
Ref.

Site Ref.

ST5

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider the allocation of ST5 to be unsound in that ST5 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We do not suggest that allocation known as ST5 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST5 should be 410 units as set out in the Publication Draft (2014). This level of development is more realistic and achievable.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

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Retention of Information

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Signature



Date 03/04/2018

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

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Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		0113 3509865

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

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Do I have to use the response form?

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Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

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Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST14

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We do not object to the principle of the allocation but we do consider that the estimated yield from ST14 is overly ambitious so as to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider that the yield assumed for ST14 to be unsound in that ST14 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



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We do not suggest that allocation known as ST14 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST14 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

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Signature



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Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

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What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

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5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

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Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST15

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We do not object to the principle of the allocation but we do consider the estimated yield from ST15 to be unrealistic and to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider that the yield assumed for ST15 to be unsound in that ST15 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

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We do not suggest that allocation known as ST15 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST15 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

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Signature

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Date 03/04/2018

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
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E-mail Address		Claire.linley@dppukltd.com
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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

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Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

Lack of Safeguarded Land Allocation

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

In previous iterations of the Local Plan, the Council have accepted that the sites allocated for development performed little or no Green Belt purposes. Paragraph 85 of the NPPF indicates that land should not be kept within the Green Belt which is unnecessary to be kept permanently open. The Council have therefore already accepted that the sites previously allocated for housing development do not need to be kept permanently open.

At the very least, and in the alternative to a housing allocation in the Local Plan, it is clear that the sites that were previously identified as housing allocations should now be allocated as safeguarded land.

We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

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The reintroduction of Site 859 – formerly SF15 as a safeguarded land site.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

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Date 03/04/2018

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		0113 3509865

Guidance note

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Do I need to attend the Public Examination?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

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Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

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See Chapter 12 of the attached report for full comments.

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It is considered that the Council are not providing sufficient land to ensure that the Green Belt, when adopted for the first time, will be permanent. The Local Plan has therefore not been positively prepared and is inconsistent with national policy.

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RESPONSE TO YORK LOCAL PLAN PUBLICATION DRAFT

LINDEN HOMES STRATEGIC LAND

**SITE 859 (FORMERLY - SF15) - LAND
NORTH OF ESCRICK**

RESPONSE TO YORK LOCAL PLAN PUBLICATION DRAFT

On behalf of: Linden Homes Strategic Land

In respect of: Site 859 (formerly - SF15) - Land north of Escrick

Date: April 2018

Reference: CL/ML/R003cl

Author: Claire Linley

DPP Planning
Second Floor
1 City Square
Leeds
LS1 2ES

Tel: 0113 350 9865
E-mail: info@dppukltd.com

www.dppukltd.com

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Executive Summary

The Developer **objects** to the proposed deletion of the site known as SF15. The Developer also **objects** to the lack of a safeguarded land policy and allocations within the Preferred Sites Consultation.

We have shown the following:-

- The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence. Therefore when defining a Green Belt the Green Belt should be permanent and endure well beyond the plan period;
- To ensure that a Green Belt is permanent local planning authorities allocate safeguarded land. A plan that incorporates safeguarded land will have been positively prepared and will be justified;
- The Local Plan recognises that the Preferred Options draft and the subsequent Publication Draft sought to apply the national and saved regional policies in setting out the extent of the Green Belt and in identifying a reserve of safeguarded land to ensure that the Green Belt boundary was capable of enduring beyond the Plan period. The Council previously considered that this course of action accorded with Government policy and we agree;
- The Inspector who considered the previous plan confirmed that Green Belts should be permanent and importantly the inspector advocated that the Green Belt should remain unchanged for at least 20 years;
- John Hobson QC, who provided advice to the City of York Council on the issue of the permanence of the Green Belt, indicated that the length of time that a Green Belt is intended to endure is considered to be a matter of planning judgement but he believed that '*a 10 year horizon beyond the life of the Plan*' would be appropriate;
- The quantum of safeguarded land or land excluded from the Green Belt should be based on the annual average house building rate adopted during the plan period;
- The Local Plan seeks to provide for the longer-term development needs of the City by relying upon development from a few larger allocations. This is an unusual approach which cannot provide any certainty that the Green Belt will be permanent;
- In any event the limited pool of sites which are expected to deliver housing beyond the plan period will not be sufficient to ensure that the Council has a 5 year housing land supply. Consequently the Local Plan will need to be reviewed early and before the end of the plan period;
- The life of the Green Belt around York, from adoption to modification, will be no more than 12 to 13 years and probably less. This short period of time cannot be regarded as comprising a permanent Green Belt around York. Consequently the approach in the Local Plan of not providing a wide range and choice of safeguarded land sites is contrary to the NPPF;
- The City of York Council have a track record of not being able to produce a plan and define a Green Belt. The Government first announced that the City of York should have a Green Belt in 1957, some 60 years ago. 60 years later the City of York still has not got an adopted local plan or Green Belt. History would therefore strongly suggest that it is essential that when the Green Belt around York is finally adopted that it must endure for a significant period of time;

- If there is no pool of reserve land to call upon at the end of the plan period to meet the city's development needs then there is a real danger that the Council will not be able to produce a new plan in a timely fashion and the city's development needs will go unmet. This would not constitute sustainable development; and
- The guidance advises that local planning authorities should not include land that does not need to be kept permanently open. We would argue that as the Council have proposed to allocate the Site in previous versions of the plan then they must have found that it does not need to be kept permanently open. Consequently it should be removed from the Green Belt.

The approach advocated by the Council will not achieve a truly permanent Green Belt as intended by the NPPF and as such the Local Plan is **unjustified**, it has **not been positively prepared** and it would **not be effective** and is **not in accordance with national guidance**. Consequently we request that the Local Plan be modified in accordance with our recommendations.

To make the plan sound we recommend that the Council should reintroduce a safeguarded land policy, that the quantum of safeguarded land to be provided should reflect the annual average completion rate utilised in the plan period up to 2032 and that the Site which is the subject of this representation should be allocated for housing or reallocated as safeguarded land along with a wide range and choice of other safeguarded land to ensure that the Green Belt does not need to be altered at the end of the plan period.

1.0 Introduction

- 1.1 We are submitting this representation on behalf of our client, Linden Homes Strategic Land (“the Developer”), in respect of various issues contained in the City of York Local Plan Publication Draft Regulation 19 Consultation (“the Local Plan”) and in particular their interests in the proposed Safeguarded Land north of Escrick,- Site 859 (formerly SF15) (“the Site”).
- 1.2 The Developer has options in respect of the proposed allocation known as Site 859 (formerly SF15). The land that is in the control of the Developer is shown on the plan attached at **Appendix 1**.
- 1.3 The City of York Council (“the Council”) published the Local Plan for public consultation in February 2018 together with its associated evidence base.
- 1.4 The Local Plan proposes to delete the safeguarded land policy together with the proposed safeguarded land allocation known as Site 859 (formerly SF15). The Developer **objects** to the deletion of the safeguarded land policy and the proposed allocation Site 859 (formerly SF15).
- 1.5 The Developer considers that the Local Plan is not ‘sound’ as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance. In the alternative to the safeguarded land allocation the Developer **objects** to the lack of a housing allocation.
- 1.6 On behalf of the Developer we have now had the opportunity to read the document and its associated evidence base and we have made a number of comments.

2.0 The Test of Soundness

2.1 Paragraph 182 of the NPPF indicates that a Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “**sound**” namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

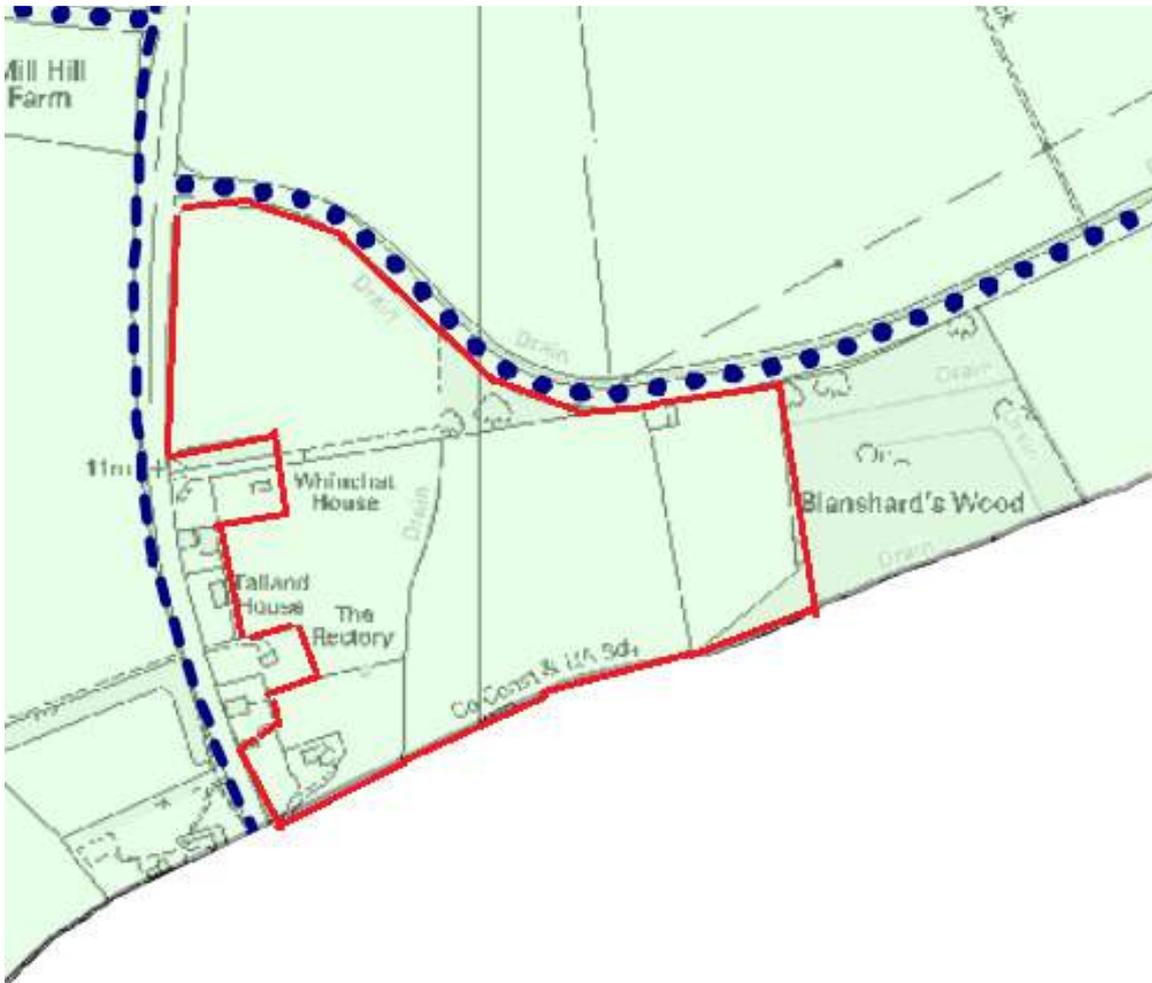
3.0 The Site

- 3.1 The Site is bounded to the north by New Road, a local access road. To the south the majority of the boundary is formed by the rear curtilages of the residential properties which front on to Dower Park. A small part of the southern boundary is formed by an agricultural field. The eastern boundary is formed by Blanshard's Wood. The western most boundaries are formed by a combination of the A19, existing properties and what appears to be the large rear garden of a substantial house. The Site comprises of circa 11.0 hectares of land and is currently in agricultural use.

4.0 Objection to Deletion of SF15

The Preferred Options (June 2013)

- 4.1 The Council consulted on the Preferred Options draft and its supporting evidence base in summer 2013. The Preferred Options draft set out the spatial strategy for the City which included identifying land for housing and employment growth.
- 4.2 Within this document the Site was identified as being within the Green Belt. See extract of the proposals map below.



Further Sites Consultation (June 2014)

- 4.3 Through the Preferred Options draft consultation, the Council received proposals for additional sites or modifications to sites.

4.4 Following consultation on the Preferred Options draft the Council held a Further Sites Consultation (June 2014). This contained the results of the testing of the suggested modifications and new sites received as part of the previous Preferred Options draft consultation.

4.5 The Site was assessed against the Council's rigorous site assessment methodology and was deemed to pass all 4 criteria. The Site was then assessed by Technical Officers. The Technical Officers conclusion is as follows:

"This site is considered potentially suitable for development however there are issues regarding footpaths/public right of ways into Escrick, connectivity with the rest of the village, sustainable transport access, drainage and noise impacts from the A19. It is considered that the site area should be reduced to follow the field boundary in line with the existing extent of the buildings along the A19 so that the development area is more proportional to the size of the existing village and also to reduce the impact on the gap preventing coalescence between Escrick and Deighton."

4.6 The Site was deemed to have passed the Technical Officer's Assessment with a reduced boundary.

4.7 The full assessment is attached at **Appendix 2**.

4.8 As a consequence of the above the Council consulted on the potential to include the southern part of the Site (6.1 ha) as a strategic housing site and the northern part of the Site as safeguarded land allocation (3.0 ha).

4.9 In relation to the northern part of the Site the Further Consultation documentation stated within Appendix 6: Safeguarded Land Assessment was produced that: -

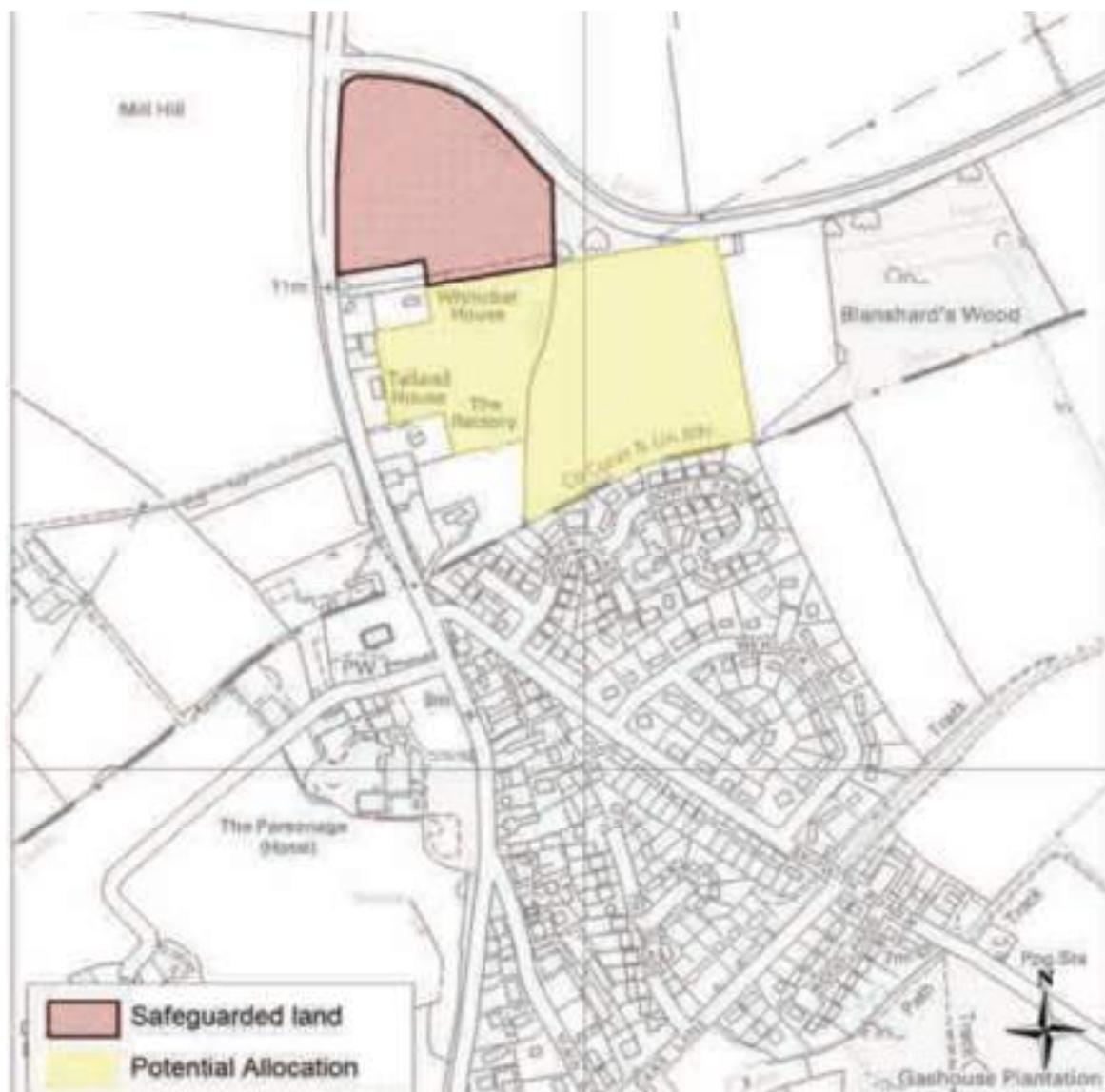
"Escrick is a designated service village in the adopted Selby Core Strategy. The outer boundary of the York green belt lies to the south of the village within Selby District.

The proposed site is predominantly in agricultural use and lies on the northern edge of the village within the City of York District. The administrative boundary between Selby and York lies to the south of the site. This land provides an opportunity to enable the consideration of limited long-term expansion of the village.

The site boundaries are Whinchat House to the south, the A19 to the west and new road to the north and east.

Recommendation: To include the site as safeguarded land within the Local Plan."

4.10 An extract from the Further Consultation version of the plan is depicted below.



- 4.11 The Preferred Options draft and Further Sites Consultation helped to develop a portfolio of sites to meet the identified housing and employment needs of the City for the Publication Draft version of the plan.

Publication Draft (September 2014)

- 4.12 The Publication Draft version of the plan was taken to the Local Plan Working Group on the Monday 22nd September which was followed by a Cabinet meeting on Thursday 25th September. The Publication Draft plan was presented to Scrutiny Panel on Wednesday 8th October 2014. At all of the above stages the Publication Draft was approved. However, following a Full Council meeting on 9th October 2014 the local plan process was suspended.
- 4.13 The Publication Draft version of the plan also contained a policy on safeguarded land. Policy SS3 states that:-

The Preferred Sites Consultation Document (July 2016)

- 4.16 Since 2014, the Council has been updating its evidence base in line with the agreed motion. This has included taking further papers to the Members of the Local Plan Working Group in September 2015 in relation to the overall housing and employment requirements for York.
- 4.17 The City of York Council then released a Preferred Sites Document in July 2016 and supporting evidence as approved by the Executive Members. This was consulted on between 18th July and 12th September 2016. This document suggested the deletion of the safeguarded land policy and allocations.
- 4.18 The safeguarded land policy, policy number SS3 and the allocation of the Site as safeguarded land have been deleted within this draft of the plan.

Pre-Publication Draft Regulation 18 Consultation (September 2017)

- 4.19 The Council then published the Pre-Publication Draft of the local plan along with its evidence base. Within the evidence base is the 'Preferred Sites Consultation Statement' which summarises the consultation responses received in relation to the Preferred Sites Consultation.
- 4.20 Annex 1 of the SHLAA, which forms part of the evidence, summarised the consultation responses to the Preferred Sites Consultation and provides a summary of the findings of the Technical Officer Workshop.
- 1.1 DPP provided comments on this Assessment in October 2017 on behalf of Linden Homes. These comments are reproduced below. It was noted that only two parties submitted comments and only one supported the deletion of SF15. These were Escrick Parish Council and Linden Homes. These representations were summarised as follows: -

Parish Council Comments

- 4.21 The representation in support of the deletion of SF15 was submitted by Escrick Parish Council. Escrick Parish Council felt that SF15 was disproportionate to the size of Escrick and other village allocations and is poorly served by York's infrastructure and services and detrimental to the character of Escrick.

Linden Homes

- 4.22 The report summarises the comments made by Linden Homes. The summary is as follows: -

"Objection to the site received from the developer (Linden Homes). Site should be allocated as a housing site (noting new boundary proposed to incorporate land to the east for biodiversity enhancement/amenity/drainage area as needed), on the following grounds: well positioned site to immediate north of existing built form of Escrick; offers a highly sustainable opportunity - the site is well served by a range of local services and facilities to meet day to day needs and also benefits from frequent bus services along the A19 to York and Selby. Additional buffering could be formed

to screen the site further from the surrounding countryside. Previous representations made in respect of highways issues were made in July 2014 that demonstrated that the junction between the A19 and New Road has sufficient capacity to deal with additional residents, connectivity of the site to the existing built form can be improved for pedestrians/cyclists through use of an existing track to west of the site and through a potential new footpath/cycleway at sites south-west edge. The developer would agree to improvements at the junction of Skipwith Road and A19. Pedestrian/cycle links can be improved. Note that surface water drainage solution and provision of an additional biodiversity area at land west of Blanshard's Wood would enhance local bio-diversity. Any future development would clearly have to pay due regard to the Conservation Area. A comprehensive Landscape Report relating to this site and surrounds has been submitted. Further, in terms of the Council's Duty to Cooperate re Selby, the site provides land for housing within an area appropriate to Selby's spatial strategy."

Officer Comments

4.23 Officer's recommend the following: -

"The site was previously included in the halted Publication Draft Local Plan (2014) as safeguarded land to reflect the position of Selby District Council and their emerging allocations given its location on the boundary between City of York and the Selby district area. The site passes the site selection methodology and there are no showstoppers identified through the technical officer assessment. Officers suggest that the site could be included as an allocation for the post plan period (2033-2038) to reflect the current uncertainty around the position of the emerging Plan Selby." (our emphasis)

4.24 Officers were plainly satisfied that the comments of Escrick Parish Council had either been addressed or were unfounded.

Comments on behalf of Linden Homes

4.25 The Council are not alleging that the Site performs any Green Belt purpose or function nor that the land needs to be kept permanently open.

4.26 The Council have rigorously assessed the Site as part of the site selection methodology and have proposed to allocate the Site partly for housing and partly for safeguarded land in the Further Sites Consultation (June 2014) and as safeguarded land in the Publication Draft (September 2014). In this regard, the Council must have satisfied themselves that the Site is available, that the Site is suitable for development and that the development is achievable at the point when the Site may be needed. Indeed, Linden Homes noted that is view was supported by officers who state that "the site passes the site selection methodology and there are no showstoppers identified through the technical officer assessment".

4.27 Despite a very clear recommendation by officers that "*the site could be included as an allocation for the post plan period (2033-2038) to reflect the current uncertainty around the position of the emerging Plan Selby*" SF15 is not allocated as safeguarded or as a housing site phased for development in the period post 2032.

Publication Draft Regulation 19 Consultation (February 2018)

4.28 In February 2018 the Council published the Publication Draft of the Local Plan along with its evidence base. Again, there is no safeguarded land policy or allocations in the Publication Draft. The Council claimed that land for housing development beyond the plan period would be provided by the development of a number of large sites which are not expected to be completed before 2031.

Summary

4.29 The Council rigorously assessed the Site as part of the site selection methodology and have proposed to allocate the Site as partly for housing and partly for safeguarded land in the Further Sites Consultation (June 2014) and entirely as safeguarded land in the Publication Draft (September 2014) versions of the local plan. The Council has proposed to either allocate it for housing development or as safeguarded land.

4.30 In this regard the Council must have satisfied themselves that the Site is available, that the Site is suitable for development at a point in time in the future and the development is achievable at the point when the Site may be needed.

4.31 The Council have consistently suggested that the Site does not fulfil the five purposes for including land within the Green Belt and forms a logical extension to the form of the settlement and therefore there is no need to keep the Site permanently open.

4.32 The NPPF advises that local planning authorities should not include land that is not needed to be kept permanently open. Consequently, it is plain that the Site should be excluded from the Green Belt.

4.33 The proposed inclusion of the Site into the Green Belt would therefore not be consistent with national policy and for reasons that will be set out in the next sections, such a proposal would not reflect the need to plan positively and would not be justified.

Soundness

4.34 We consider that deallocation of the Site is unjustified particularly as this decision clearly conflicts with the Council's own evidence base and the recommendation of the Local Plan Working Group. The lack of a housing allocation or safeguarded land allocation is considered to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a housing allocation or safeguarded land allocation to be contrary to national policy.

Modification

4.35 The inclusion of the Site as either a housing allocation or a safeguarded land allocation.

5.0 Objection to Policy SS1

Introduction

- 5.1 Lichfields has been commissioned by Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd & Bellway Homes [the Companies] to undertake a review of City of York Council's housing requirement and housing supply that has formed a key part of the evidence base to inform the Local Plan.

The City of York Strategic Housing Market Assessment

- 5.2 The Framework sets out that local planning authorities should use their evidence base to ensure they meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. To provide an objective assessment of housing need ("OAHN") the Council commissioned GL Hearn to produce the following reports and updates: -
- i) The City of York Strategic Housing Market Assessment (June 2016) ("SHMA")
 - ii) The Strategic Housing Market Assessment Addendum (June 2016) ("the Addendum"); and
 - iii) The Strategic Housing Market Assessment Update (September 2017) ("the Update")

Background

- 5.3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to prepare the SHMA. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of 841dpa.
- 5.4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However, in June 2016 GL Hearn produced an Addendum to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706dpa - 898dpa, and therefore the Council considered that it did not need to move away from the previous 841dpa figure.
- 5.5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. GL Hearn was asked by the Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation relating to OAN. The GL Hearn SHMA Update (September 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the

demographic starting point from 783dpa (in the 2016 SHMA) to 867dpa. In their Update, GL Hearn then applied a 10% uplift to the 867dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of 953dpa. However, a cover sheet to GL Hearn's Update, entitled '*Introduction and Context to objective Assessment of Housing Need*' was inserted at the front of this document by the Council. This states that 867dpa is the relevant baseline demographic figure for the 15-year period of the plan (2032/33). The Council rejected the 953dpa figure on the basis that GL Hearn's conclusions stating:

"...Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations."

- 5.6 As a result of this approach, the Publication Draft now states in Policy SS1: Delivering Sustainable Growth for York, the intention to:

"Deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38."

- 5.7 The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is "*an objectively assessed housing need*"

- 5.8 The Council therefore commissioned GL Hearn, an expert in the field, to produce a Strategic Housing Market Assessment in order to provide an OAHN and having done so the Council elected to ignore the findings of the Strategic Housing Market Assessment considering it to speculative and arbitrary. The Council provided no evidence to substantiate its claims that the Strategic Housing Market Assessment was speculative and arbitrary. The decision to ignore the advice of the Council's independent experts is flawed and unsound.

- 5.9 We will go onto explain why the Council decision to ignore the advice of the Council's independent experts is flawed and unsound.

Housing Requirement

- 5.10 There are a number of deficiencies in the Strategic Housing Market Assessment Update highlighted by Lichfields and these are summarised below.

- i) The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is considered to be fundamentally flawed. This is effectively a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the OAHN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.

- ii) There are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
- GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However, this demographic-led figure of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need. Lichfields agree with making an adjustment for demographic and household formation rates. However, it would be illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - Overall, the Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.
- 5.11 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within the Lichfields report provides alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 5.12 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes). Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates amongst younger age cohorts takes the demographic starting point to **871dpa**.
- 5.13 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, Lichfields considers that a greater **uplift of 20%** would be more appropriate in this instance. When applied to the **871dpa** re-based demographic starting point, this would indicate a need for **1,045dpa**. The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;
- 5.14 The scale of **affordable housing needs**, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045dpa set out above. It is considered that to meet affordable housing needs in full (573dpa), the OAHN range should be adjusted to 1,910dpa

@30% of overall delivery. It is, however, recognised that this level of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a **further 10% uplift** would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

- 5.15 Whilst it is accepted that limited weight can be attached to the MHCLG proposed standardised methodology figure this figure nevertheless reflects the direction of travel of Government policy. The MHCLG proposed standardised methodology figure is 1,070 dpa, similar to the Lichfield figure which has been uplifted to address market signals but not be uplifted to address affordable housing need.
- 5.16 The Lichfields housing requirement allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Lichfields consider that using this figure would ensure compliance with paragraph 47 of the Framework by significantly boosting the supply of housing. It would also reflect paragraph 19 of the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.

Housing Land Supply

- 5.17 Lichfields have also assessed the Council's housing supply position. Lichfields raise issues and concerns about the following matters; -
- i) Lead in times;
 - ii) Delivery rates;
 - iii) Density assumptions;
 - iv) The components of supply;
 - v) ST14 and ST15; and
 - vi) Windfall.
- 5.18 Lichfields has undertaken an analysis of the Council's evidence base and question some of the assumptions in relation to the components of supply and conclude that some of the proposed delivery rates on sites are unfounded and unrealistic.
- 5.19 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall when assessed against the Lichfields assessment of the OAHN.
- 5.20 The Lichfield Report is attached at **Appendix 5**.

Soundness

- 5.21 In these circumstances, the Local Plan is not 'sound' as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance.

Modification

- 5.22 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much-needed investment in new housing to meet the community's needs.

6.0 Objection to Policy SS2 - Green Belt Designation

6.1 Policy SS2: The Role of York's Green Belt states:

"The primary purpose of the Green Belt is to safeguard the setting and the special character of York and delivering the Local Plan Spatial Strategy. New building in the Green Belt is inappropriate unless it is for one of the exceptions set out in policy GB1.

The general extent of the Green Belt is shown on the Key Diagram. Detailed boundaries shown on the proposals map follow readily recognisable physical features that are likely to endure such as streams, hedgerows and highways.

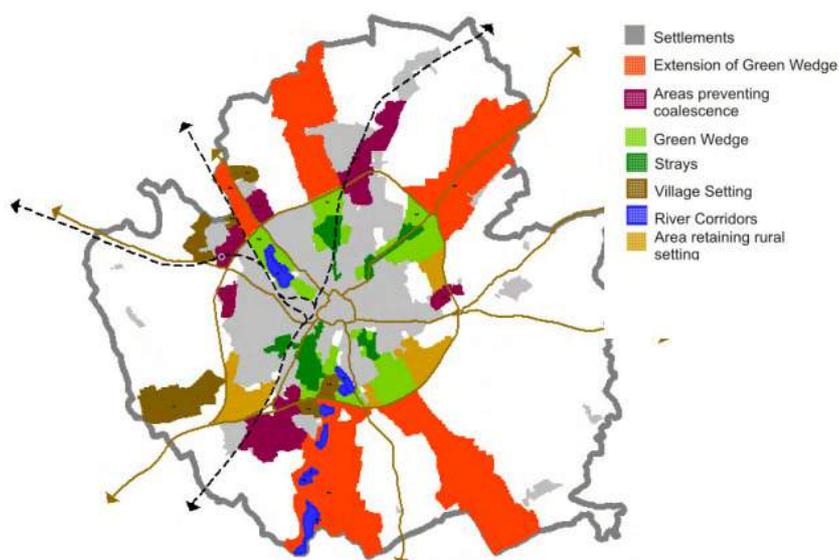
To ensure that there is a degree of permanence beyond the plan period sufficient land is allocated for development to meet the needs identified in the plan and for a further minimum period of five years to 2038."

6.2 Within the current version of the Local Plan the Site is shown to lie within the Green Belt.

6.3 Paragraph 80 of the NPPF states that the 5 purposes of including land within the Green Belt are as follows:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

6.4 An exercise was carried out by the Council in the preparation of the Local Plan which aimed to establish Green Belt Character Areas and highlighted the role and importance of the Green Belt surrounding Copmanthorpe.



- 6.5 The figure (shown above) was prepared following the production of a technical paper which looks at potential amendments to the Green Belt. The figure shows that the land around Escrick is not identified as having a particular Green Belt role. This clearly demonstrates that the Council considers that the land around the Site does not form any locally important Green Belt purpose.
- 6.6 Additionally, as the Site was allocated for development in the Further Sites Consultation (June 2014) and the Publication Draft (September 2014) versions of the local plan, it is plain that the Council previously did not consider that the Site performed any significant Green Belt purpose and that it is not important to keep the Site permanently open.
- 6.7 DPP note that the Council, in their latest assessment of the Site, are not alleging the development of the Site would conflict with any of the 5 purposes of including land within the Green Belt as set out in paragraph 80 of the NPPF. The Council therefore must accept that the Site serves no Green Belt purpose and as such does not need to be kept permanently open.
- 6.8 Paragraph 85 of the Framework states that local planning authorities, when defining Green Belt boundaries (as we are here), should not include land which it is unnecessary to keep permanently open.
- 6.9 It is therefore plain that the Site should not be included within the Green Belt. The Site should be included within the settlement limits of Escrick and either allocated for housing development or identified as safeguarded land.
- 6.10 Given the Council's thorough and robust examination of the Site and the conclusions that the Council have reached regarding the Site there can be no reason to include the Site within the Green Belt.
- 6.11 Linden Homes Strategic Land therefore object to the inclusion of the Site within the Green Belt.

Soundness

- 6.12 The Local Plan does not provide sufficient housing land to meet needs of the housing market area and those sites allocated will not deliver the units identified and as the Site does not perform a Green Belt purpose it should not be included in the Green Belt. On the basis of the above we consider that the Local Plan is unsound, it is not justified and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

Modifications

- 6.13 The Site should be removed from the Green Belt.

7.0 Objection to Policy H2 - Density of Development

- 7.1 In addition to Lichfields' comments relating to the OAHN and the proposed housing land supply we also have concerns about the density of development that the Council believe can be delivered from the various allocated sites.
- 7.2 We have concerns about this policy but we welcome the recognition within the policy that on strategic sites the specific master planning agreements may provide density targets for that site that override the policy H2. We also welcome the clarification that this policy should be used as a general guide and that the density of any development will need to respond to its context.
- 7.3 We however have concerns about the density of development that the Council believe can be delivered from the various allocated sites.
- 7.4 We note that as a general trend the density of development on allocated sites increased in the Preferred Sites Consultation (2016) when compared to the Publication Draft (2014). These densities increased again when comparing the Preferred Sites Consultation (2016) to the Pre-Publication Draft. See the table attached at **Appendix 4**.
- 7.5 It would appear that the Council have changed their approach to calculating development densities between the various draft iteration of the local plan. For example, in the Preferred Options (2013) it was assumed that in the villages and rural areas development would occur at 30 dwellings per hectare. In the Publication Draft (2014) it is assumed that development in the villages and rural areas would occur at 35 dwellings per hectare. We feel that for villages and rural areas a development density of 30 dwellings per hectare would be more appropriate.
- 7.6 The development density for Haxby and Wigginton is identified as 40 dwellings per hectare. Given the character and form of Haxby and Wigginton it is considered that such a density of development could be harmful particularly if sustainable extensions are to be achieved and a balanced development provided. A development density of 40 dwellings per hectare is more characteristic of high density urban living rather than an extension to sustainable villages. It implies a high proportion of small tight knit dwellings which would be uncharacteristic of the adjoining urban areas which have typically been developed at about 25 dwellings per hectare. It would be reasonable to expect a development density above 30 dwellings per hectare but 40 dwellings per hectare is too high.
- 7.7 As to the proposed development densities of 50 dwellings per hectare for urban areas and 100 dwellings per hectare within the city centre, these densities of development are considered ambitious particularly where there is a need to incorporate open space. Development at this density may limit the marketability of the product and if this is the case it would not boost housing delivery.
- 7.8 The proposed densities and the increases in the yields from individual sites needs to be fully explained and justified.

- 7.9 The Council need to justify the density of development in the various areas and the increases in the yields from various sites in order to ensure that they are robust and are not going to lead to a shortfall in housing delivery.
- 7.10 On the basis of the above we object to the proposed development densities being applied in policy H2 and on individual sites.

Soundness

- 7.11 We consider that Policy H2 and the associated assumed yields applied to various allocations are unsound and not justified and will not ensure effective delivery of the housing requirement and is therefore inconsistent with national policy.

Modification

- 7.12 We suggest that that net development density is reduced and that greater flexibility is included in the policy to allow for balanced developments to be created.

8.0 Objection to Policy H3 –Housing Market

- 8.1 This policy is related to balancing the housing market. We do not object to the principle of this policy and indeed we welcome the acknowledgement in the Local Plan that the Council will *“seek to balance the housing market across the plan period”*. In this regard we welcome the use of the word *“seek”*. However, the policy then says that the applicants *“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”*. The use of the word *“required”* is onerous and is not reflective of the tone of the policy when read as a whole. For example, the policy goes on to state that *“the final mix of dwelling types and sizes will be subject to negotiation with the applicant”*.
- 8.2 Further, we also feel that it is unreasonable for an applicant to provide sufficient evidence to support their proposals particularly where a developer is providing a housing mix which is broadly in accordance with the identified need. This should be deleted.

Soundness

- 8.3 We consider that Policy H3 is unsound as it will not be effective, it is not justified, and is not consistent with national policy.

Modification

- 8.4 We suggest the policy should be modified to provide greater flexibility to allow for balanced developments to be created. In this regard we would suggest amending the policy to read *“Proposals for residential development should assist in balancing the housing market, unless material considerations indicate otherwise, by including a mix of types of housing that respond to and reflects the diverse mix of need across the city and the character of the locality.”*

9.0 Objection to the Allocation of ST5

- 9.1 The Local Plan identifies this site as having a total site area of 78ha and a net developable area of 35ha. The Local Plan suggests that this proposed allocation will be a mixed-use development allegedly providing 1700 to 2500 dwellings of which a minimum of 1,500 will be delivered in the plan period and 100,000 sq.m of office space (B1a).
- 9.2 We note that this will be an extremely challenging site to bring forward. Indeed, we are aware that Network Rail and its predecessors have been trying to develop the site since the 1960's/1970's (some fifty years) but development has never been brought forward. Given the length of time that this site has been theoretically available there is quite a considerable amount of doubt as to its viability and deliverability.
- 9.3 Our concern here is exacerbated by the fact that we still do not believe that there is any developer interest. The site is not attractive to the private sector due to the high risks of development.
- 9.4 We understand that the Council are seeking to de-risk the development with public funds but this will not necessarily bring the site forward as there is no or little track record within the City of York of large scale grade 'A' office space or high rise residential accommodation particularly for private purchasers. There are therefore few or no comparable projects to give developers confidence to invest in proposals for development on the site even if public funds are invested.
- 9.5 To make the scheme work there is a need to create high density, high rise family apartment accommodation (apartment blocks of between 6 and 8 storeys in height and houses of between 2 and 4 storeys) on the site and there is no or little comparable market information for this type of development in York. Therefore, the market is likely to be nervous of this type of development. Indeed, family apartments of the type envisaged by the Council on the York Central site may end up being more expensive than other housing options in and around the City. Therefore, people who wish to live at York Central will do so as a life style choice and this will limit sales and further depress developer interest.
- 9.6 Without confidence in the market place, interest in speculative development is likely to be slow. This would suggest to us that the proposed development, even if allocated, will take a considerable period of time to deliver – if at all.
- 9.7 Furthermore, given the historic importance of this skyline in York we are also concerned that a large cluster of tall buildings would have an adverse impact on the skyline and would be found to be unacceptable by Historic England and the Council's own heritage department.
- 9.8 In conclusion, there is currently no developer interest and insufficient evidence to demonstrate that site ST5 is suitable for the type and scale of development proposed or when the site will be genuinely available for development and that the proposed development is achievable in the timescales and quantum set out.

Soundness

- 9.9 We consider the allocation of ST5 to be unsound in that ST5 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 9.10 We do not suggest that allocation known as ST5 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST5 should be 410 units as set out in the Publication Draft (2014). This level of development is more realistic and achievable.

10.0 Objection to the Allocation of ST14

Introduction

- 10.1 This allocation constitutes a new standalone settlement, or ‘garden village’ to the east of Skelton. The site has an indicative capacity of 1,348 dwellings, of which 1200 dwellings are to be constructed over the plan period (to 2032).
- 10.2 This site was previously included within the Publication Draft (2014) as a strategic site with a total site area of 157 hectares and a total site capacity of 2,800 dwellings. This site was revised due to concerns relating to the Green Belt, historic character and setting.
- 10.3 The site is isolated from existing settlements and located within the agreed general extent of the York Green Belt. It is unclear why this site is considered appropriate to be removed from the Green Belt, and not smaller more sustainable sites which sit at the edge of existing settlements and which could deliver housing promptly and sustainably and thereby boosting housing supply in accordance with national policy.
- 10.4 We are not sure how the change in the size of the allocation has overcome these technical and policy concerns.

Our Concerns

- 10.5 Our principle concern however relates to the delivery of the site and in particular the estimated yield within the plan period.
- 10.6 The Council have indicated in their letter to the Secretary of State in January 2018 and the Local Development Scheme (2017) that the Local Plan will be submitted to the Secretary of State at the end of May and that the plan will be examined between June and August 2018 with the Inspector’s report being available towards the end of 2018. The Council have indicated that they hope to adopt the Local Plan in February 2019.
- 10.7 Lichfields, who have produced a well-considered and robust publication on the delivery of large scale housing schemes¹, estimate lead in times for developments. Lead in times relate to matters such as: -
- i) Securing outline planning permission;
 - ii) Negotiations on S106;
 - iii) The approval of reserved matters;
 - iv) The discharge of conditions;
 - v) Completion of land purchases

¹ Start to Finish – How Quickly do Large-Scale Housing Site Deliver? November 2016

- vi) Mobilisation; and
- vii) Infrastructure works.

10.8 Lead in times vary in relation to the stage that a proposal has reached and by the size of the site. The larger the site the more difficult the negotiations and matters that need to be resolved. The following table sets out a general and robust methodology for calculating lead in times.

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

10.9 To date no planning application has been submitted and the development of this site will require significant infrastructure works, particularly to obtain access, and extensive community facilities in order to deliver the proposed development and to make it sustainable.

10.10 ST14 is a large proposal which will generate a significant increase in traffic on the A1237. Capacity enhancements will need to be made to roads and junctions within the vicinity of the site in order to accommodate this development and these works will need to be undertaken in advance of the completion of any units. Providing sufficient access to and mitigating the impacts of the development will require substantial infrastructure to be put in place and this will take time to deliver.

10.11 If you apply the standard methodology adopted by Lichfields it is possible that a start of development works will occur 4 years from the point of assessment or 3.5 years after the submission of the outline application which is likely to be sometime in the future. For the purpose of this exercise we have assumed 4 years from April 2018. Therefore, a start of works can be assumed as April 2022.

10.12 In a similar fashion Lichfields' estimated delivery rates based on the size of the site. Lichfields indicate that small sites, less than 100 units, tend to be built by local or regional builders. On sites of less than 250 units only one volume house builder is normally active but on sites up to 500 units there may be a second volume house builder and on sites over 500 units there may be a third volume house builder. See the table below.

	0-100 units	100-250 units`	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

- 10.13 We assume that there will be 3 different house builders on ST14. We have therefore assumed a delivery rate of 90 dwellings per annum.
- 10.14 If the lead in time is 4 years the residual Local Plan period will be 10 years. Building at 90 dwellings per annum and assuming a remaining 10 plan period ST14 would deliver 900 dwellings. A shortfall of 300 dwellings in comparisons to the Local Plan's estimated yield.
- 10.15 There is a need to allocate a wide range and choice of housing sites throughout the District and the allocation of several extremely large sites, notably ST14 and ST15, does little to ensure a robust and longer-term level of housing delivery. In fact, the allocation of these two sites limits the number of outlets and the geographical distribution of sites and as a consequence it hinders housing land supply and delivery rather than boosting it.
- 10.16 As a consequence, it is considered that the Council should allocate additional housing land and as the Council have already concluded that this Site is available, that the land is suitable for development and that development is achievable the Council should allocate the Site.

Soundness

- 10.17 We do not object to the principle of the allocation but we do consider that the estimated yield from ST14 is overly ambitious so as to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider that the yield assumed for ST14 to be unsound in that ST14 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 10.18 We do not suggest that allocation known as ST14 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST14 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

11.0 Objection to the Allocation of ST15

Introduction

- 11.1 This allocation is, to all intents and purposes, an entirely new settlement located within the open countryside to the west of Elvington. The site has an indicative site capacity of 3,339 dwellings, of which 2,200 dwellings will be constructed over the plan period (to 2032/33).
- 11.2 The site is currently located within the agreed general extent of Green Belt around the City of York. It is unclear why the Local Plan considers it to be appropriate to remove this large site from the Green Belt and not allocate other smaller more sustainable sites which are situated on the edge of existing settlements and which could deliver housing promptly and sustainably and thereby boosting housing supply in accordance with national policy.

Our Concerns

- 11.3 Our principle concern however relates to the delivery of the site and in particular the estimated yield within the plan period.
- 11.4 The Council have indicated in their letter to the Secretary of State in January 2018 and the Local Development Scheme (2017) that the Local Plan will be submitted to the Secretary of State at the end of May and that the plan will be examined between June and August 2018 with the Inspector's report being available towards the end of 2018. The Council have indicated that they hope to adopt the Local Plan in February 2019.
- 11.5 Lichfields, who have produced a well-considered and robust publication on the delivery of large scale housing schemes² estimate lead in times for developments. Lead in times relate to matters such as: -
- i) Securing outline planning permission;
 - ii) Negotiations on S106;
 - iii) The approval of reserved matters;
 - iv) The discharge of conditions;
 - v) Completion of land purchases
 - vi) Mobilisation; and
 - vii) Infrastructure works.
- 11.6 Lead in times vary in relation to the stage that a proposal has reached and by the size of the site. The larger the site the more difficult the negotiations and matters that need to be resolved. The following table sets out a general and robust methodology for calculating lead in times.

² Start to Finish – How Quickly do Large-Scale Housing Site Deliver? November 2016

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

- 11.7 ST15 is a large-scale proposal located in an isolated position within the open countryside and the Green Belt. No planning application has been submitted and the development of this site will require significant infrastructure works, particularly to obtain access, and extensive community facilities in order to deliver the proposed development and to make it sustainable.
- 11.8 If you apply the standard methodology adopted by Lichfields it is possible that a start of development works will occur 4 years from the point of assessment or 3.5 years after the submission of the outline application which is likely to be sometime in the future. For the purpose of this exercise we have assumed 4 years from April 2018. Therefore, a start of works can be assumed as April 2022.
- 11.9 In a similar fashion Lichfields' estimate delivery rates based on the size of the site. Lichfields indicate that small sites, less than 100 units, tend to be built by local or regional builders. On sites of less than 250 units only one volume house builder is normally active but on sites up to 500 units there may be a second volume house builder and on sites over 500 units there may be a third volume house builder. See the table below.

	0-100 units	100-250 units`	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

- 11.10 We assume that there will be 3 different house builders on ST15. We have therefore assumed a delivery rate of 90 dwellings per annum.
- 11.11 If the lead in time is 4 years the residual Local Plan period will be 10 years. Building at 90 dwellings per annum and assuming a remaining 10 year plan period then ST15 would deliver 900 dwellings.
- 11.12 There is a need to allocate a wide range and choice of housing sites throughout the District and the allocation of several extremely large sites, notably ST14 and ST15, does little to ensure a robust and longer-term level of housing delivery. In fact, the allocation of these two sites limits the number of outlets and the geographical distribution of sites and as a consequence it hinders housing land supply and delivery rather than boosting it.
- 11.13 As a consequence, it is considered that the Council should allocate additional housing land and as the Council have already concluded that this Site is available, that the land is suitable for development and that development is achievable the Council should allocate the Site.

Soundness

- 11.14 We do not object to the principle of the allocation but we do consider the estimated yield from ST15 to be unrealistic and to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider that the yield assumed for ST15 to be unsound in that ST15 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 11.15 We do not suggest that allocation known as ST15 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST15 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

12.0 Objection - The Lack of a Safeguarded Land Policy

Introduction

- 12.1 In this section of the representation we will first look at the background to the establishment of a Green Belt around the City of York, then Government Guidance followed by the approach to the provision of safeguarded land advocated in the previous versions of the local plan before turning to the proposals in the current Local Plan. Finally, we will comment on the Council's overall approach in relation to the provision of safeguarded land and argue that the Council should have a policy relating to the provision of safeguarded land.

The Background to the Establishment of a Green Belt

- 12.2 The principle of a Green Belt around York has long been established with its general extent being identified within the Regional Spatial Strategy ("the RSS"). The RSS contained the following policies regarding York's Green Belt:

'Policy YH9: Green Belts

C) 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.

Policy YH1: York Sub area policy

Plans, strategies, investment decisions and programmes for the York sub area should:

C. Environment

1. In the City of York LDF, 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.

2. Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.'

- 12.3 The RSS was revoked in February 2013 but the Green Belt policies for York were expressly excluded from the revocation. Although the general extent of the Green Belt has been identified, the detailed boundaries have not. The Green Belt around the City of York remains, and has done for some 60 years, in draft. There is an urgent requirement to define, for the first time, a permanent Green Belt around York.

Government Guidance (NPPF)

- 12.4 The NPPF states in paragraph 79 that the *'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence'*. It is clear from the above that a Green Belt should be permanent.
- 12.5 The NPPF does not define the term permanence or how long a Green Belt should remain unaltered.
- 12.6 Paragraph 83 of the NPPF indicates that authorities should consider Green Belt boundaries having regard to their intended permanence in the long term so that they can be capable of enduring beyond the plan period. Whilst the term permanence is not defined it is clear that a Green Belt should endure for a period longer than the plan period which, in this case, ends in 2032/33.
- 12.7 By the time that the plan is adopted it will be at least 2019/20 leaving a residual plan period of only 13/14 years.
- 12.8 In accordance with paragraph 84 of the NPPF, when drawing up or reviewing Green Belt boundaries local authorities are required to take account of the need to promote sustainable patterns of development.
- 12.9 In order to do this paragraph 85 of the NPPF indicates that local planning authorities should: -
- *"Ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
 - *Not include land which it is unnecessary to keep permanently open;*
 - *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;*
 - *Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
 - *Satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
 - *Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent."*
- 12.10 The above means that: -
- To achieve sustainable development a local authority needs to take account of the objectively assessed need for development and provide sufficient land to accommodate this need.
 - The guidance advises that local planning authorities should not include land that does not need to be kept permanently open.
 - It is also apparent from paragraph 85 that when defining a Green Belt, a local authority needs to consider the development needs of the district which are to be met during the plan period as well as the longer-term development needs of the District. The term *"stretching well beyond the plan period"* is significant. Well beyond implies a period greater than a few years.

- The ‘*where necessary*’ term in paragraph 85 of the NPPF applies to situations where there is a need to provide for longer term development. This situation applies to York.

12.11 What is clear from the NPPF is that when defining a Green Belt, the Green Belt should be permanent and endure well beyond the plan period and that a local authority should meet its identified development needs both during the plan period and beyond without needing to undertake an early review of the plan. To do this the Framework advises local planning authorities to safeguard land for future development.

What is Safeguarded Land and what is its Purpose

12.12 Safeguarded land is not an allocation for development at the present time. The Framework makes it very clear that planning permission for the permanent development of safeguarded land should only be granted following a review of the Local Plan. If the Local Plan properly provides for the City’s development needs during the plan period, development should not take place on the safeguarded land. The safeguarded land is intended to provide a pot of land to be potentially developed in the future if there is a need. If there is no need for additional development beyond the plan period it may be decided, during the next plan review, to retain some or all of the land as safeguarded land.

12.13 There is little or no harm in identifying safeguarded land. Far greater harm is caused if the fundamental principles of Green Belt policy is undermined by having to review the Green Belt at an early stage or if the development needs of the City go unmet.

The Approach Adopted in the Previous Versions of the Plan

12.14 This is the approach adopted in the early versions of the local plan.

12.15 Within the Preferred Options (2013) draft of the plan, the Council proposed to allocate 397ha of safeguarded land. In the Publication Draft (2014) version the Council proposed to allocate 335ha; slightly less safeguarded land than in the previous version of the plan.

12.16 Policy SS6/SS3 makes it clear that this land was allocated in order to act as a reserve of land for considerations for development at the time of a subsequent plan review and to ensure that the Green Belt endures beyond the plan period.

12.17 The approach adopted in the Preferred Options (2013) and the Publication Draft (2014) versions of the plan are plainly consistent with the NPPF. We fully endorse the approach adopted in previous iterations of the plan.

The Approach Advocated in the Preferred Sites Consultation (July 2016)

12.18 The Preferred Sites Consultation (July 2016) proposed to delete the safeguarded land policy and allocations. In doing so paragraph 2.5 of the Preferred Sites Consultation version of the Local Plan recognised that “*The preferred options draft Local Plan and the subsequent publication draft sought*

to apply the national and saved regional policies in setting out the extent of the Green Belt and identifying a reserve of safeguarded land to ensure that the Green Belt boundary was capable of enduring beyond the Plan period for 10 years.”

- 12.19 The words “sought to apply the national and saved regional policies” suggests that the LPA do not believe that the approach proposed in the current Local Plan reflects the intentions of national and saved regional policies.
- 12.20 Further, the Preferred Sites Consultation (July 2016) appears to accept that Green Belts are intended to endure 10 years beyond the plan period i.e. the Green Belt is intended to endure for a period of 25 years from adoption.

The Approach Advocated in the Local Plan

- 12.21 The Local Plan proposes no safeguarded land policy or safeguarded land sites.
- 12.22 Rather than allocating safeguarded land the Council are proposing to rely on the continued delivery of a limited number of large allocations. The Council anticipated that some of the strategic sites identified in the Local Plan will be delivering dwellings beyond the plan period and if this coupled with a small windfall allowance the Council believe that the Green Belt will endure a minimum of 20 years. In the Council’s view, it is no longer necessary to designate safeguarded land. The Council believe that this approach will ensure that the Green Belt boundaries will not need to be altered at the end of the plan period.
- 12.23 We disagree with the Council’s stance on this matter. By not identifying any safeguarded land, the Council are not in our view striking the right balance between preservation of the Green Belt and the need for future development.
- 12.24 We do not consider that the potential future housing delivery, from a few large sites, provides sufficient certainty that the Green Belt will endure well beyond the plan period.

Counsel’s Opinion

- 12.25 The Council were also clearly not convinced of their stance as Legal advice was sought by the Council on this matter.
- 12.26 Counsel was of the opinion that if no safeguarded land was identified within the Local Plan it would ‘give rise to the serious risk of the Plan being found unsound.’ Furthermore, ‘there would be a failure to identify how the longer-term needs of the area could be met, and in particular a failure to indicate how those longer-term needs could be met without encroaching into the Green Belt and eroding its boundaries.’ The City of York’s own Counsel therefore does not agree with the approach taken in the Local Plan.
- 12.27 However, Counsel (in an attempt to support the Council position) does indicate that the only argument that could conceivably be deploy to avoid providing safeguarded land would be to

demonstrate that there is sufficient land outside the Green Belt boundary which will be suitable for meeting the needs of further development and which is likely to be available when those needs arise. Counsel notes that the most important point is the ability to demonstrate that the Green Belt boundary will not be affected.

- 12.28 Counsel also notes that the Council need to provide sufficient land to ensure that the Green Belt remains unaltered well beyond the plan period. Therefore, in order to ensure the permanency of the Green Belt, the Council needs to allocate areas of land that can be developed after the plan period has finished. This is usually done in the form of safeguarded land but it does not exclude the approach adopted in the Local Plan.
- 12.29 It would seem to us, and Counsel for the City of York, that it would be better planning practice to provide a safety net of a pool of safeguarded land, as was proposed within the earlier stages of the Local Plan process, in order to ensure that the Green Belt does not need to be amended at an early stage. The allocation of a few large sites that may deliver beyond the plan period is a policy 'work around' that is flawed for the reasons we will set out later.
- 12.30 Counsel's opinion is attached at **Appendix 3**.

The History of the Green Belt around York

- 12.31 The City of York Council have a track record of not being able to produce a plan and define a Green Belt in a timely manner. The Government first announced that the City of York should have a Green Belt in 1957, some 60 years ago. Over 60 years later the City of York still has not got an adopted local plan or Green Belt. History would therefore strongly suggest that it is essential that when the Green Belt around York is finally adopted that the Green Belt should endure for a significant period of time. If there is no pool of reserve land to call upon at the end of the plan period to meet the city's development needs then there is a real danger that the Council will not be able to produce a new plan in a timely fashion and the city's development needs will go unmet. History strongly suggests that this will be case.

The Permanence of the Green Belt

- 12.32 The Framework makes it clear at paragraph 79 that the essential characteristics of Green Belts are their openness and their permanence.
- 12.33 The Local Plan suggests that it has allocated sufficient land to accommodate York's development needs in the plan period between 2012 and 2032/33 as well as 2037/38 therefore providing a permanent Green Belt.
- 12.34 As we have indicated, the Council do not propose to allocate safeguarded land but rather they intend to rely on the delivery form a limited number of large allocations to meet development needs beyond the plan period. These large allocations are intended to accommodate the development needs of the City until 2037/38 – a 5-year period beyond the expiry of the plan. The

Local Plan therefore suggests that the Green Belt boundaries, once adopted, will endure for a period of 20 years. There are a number of points here: -

- By the time that the plan is adopted it will be at least 2019/20 leaving a residual plan period of only 12/13 years. If you add on the additional 5 years that the Local Plan considers sufficient to provide a degree of permanence to the Green Belt the Green Belt will actually only have been adopted for 17/18 years – 2/3 years short of the 20 years that the Council themselves deem appropriate;
- In January 2000 the Council received an interim view from the previous Local Plan Inspector on the old Plan’s proposed Green Belt boundary. The Inspector advised that the Council’s position *“to establish a ‘non-permanent’ or ‘interim’ greenbelt, and undertake a formal green belt review immediately after the Plan’s adoption - ran contrary to government guidance which states that Green Belts should be ‘permanent’, importantly advocating that they remain unchanged for at least 20 years”*. The previous Inspector therefore recommended that the Green Belt should endure for a period of at least 20 years;
- The term at least means that the Green Belt should endure for 20 years as a minimum;
- Whilst the NPPF does not define a period that a Green Belt is intended to endure for it is common practice for it to mean a period in excess of 20 years. 25 years is often the period adopted in local plans and indeed this is the period inferred in the Preferred Sites Consultation Document (2016);
- John Hobson QC, who provided advice to the City of York Council on the issue of the permanence of the Green Belt in January 2015, indicated that the length of time that a Green Belt is intended to endure is considered to be a matter of planning judgement but he believed that *‘a 10-year horizon beyond the life of the Plan’* would be appropriate i.e. to 2042;
- As there is a requirement for local planning authorities to provide a 5-year supply of housing land it is plain that even on a crude calculation the Local Plan will not endure for 20 years. To ensure that the Green Belt endures for at least 20 years, as recommended by the previous Inspector, it is necessary to allocate ample land to cater for all eventualities. This normally means allocating more land than less. Allocating the bare minimum amount of land, which the Local Plan has sought to do, does not reflect the term ‘at least’.

12.35 All of the above strongly suggests that the stance advocated by the Council is inappropriate and is not consistent with national guidance.

Soundness

12.36 For the above reasons we consider that the lack of a safeguarded land policy to be unsound and unjustified and as such the Local Plan has not been positively prepared and will not be effective. We consider that the lack of a safeguarded land policy and safeguarded site to contrary to national policy.

Modification

12.37 The reintroduction of a safeguarded land policy.

13.0 Objection to Lack of Safeguarded Land Allocation

- 13.1 In previous iterations of the Local Plan, the Council have accepted that the sites allocated for development performed little or no Green Belt purposes. Paragraph 85 of the NPPF indicates that land should not be kept within the Green Belt which is unnecessary to be kept permanently open. The Council have therefore already accepted that the sites previously allocated for housing development do not need to be kept permanently open.
- 13.2 At the very least, and in the alternative to a housing allocation in the Local Plan, it is clear that the sites that were previously identified as housing allocations should now be allocated as safeguarded land.

Soundness

- 13.3 We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

Modification

- 13.4 The reintroduction of Site 859 – formerly SF15 as a safeguarded land site.

14.0 Objection - Quantum of Long Term Land

Introduction

- 14.1 In this section we will consider the question of the land identified to meet the future development needs of the District.

The Council's Position

- 14.2 The Council believe that there is no need to provide safeguarded land as the Council consider that the allocated housing sites will deliver the District's future development needs. As discussed above the most important point is that the Council must demonstrate that the Green Belt boundary will endure well beyond the plan period and that the development needs of the District can be met and as such the Council need to demonstrate that the housing allocations will be able to deliver the quantum of houses needed.
- 14.3 The table below provides details of the strategic sites that the Council have identified to provide the additional housing capacity after the plan period has finished:

Site	Site Name	Plan period capacity	Overall Capacity	Additional capacity following plan period
ST5	York Central	1500	1700-2500	200- 1000
ST14	Land West of Wigginton Road	1200	1348	148
ST15	Land West of Elvington Lane	2200	3339	1139
ST36	Imphal Barracks, Fulford Road	0	769	769
Total				2306 - 3056

- 14.4 Only four strategic sites are identified by the Council as delivering residential development at the end of the plan period.
- 14.5 The Council indicate that they are relying on windfall development to contribute to the housing needs in the period 2032/3 to 2037/8.

Actual Position

- 14.6 The Local Plan indicates that the annual housing requirement is a minimum of 867 dwellings per annum. Whilst we consider this figure for the housing requirement is insufficient but if the Council's annual housing requirement of 867 is applied to the suggested residual supply of 3506 units this gives a 3.52-year housing land supply. If the lower figure is used the housing land supply is 2.66

years. The Council also say that windfall will contribute to the supply in the future but the Council have not even demonstrated that windfall can be relied upon in the plan period never mind a period after the expiry of the plan when we would expect that windfall opportunities would be greatly diminished. We consider that the Local Plan annual housing requirement, or the requirement finally settled upon, can be used to provide an indication of the soundness of the quantum of land proposed. It is clear that even on a crude analysis the Council do not have sufficient land to ensure that the Green Belt will not need to be reviewed early.

- 14.7 The City of York Council identify ST5 and ST15 as the two sites which will provide the majority of the additional housing with ST14 contributing a smaller but significant quantity.
- 14.8 Site ST36 is not proposed to come forward until after the plan period as The Defence Infrastructure Organisation are not intending to dispose of the Site until 2031. There are several potential issues with the delivery of this site relating to historic interest and archaeology which will need to be investigated in detail to allow the site to come forward and may result in delays to development and/or a reduction in developable area.
- 14.9 This raises some serious concerns. The NPPF requires local planning authorities to maintain a 5-year housing land supply. It is clear from the above that even if the 4 sites identified by the Council were to deliver housing in the period between 2032/3 and 2037/38 these 4 sites would not be sufficient to enable the Council to demonstrate a 5-year housing land supply as there are only so many units that can be delivered from any one site. There are simply not enough potential outlets in the supply to achieve a 5-year housing land supply. Further, two thirds of the total supply are in two sites, circa 1000 dwellings each, and as we anticipate that these sites will deliver about 90 dwellings per annum it is clear that they will be delivering completions well beyond 2037/38. This further reduces the 5-year housing land supply and exacerbates the issue.
- 14.10 Effectively it would mean that before the end date of the plan period, the Council would need to undertake a review of the plan to identify additional sites to ensure that the Council could maintain a 5-year housing land supply. Therefore, the Green Belt in 2032, or before, will have to be amended resulting in the Green Belt not enduring for a minimum of 20 years.
- 14.11 Consequently, the life of the Green Belt around York, from adoption to modification, will be no more than 12 to 13 years and probably less. This short period of time cannot be regarded as comprising a permanent Green Belt around York. Consequently, the approach in the Local Plan of not providing a wide range and choice of safeguarded land sites is contrary to the NPPF.
- 14.12 As we have mentioned previously a more robust period for the Green Belt to endure would be 10 years after the expiry of the plan period i.e. 2032 to 2042. The Council have not demonstrated that sufficient land has been provided to cover the period 2032/33 to 2037/38 never mind the period 2032/33 to 2042/43.

Soundness

- 14.13 It is considered that the Council are not providing sufficient land to ensure that the Green Belt, when adopted for the first time, will be permanent. The Local Plan has therefore not been positively prepared and is inconsistent with national policy.

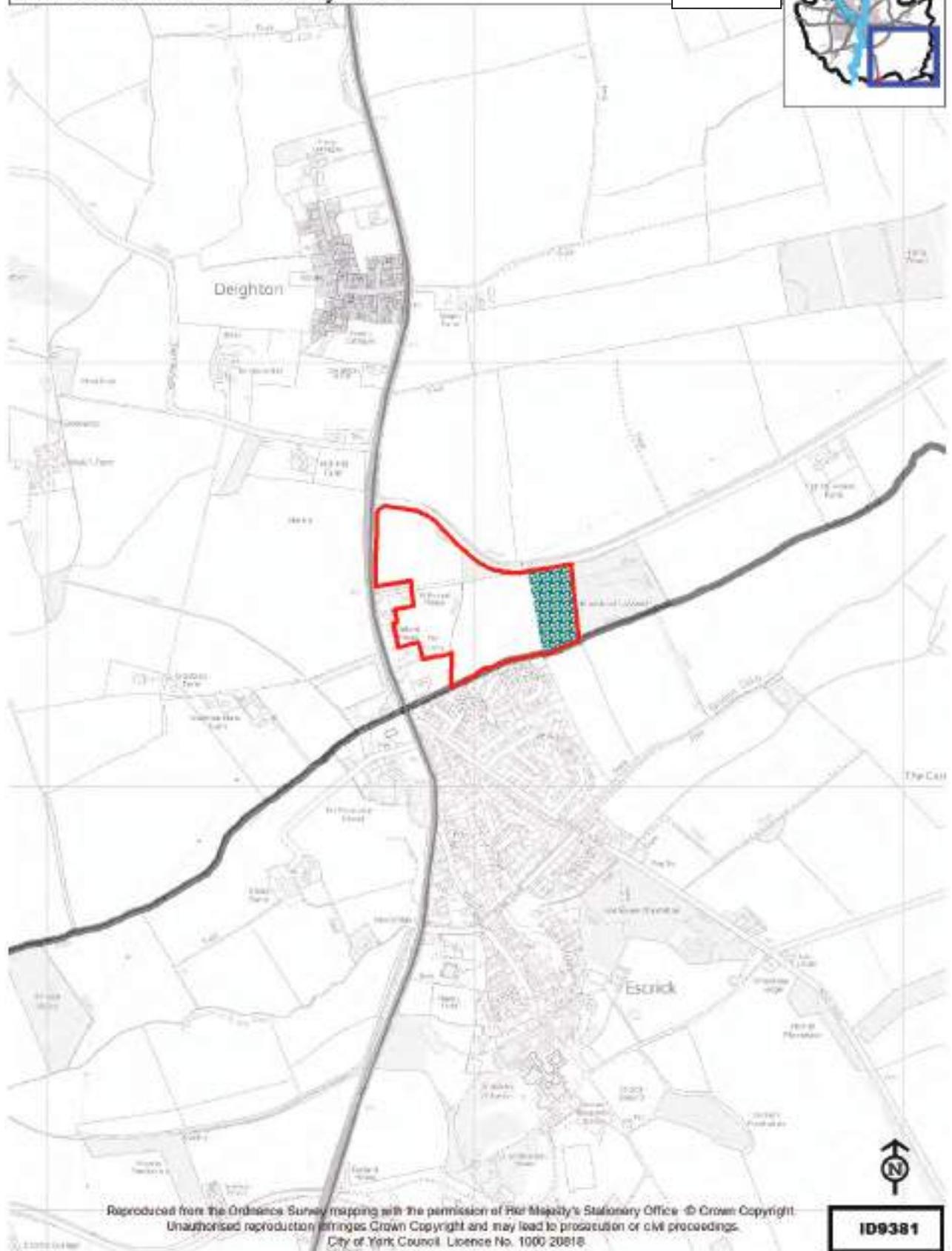
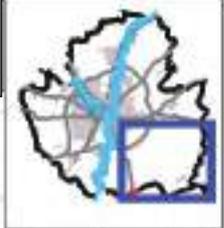
Modification

- 14.14 The inclusion of a safeguarded land policy and Site 859 – formerly SF15 as a safeguarded land site.

Appendix 1 – Site Location Plan

**881 Land to the North of Escrick
with additional Biodiversity Area**

SF15



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Appendix 2 – Further Sites Consultation – Residential Sites
Assessment Proformas

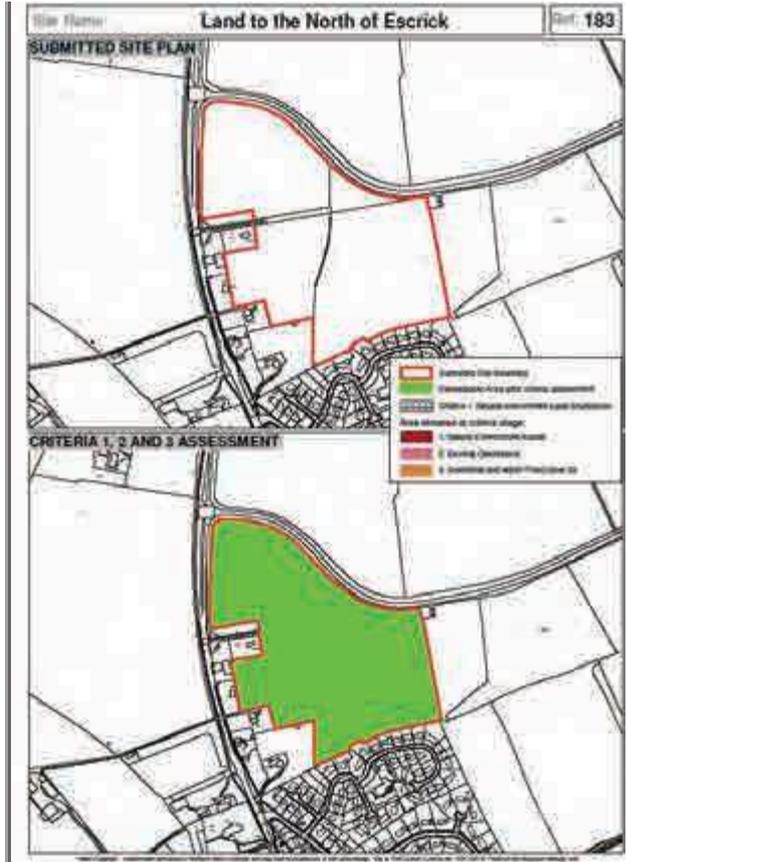
Criteria 1 to 4 Analysis

Site: 183

Land to the north of Escrick

Source:
Previously
Rejected Site

Submitted For: Housing



Submitted Size: 9.665949196

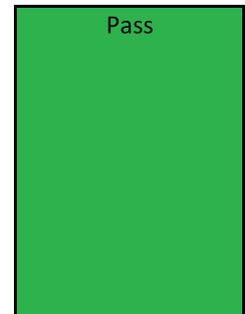
Technical Analysis

Evidence/Mitigating Factors

Criteria 1 - Primary Constraints

Flood Zone 3b:	No
Historic Character:	No
Ancient Woodland:	No
Regional GI Corridor :	No
National Conservation:	No
SINC:	No
Local Nature Conservation	No
Site Size Remaining:	9.665949152

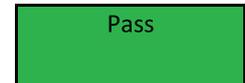
Floodrisk Evidence:	N/A
Landscape Evidence:	Yes
Habitat Evidence:	Yes



Criteria 2 - Openspace

Openspace:	No
Site Size remaining:	9.665949152

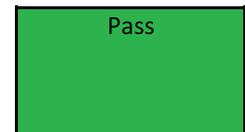
Openspace Evidence:	N/A
---------------------	-----



Criteria 3 - Greenfield 3A

Greenfield/Brownfield:	Greenfield
Greenfield Within 3a:	No
Site Size Remaining:	9.665949152

Floodrisk Evidence:	N/A
---------------------	-----



Criteria 4 - Residential Access to Services

Pass Stage 1

Pass

Pass Criteria 1234 - Move to Technical Officer Comments Stage

Technical Officer Assessment

Site: 183

Land to the north of Escrick

Submitted For: Housing

TRANSPORT

Access to the northern part of the site would be off New Road, which is a private road with potential high levels of freight vehicle usage related to North Selby Mine. Footpath link to Escrick village, school and shops on plan - no public rights of way are obvious. There are issues around the viability of bus services influencing travel in this location. Bus link from Designer Outlet is not a sustainable distance away. Pressures on A19 corridor. Frontage to A19 part of site and wider network connections (door to door journeys) needs to be more appealing to pedestrians/cyclists. If the developable area decreased to not include the parcel of land at the top of the site, access would still be required off the private road, however this would change where the access was located on the private road. It would need to be ensured that there was efficient land assembly to provide this access. It is unlikely that a safe direct access off the A19 to the site can be provided due to the proximity of the existing junction of the private road with the A19.

Amber

GEO-ENVIRONMENTAL CONSIDERATIONS

Contamination: No particular concerns regarding land contamination at this site. However, the developer must undertake an appropriate assessment of the ground conditions.

Green

Air Quality: Unlikely to be major air quality impacts. Standard air quality requirements including electric vehicle recharge infrastructure. As the site adjoins the A19, careful consideration will need to be given to the site design to ensure that residential uses are set back from the carriageway. Orientation of habitable rooms, away from the carriageway facade, may also need to be considered.

Amber

Noise: Due to the proximity of the A19 a traffic noise impact assessment will be required and mitigation measures identified. In addition there is the potential for noise associated with the petrol filling station to affect the site. Whilst the North Selby Mine anaerobic digester and greenhouse has not been constructed consideration should be given on the potential impact of traffic.

Amber

Flood Risk: Site is greenfield therefore runoff rates must comply with the 1.4 l/sec/ha.
Water course runs north-south and links to ditch in Escrick. Development layout does not consider current drainage. This site is located in flood zone 1. There is a foul sewer and rising main within the site.

Amber

Ecology: The site is arable land but the trees provide an interesting landscape. Needs a bat assessment.

Amber

HISTORIC ENVIRONMENT, LANDSCAPE AND DESIGN

Heritage/ Archaeology: A desk based archaeological assessment has been submitted however, there is a requirement for an archaeological evaluation of the site to identify archaeological features and deposits.

Amber

Landscape/ Design: There are connectivity issues with the village - the site is isolated by the built environment without using the A19. Frontage to A19 needs to be more appealing with green buffer and possible cycle path. Needs strong links to Escrick. There is a good line of mature trees through the site which should be retained. It is considered that the site area should be reduced to follow the field boundary in line with the existing extent of the buildings along the A19 so that the development area is more proportional to the size of the existing village and also to reduce the impact on the gap preventing coalescence between Escrick and Deighton.

Amber

Openspace/
Recreation:

Not a particularly healthy location. Trying to integrate open space well on site but there are issues surrounding access to services off site.

Amber

CONCLUSIONS

Summary:

This site is considered potentially suitable for development however there are issues regarding footpaths/public right of ways into Escrick, connectivity with the rest of the village, sustainable transport access, drainage and noise impacts from the A19. It is considered that the site area should be reduced to follow the field boundary in line with the existing extent of the buildings along the A19 so that the development area is more proportional to the size of the existing village and also to reduce the impact on the gap preventing coalescence between Escrick and Deighton.

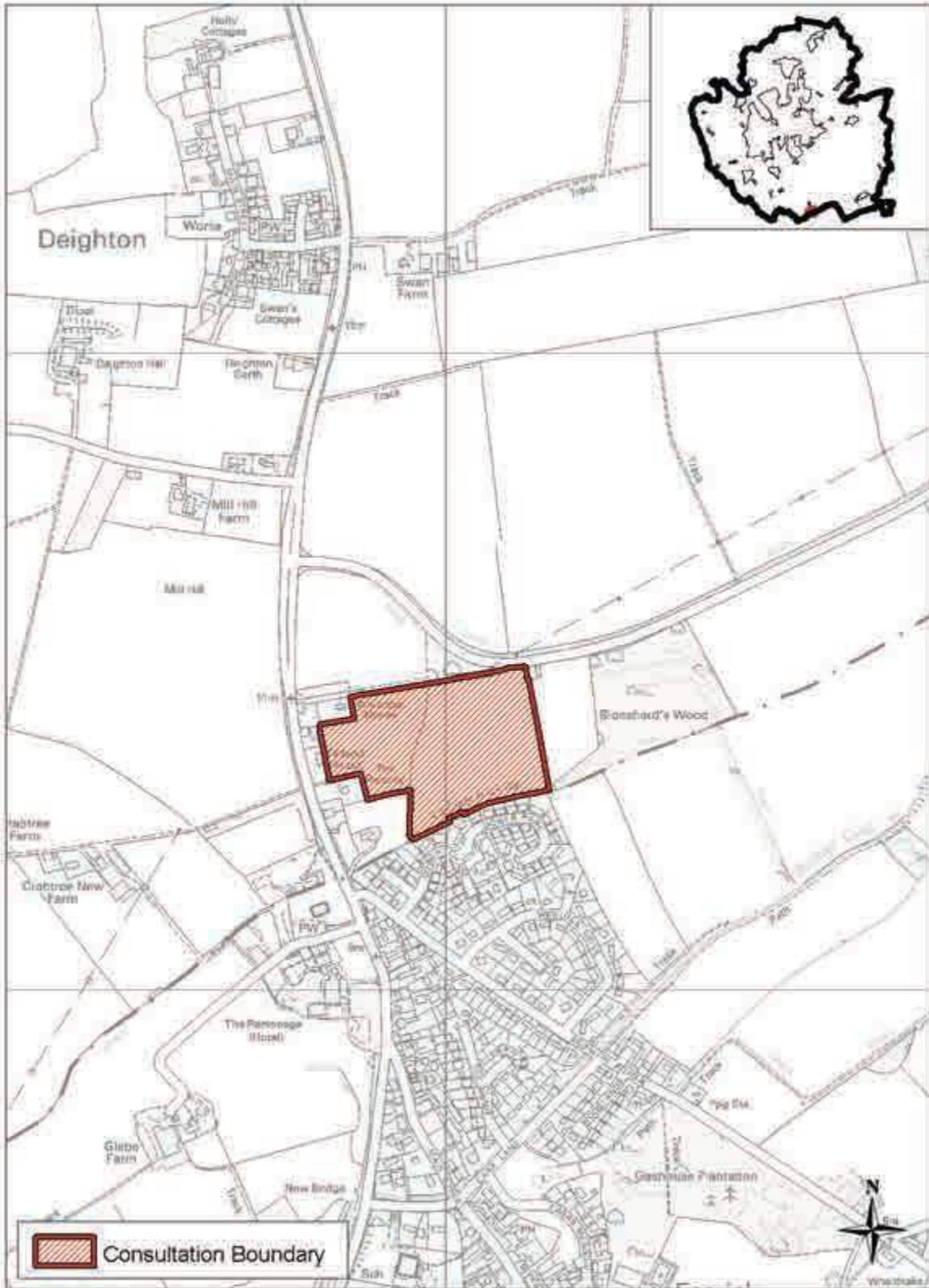
Amber

Outcome:

Passed Technical Officer Comments with reduced boundary

Amber

Site ref: 183	Site Name:
Allocation Ref: N/a	Land to the North of Escrick



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Site size:	6.1 ha	Indicative Amount:	128 dwellings
Recommendation:	To include the site as a strategic site for residential development within the Local Plan		

Appendix 3 – Note from Counsel

THE COUNCIL OF THE CITY OF YORK

**IN THE MATTER OF THE PREPARATION OF
THE YORK LOCAL PLAN**

ADVICE

1. I am asked to advise the Council as to the approach which should be adopted in relation to the determination of the Green Belt boundary in the preparation of the York Local Plan.
2. The background to this advice can be stated briefly. The principle of a Green Belt around the City of York has been long established. Its general extent was identified in the Regional Strategy for Yorkshire and Humber (RSS). The RSS included the following York Green Belt policies:

POLICY YH9: Green belts

C 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.

POLICY Y1: York sub area policy

Plans, strategies, investment decisions and programmes for the York sub area should:
C Environment

1. In the City of York LDF, 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.
2. Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

The RSS Key Diagram illustrated the RSS York Green Belt policies and the general extent of the Green Belt around the City of York.

3. When the RSS was revoked in February 2013 the Green Belt policies and Key Diagram were expressly excluded from the revocation. They continue in force and, as the Ministerial statement on the revocation explains: "in York, the development plan will continue to include the regional strategy's green belt policies".
4. Although the general extent of the Green Belt has thus been identified, the detailed boundaries remain undefined. Attempts have been made to achieve definition of the boundaries in various studies and plans since at least the early 1980s, but none have reached a successful conclusion. It is now part of the function of the emerging Local Plan to set the detailed boundaries for the first time. In doing so it is important to ensure that the approach adopted by the Council accords with relevant national policy.
5. National policy in this respect is to be found in the National Planning Policy Framework (NPPF) published in March 2012.
6. Paragraph 79 of the NPPF emphasises the importance of Green Belts and provides that

"The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

Paragraph 80 sets out five purposes which the Green Belt serves:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The importance of permanence is further emphasised in paragraph 83, which provides:

“Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their intended permanence in the long term, so that they should be capable of enduring beyond the plan period.”

7. In the light of this policy advice I am asked to consider how long beyond the Plan period should a Green Belt endure once it is defined in a statutory plan. In my opinion there is no finite period for a Plan to endure. The land which is designated as Green Belt should be expected to remain open and undeveloped indefinitely.
8. In deciding which land should be designated and what the boundaries should be, the Council should consider the extent to which the land identified serves one or more of the five Green Belt purposes set out in paragraph 80. The 4th bullet point is likely to be of particular relevance to York, namely the preservation of the setting and special character of the historic City.
9. In accordance with paragraph 84 of the NPPF authorities are also required, when drawing up Green Belt boundaries to take account of the need to promote sustainable patterns of development. This requires consideration of the development needs of the area, which should be objectively assessed. As paragraph 85 makes clear this involves consideration of the development needs which are to be met during the Plan period, and also the longer term development needs, “stretching well beyond the Plan

period". Quite how far beyond is a matter of planning judgment, but in my opinion a 10 year horizon beyond the life of the Plan as mentioned in my Instructions would be appropriate.

10. Once the need for development, both within the Plan period and beyond, is ascertained, a further judgment is required as to the extent to which the objectively assessed needs should be met. In deciding this further question it is legitimate to consider the effect of meeting the needs in full in relation to the impact that would have on the Green Belt and whether it would still be capable of fulfilling its purpose. As Ouseley J held in *South Northamptonshire Council v Secretary of State for Communities and Local Government* [2014] EWHC 573 (Admin) at paragraph 31:

"The question is not whether the Green Belt constrains the assessment, but whether the Green Belt constrains meeting the needs assessed. Once the Local Plan is adopted, it is the constrained needs in the Plan which are to be met".

11. With regard to those needs which are to be met in the Plan period allocations should be made and the land required for development should be excluded from the Green Belt.
12. Looking beyond the Plan period there are three potential options in respect of land which is required to meet the longer term development needs of the area: it can be left unallocated; it can remain in the Green Belt; or it can be designated as safeguarded land in accordance with NPPF paragraph 85. Of these three potential options in my opinion the first two are entirely inappropriate. If the land is simply left unallocated it may be difficult to resist proposals for development which is not in accordance with the ascertained needs. If it is left within the Green Belt in the emerging Plan that would be contrary to the overriding requirement of permanence, because it known

that the land will be required to be released to meet future development needs, if not in this Plan's period then at least in the next.

13. The proper course, in my view, is to identify land as safeguarded land to meet the future requirement for development. As the notes in the Planning Encyclopaedia to the now superseded PPG 2 explain, safeguarded land is required in order to strike the balance between preservation of the Green Belt and the need for further expansion. Consequently if land is required to meet the longer term needs it should be excluded from the Green Belt and protected from pressure for development contrary to the longer term needs by including it as safeguarded land. However it is important that any such land will be genuinely available and capable of development when it is needed: *Prowting Projects Ltd v Wychavon DC & Secretary of State for the Environment, Transport and the Regions* (CO/798/98). In the context of land included as safeguarded for employment use, paragraph 22 of the NPPF should be borne in mind, which cautions against long term protection of sites for employment use where there is no reasonable prospect of the site being used for that purpose; see also *DB Schenker Rail (UK) Ltd and another v Leeds City Council* [2013] EWHC 2865 (Admin).

14. The "where necessary" test adumbrated in the third bullet point of NPPF paragraph 85 therefore applies where longer term needs for development have been identified. So those needs can in due course be met, land should be safeguarded for the purpose of that development and, by identifying such land, the Green Belt can be protected from encroachment thus ensuring its boundaries remain permanent.

15. From the information provided with my Instructions it appears to me that the situation in York is within the circumstances contemplated by this test.
16. In my opinion if no safeguarded land is identified in the emerging Local Plan this would give rise to a serious risk of the Plan being found unsound. There would be a failure to identify how the longer term needs of the area could be met, and in particular a failure to indicate how those longer term needs could be met without encroaching into the Green Belt and eroding its boundaries.
17. The only argument which it seems to me the Council could deploy to avoid this danger is to be able to demonstrate that there is sufficient land outside the Green Belt boundary which will be suitable for meeting the need for further development, and which is likely to be available when those needs arise. The important point is to be able to demonstrate that the Green Belt boundary will not be affected. I assume many authorities have adopted Local Plans without including safeguarded land. It would have been appropriate for them to do so in accordance with their local circumstances. However I am unaware of a situation comparable to the circumstances in York.
18. I do not consider there is any additional general advice I can usefully add at this stage. However my Instructing Solicitor should not hesitate to get in touch if I can be of any further assistance.

JOHN HOBSON QC

**Landmark Chambers
180 Fleet Street
London EC4A 2HG**

16th January 2015

Appendix 4 – A Table of Allocation Densities

Housing Density Table

Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H1	3.54	283	80	3.54	336	95	+19%	2.87	271	94	-1%	2.87	271	94	0
								0.67	65	97	+2%	0.67	65	97	0
H2A	2.33	98	42	Deleted				Deleted				Deleted			
H2B	0.44	18	41	Deleted				Deleted				Deleted			
H3	2.7	25	9	3.9	81	21	+133%	1.9	72	38	+81%	1.9	72	38	0
H4	2.56	157	60	Deleted				Deleted				Deleted			
H5	2.24	72	32	3.64	137	38	+19%	3.64	162	45	+18%	3.64	162	45	0
H6	1.53	49	32	Deleted				1.53	Specialist Housing use class C3b – supported housing			1.53	Specialist Housing use class C3b – supported housing		
H7	1.72	73	42	1.72	86	50	+19%	1.72	86	50	0	1.72	86	50	0
H8	1.57	50	32	1.57	60	38	+19%	1.57	60	38	0	1.57	60	38	0
H9	1.3	42	32	Deleted				Deleted				Deleted			
H10	0.78	187	240	0.96	Deleted	195	-19%	0.96	187	195	0	0.96	187	195	0
H11	0.78	33	42	Deleted				Deleted				Deleted			
H12	0.77	33	43	Deleted				Deleted				Deleted			
H13	1.30	55	42	Deleted				Deleted				Deleted			
H14	0.55	220	400	Deleted				Deleted				Deleted			

Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H15	0.48	27	56	Deleted				Deleted				Deleted			
H16	1.76	57	32	Deleted				Deleted				Deleted			
H17	0.80	37	46	Deleted				Deleted				Deleted			
H18	0.39	13	33	Deleted				Deleted				Deleted			
H19	0.36	16	44	Deleted				Deleted				Deleted			
H20	0.33	15	45	0.33	17	52	+16%	0.33	56	170	+8%	0.33	56	170	0
H21	0.29	11	38	0.29	12	41	+8%	Deleted				Deleted			
H22	0.29	13	45	0.29	15	52	+16%	0.29	15	52	0	0.29	15	52	0
H23	0.25	11	44	Deleted				0.25	11	44	-	0.25	11	44	0
H25	0.22	20	90	Deleted				Deleted				Deleted			
H26	4.05	114	28	Deleted				Deleted				Deleted			
H27	4.00	102	25.5	Deleted				Deleted				Deleted			
H28	3.15	88	28	Deleted				Deleted				Deleted			
H29	2.65	74	28	2.65	88	33	+18%	2.65	88	33	0	2.65	88	33	0
H30	2.53	71	28	Deleted				Deleted				Deleted			
H31	2.51	70	28	2.51	84	34	+21%	2.51	76	30	-12%	2.51	76	30	0
H32	2.22	47	21	Deleted				Deleted				Deleted			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H33	1.66	46	28	Deleted				Deleted				Deleted			
H34	1.74	49	28	Deleted				Deleted				Deleted			
H35	1.59	44	28	Deleted				Deleted				Deleted			
H37	3.47	34	10	Deleted				Deleted				Deleted			
H38	0.99	28	28	0.99	33	33	+18%	0.99	33	33	0	0.99	33	33	0
H39	0.92	29	32	0.92	32	35	+9%	0.92	32	35	0	0.92	32	35	0
H40	0.82	26	32	Deleted				Deleted				Deleted			
H43	0.25	8	32	0.25	12	48	+50%	Deleted				Deleted			
H46	4.16	118	28	2.74	104	38	+36%	2.74	104	38	0	2.74	104	38	0
H47	1.11	37	33	Deleted				Deleted				Deleted			
H48	0.42	15	36	Deleted				Deleted				Deleted			
H49	3.89	108	30	Deleted				Deleted				Deleted			
H50	2.92	70	24	Deleted				Deleted				Deleted			
H51	0.23	10	43	0.23	12	52	+21%	Deleted				Deleted			
H52	n/a			0.2	10	50	-	0.2	15	75	+50%	0.2	15	75	0
H53	n/a			0.33	11	33	-	0.33	4	12	-64%	0.33	4	12	0
H54	n/a			1.3	46	35	-	Deleted				Deleted			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H55	n/a			0.2	20	100	-	0.2	20	100	0	0.2	20	100	0
H56	n/a			4	190	48	-	4	70	18	-63%	4	70	18	0
H57	n/a			2.8	93	33	-	<i>Deleted</i>			<i>Deleted</i>				
H58	n/a			n/a				0.7	25	36	-	0.7	25	36	0
H59	n/a			n/a				1.34	45	34	-	1.34	45	34	0
ST1	40.70	1140	28	40.7	1140	28	0	46.3	1,200	26	-7%	46.3	1,200	26	0
ST2	10.43	289	28	10.4	292	28	0	10.4	266	26	-7%	10.4	266	26	0
ST3	7.80	197	25	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST4	7.54	230	30.5	7.54	211	28	-8%	7.54	211	28	0	7.54	211	28	0
ST5	10.55	410	38.9	35	1250	36	-7%	35	845	24	-33%	35	1,700	49	+101%
ST7	113.28	1800	16	34.5	805	23	+44%	34.5	845	24	+4%	34.5	845	24	0
ST8	52.28	1400	27	39.5	875	22	-18%	39.5	968	24	+9%	39.5	968	24	0
ST9	33.48	747	22	35	735	21	-5%	35	735	21	0	35	735	21	0
ST11	13.76	400	29	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST12	20.08	421	21	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST13	5.61	125	22	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST14	157.09	2800	18	55	1348	25	+36%	55	1348	25	0	55	1348	25	0

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
ST15/ST34)	392.58	4680	12	159	3339	21	+75%	159	3339	21	0	159	3339	21	0
ST16	10.23	395	39	2.04	89	44	+156%	2.18	Phase 1: 22	10	+16%	2.18	Phase 1: 22	10	0
ST16	10.23	175	17						Phase 2: 33	15			Phase 2: 33	15	
									Phase 3: 56	26			Phase 3: 56	26	
ST17 (N)	7.16	315	44	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST17 (S)		130	18	6.8	315	46	+5%	2.35	Phase 1: 263	112	+422%	2.35	Phase 1: 263	112	0
							4.7	Phase 2: 600	128	4.7		Phase 2: 600	128		
ST22	34.59	655	19	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST23 (P 2)	21.91	117	5	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST23 (P 3&4)		342	16	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST24	10.32	10	1	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST28	5.09	87	17	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST29	5.75	135	24	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
ST30	5.92	165	28	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST31	n/a			8.1	170	21	-	8.1	158	20	-5%	8.1	158	20	0
ST32	n/a			4.8	305	64	-	2.17	328	151	+136%	2.17	328	151	0
ST33 (H45)	n/a			6	147	25	-	6	147	25	0	6	147	25	0
ST35	n/a			n/a				28.8	578	20	-	28.8	500	17	-14%
ST36	n/a			n/a				18	769	43	-	18	769	43	0

Appendix 5 – Lichfields' Technical Report on Housing Issues

City of York Local Plan Publication Draft

Technical Report on Housing Issues

Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd and Bellway Homes

March 2018

LICHTFIELDS

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1.0 Introduction

- 1.1 Lichfields has been commissioned by Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd & Bellway Homes [the Companies] to undertake a review of City of York Council's housing requirement and housing supply that has formed a key part of the evidence base to inform the City of York Local Plan Publication [LPP] Draft Consultation (March 2018).
- 1.2 Specifically, this report updates our September 2017 Technical Report on Housing Issues and provides a critique of the Objective Assessment of Housing Needs [OAHN] set out in the City of York Strategic Housing Market Assessment [SHMA] Assessment Update (September 2017, prepared by GL Hearn) following previous representations on behalf of the Companies on the 2016 SHMA and 2016 SHMA Addendum.
- 1.3 It also provides high level comments on the Council's housing land supply based on the evidence set out in the following documents:
- 1 The City of York Strategic Housing Land Availability Assessment [SHLAA] (September 2017);
 - 2 The City of York Local Plan Publication Draft (March 2018);
 - 3 Half Year Housing Monitoring Update for Monitoring Year 2017/18 (1st April 2017 to 30th September 2017); and,
 - 4 The City of York Windfall Allowance Technical Paper 2017 (SHLAA Annex 5).
- 1.4 Lichfields considers that on the basis of the contents of this report, the City of York Council is not providing sufficient land to meet the housing needs of the City and further sites should be allocated for housing development as part of the emerging Local Plan.
- 1.5 The remainder of this report is set out as follows:
- 1 **Section 2.0** - This section considers the approach which needs to be taken to calculating Objectively Assessed Housing Need [OAHN] and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
 - 2 **Section 3.0** – This section provides an overview of the findings of the 2016 SHMA and 2016 SHMA addendum, a summary of Lichfields response to these documents, and an overview of the findings of the September 2017 SHMA Assessment Update;
 - 3 **Section 4.0** - Provides a critique of the September 2017 SHMA Assessment Update. This Section sets out the extent to which the document fulfils the necessary requirements previously discussed and whether it represents the full, objectively assessed housing need for the City of York. **Appendix 1** sets out Lichfields' assessment of Market Signals in the City of York;
 - 4 **Section 5.0** - Considers the approach which needs to be taken to assessing housing land supply and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
 - 5 **Section 6.0** – Provides an overview of the Council's housing supply evidence;
 - 6 **Section 7.0** – Identifies the relevant housing requirement figures to be used for both the 5-year assessment and the plan period assessment;
 - 7 **Section 8.0** - Assesses the adequacy of the deliverable and developable supply of housing sites to meet the requirement for the plan period and 5-year period. It draws on the information supplied by the Council in the LPP and associated evidence base;
 - 8 **Section 9.0** - Assesses the housing supply against the OAHNs for York identified by the Council and by Lichfields; and,

- 9 **Section 10.0** Summarises the key issues within the Councils evidence base and sets out why it is not compliant with the requirements for an OAHN calculation and housing land supply.

2.0 Approach to Identifying OAHN

Introduction

- 2.1 This section sets out the requirements of the Framework and the Practice Guidance in objectively assessing housing needs. This will provide the benchmark against which the SHMA Assessment Update will be reviewed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of an OAHN calculation in a legal context.

Policy Context

National Planning Policy Framework

- 2.2 The Framework outlines a two-step approach to setting housing requirements in Local Plans. Firstly, to define the full objectively assessed need for development and then secondly, to set this against any adverse impacts or constraints which would mean that need might not be met. This is enshrined in the approach defined in the Framework which sets out the presumption in favour of sustainable development:

“For plan-making this means that:

- *LPAs should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”¹*

- 2.3 The Framework goes on to set out that in order to 'boost significantly' the supply of housing, LPAs should:

“use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the framework...”²

- 2.4 The Framework sets out the approach to defining such evidence which is required to underpin a local housing requirement. It sets out that in evidencing housing needs:

“LPAs should have a clear understanding of housing needs in their area. They should:

- *prepare a SHMA to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:*
 - *meets household and population projections, taking account of migration and demographic change;*

¹ Framework - §14

² Framework - §47

- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community...; and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand... ”³*

2.5 Furthermore, the core planning principles set out in the Framework⁴ indicate that a planned level of housing to meet objectively assessed needs must respond positively to wider opportunities for growth and should take account of market signals, including housing affordability.

Draft National Planning Policy Framework

2.6 The Framework draft text for consultation was published in March 2018. It has an unequivocal emphasis on housing, with the introduction to the consultation proposals clarifying that the country needs radical, lasting reform that will allow more homes to be built, with the intention of reaching 300,000 net additional homes a year. The draft states that to support the Government’s objective of ‘significantly boosting the supply of homes’, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay [§60].

2.7 In particular:

“In determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance – unless there are exceptional circumstances that justify an alternative approach which also reflects current and future demographic trends and market signals. In establishing this figure, any needs that cannot be met within neighbouring areas should also be taken into account”. [§61]

2.8 The draft also makes it clear that when identifying the housing need, policies should also break the need down by size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes) [§62].

2.9 Paragraphs 68 - 78 also set out how Councils should identify and maintain a five years’ worth of housing against their housing requirement.

2.10 In terms of the weight that can be attached to this draft document, it is accepted that only limited weight can be attached to the document at present as it is still out for consultation. In this regard, paragraph 209 to Annex 1 of the draft Framework states that the policies in the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before the date which is 6 months after the final Framework’s publication. *“in these cases the examination will take no account of the new Framework”*.

2.11 However the draft Framework remains a useful indicator of the direction of travel, not least with the approach to be taken to defining housing need, which has already been the subject of an earlier consultation (*‘Planning for the right homes in the right places’*, September 2017), to which MHCLG published a summary of consultation responses and its view on the way forward in March 2018.

³ Framework - §159

⁴ Framework - §17

National Planning Practice Guidance

- 2.12 The Framework is supplemented by the Practice Guidance which provides an overarching framework for considering housing needs, but also acknowledges that:

“There is no one methodological approach or use of a particular dataset(s) that will provide a definitive assessment of development need”⁵.

- 2.13 The Guidance states that household projections published by CLG should provide the starting point estimate of overall housing need⁶.

- 2.14 Although the Practice Guidance notes that demographic trends should be applied as a starting point when assessing the OAHN, it goes on to state that consideration should also be given to the likely change in job numbers. This supports the importance that the Framework⁷ places on the economy and the requirement to *“ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”*. A failure to take account of economic considerations in the determination of the OAHN would be inconsistent with this policy emphasis.

- 2.15 The Inspector at the Fairford Inquiry⁸ recognised the role of economic factors in the assessment of the OAHN for Cotswold District:

“The Council has not provided a figure for OAN which takes account of employment trends. The Council argues that the advice in the PPG does not require local planning authorities to increase their figure for OAN to reflect employment considerations, but only to consider how the location of new housing or infrastructure development could help address the problems arising from such considerations. I disagree. In my view, the PPG requires employment trends to be reflected in the OAN, as they are likely to affect the need for housing. They are not “policy on” considerations but part of the elements that go towards reaching a “policy off” OAN, before the application of policy considerations. There is no evidence that the Council’s figures reflect employment considerations” [IR. §19].

- 2.16 This view reflects the position expressed by the Inspector (and confirmed by the Secretary of State) in the Pulley Lane Inquiries in Droitwich Spa⁹. The Inspector’s report (which was accepted by the SoS) states that:

“The Council’s case that “unvarnished” means arriving at a figure which doesn’t take into account migration or economic considerations is neither consistent with the (Gallagher) judgment, nor is it consistent with planning practice for deriving a figure for objectively assessed need to which constraint policies are then applied. Plainly the Council’s approach is incorrect. Clearly, where the judgement refers to ‘unvarnished’ figures (paragraph 29) it means environmental or other policy constraints. There is nothing in the judgement which suggests that it is not perfectly proper to take into account migration, economic considerations, second homes and vacancies”. [IR. §8.45]

- 2.17 Housing need, as suggested by household projections, should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. Relevant signals may include land prices, house prices, rents, affordability (the ratio between lower quartile house prices and the lower quartile income or earnings can be

⁵ Practice Guidance – ID:2a-005-20140306

⁶ Practice Guidance – ID:2a-015-20140306

⁷ Framework - §158

⁸ Land South of Cirencester Road, Fairford (PINS Ref No: APP/F1610/A/14/2213318) (22 September 2014).

⁹ Land at Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (APP/H1840/A/13/2199085) and Land north of Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (PINS Ref No: APP/H1840/A/13/2199426) (2 July 2014).

used to assess the relative affordability of housing), rate of development and, overcrowding¹⁰:

“Appropriate comparisons of indicators should be made. This includes comparison with longer term trends (both in absolute levels and rates of change) in the: housing market area; similar demographic and economic areas; and nationally. A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.”¹¹

- 2.18 In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be¹².
- 2.19 The Guidance recognises that market signals are affected by a number of economic factors, and plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period¹³.
- 2.20 The Practice Guidance concludes by suggesting that the total need for affordable housing should be identified and converted into annual flows by calculating the total net need (subtracting total available stock from total gross need) and converting total net need into an annual flow.
- 2.21 The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments:

“An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes.”¹⁴

Draft Planning Practice Guidance

- 2.22 Following on from the draft Framework, on 9th March 2018 MHCLG published its draft Planning Practice Guidance for consultation. This provides further detail on 6 main topic areas: viability; housing delivery; local housing need assessments; Neighbourhood Plans; Plan-making and Build-to-rent.
- 2.23 Regarding housing delivery, the draft Practice Guidance sets out how local authorities should identify and maintain a 5-year supply of specific deliverable sites, bringing the Guidance into line with recent Ministerial statements and High Court Judgements. In particular, it clarifies that along with older peoples’ housing, all student accommodation can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market.
- 2.24 Furthermore, LPAs should deal with deficits or shortfalls against planned requirements within the first 5 years of the plan period (i.e. the ‘Sedgefield’ approach to backlog).
- 2.25 In terms of the Local Housing Need Assessment, this takes forward the approach set out in CLG’s September 2017 consultation on *“Planning for the right homes in the Right Places”*. The proposed approach to a standard method for calculating local housing need, including transitional arrangements, is set out and as before, consists of three components. The starting point would continue to be a demographic baseline using the latest CLG household projections

¹⁰ Practice Guidance – ID:2a-019-20140306

¹¹ Practice Guidance – ID:2a-020-20140306

¹² Practice Guidance – ID:2a-020-20140306

¹³ *ibid*

¹⁴ Practice Guidance – ID: 2a-029-20140306

(over a 10-year time horizon), which is then modified to account for market signals (the median price of homes set against median workplace earnings). The modelling proposes that each 1% increase in the ratio of house prices to earnings above 4 results in a ¼% increase in need above projected household growth.

2.26 The uplift is then capped to limit any increase an authority may face when they review their plan:

- a *“for those authorities that have reviewed their plan (including a review of local housing need) or adopted their plan in the last five years, a cap may be applied to their new annual local housing need figure at 40 per cent above the average annual requirement figure currently set out in their plan; or*
- b *for those authorities that have not reviewed their plan (including a review of local housing need) or adopted their plan in the last five years, a cap may be applied to their new annual local housing need figure at 40% above whichever is higher of the projected household growth for their area over the 10 years (using Office for National Statistics’ household projections), or the annual housing requirement figure set out in their most recent plan if one exists.” [page 25]*

2.27 The various stages are set out in Figure 2.1.

Figure 2.1 Proposed methodology for determination of OAHN



Source: Lichfields

2.28 In terms of the ability of LPAs to deviate from this proposed new methodology, this is discouraged unless there are compelling circumstances not to adopt the approach. For example:

“There may be circumstances where it is justifiable to identify need above the need figure identified by the standard method. The need figure generated by the standard method should be considered as the minimum starting point in establishing a need figure for the purposes of plan production. The method relies on past growth trends and therefore does not include specific uplift to account for factors that could affect those trends in the future. Where it is likely that additional growth (above historic trends identified by household

projections) will occur over the plan period, an appropriate uplift may be applied to produce a higher need figure that reflects that anticipated growth. Circumstances where an uplift will be appropriate include, but are not limited to; where growth strategies are in place, strategic level infrastructure improvements are planned, funding is in place to promote and facilitate growth (i.e. Housing Deals, Housing Infrastructure Fund). In these circumstances, the local housing need figure can be reflected as a range, with the lower end of the range being as a minimum the figure calculated using the standard method. Where an alternative approach identifies a need above the local housing need assessment method, the approach will be considered sound, unless there are compelling reasons to indicate otherwise.” [page 26]

2.29 As to whether LPAs can identify a lower level of need, as York City Council is suggesting:

“Plan-making authorities should use the standard method for assessing local housing need unless there are exceptional circumstances to justify an alternative approach. Any deviation which results in a lower housing need figure than the standard approach will be subject to the tests of soundness and will be tested thoroughly by the Planning Inspectorate at examination. The plan-making authority will need to make sure that the evidence base is robust and based on realistic assumptions, and that they have clearly set out how they have demonstrated joint working with other plan-making authorities. In such circumstances, the Planning Inspector will take the number from the standard method as a reference point in considering the alternative method.” page 26]

2.30 Lichfields notes the following with regard to the weight to be can be attached to MHCLG’s proposed new method:

- 1 **Status of the document:** MHCLG’s document is currently out for consultation, has yet to be finalised and may be subject to significant numbers of objections from interested parties;
- 2 **Proposed Transitional Arrangements:** As noted in the draft Framework above, the policies in the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before the date which is 6 months after the final Framework’s publication.

Recent Legal Judgements

2.31 There have been several key recent legal judgments of relevance to the identification of OAHN, and which provide clarity on interpreting the Framework:

- 1 ‘St Albans City and District Council v (1) Hunston Properties Limited and (2) Secretary of State for Communities and Local Government [2013] EWCA Civ 1610’ referred to as “Hunston”;
- 2 ‘(1) Gallagher Homes Limited and (2) Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283’ referred to as “Solihull”;
- 3 ‘Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370’ referred to as “Satnam”; and,
- 4 ‘Kings Lynn and West Norfolk Borough Council v (i) Secretary of State for Communities and Local Government and (ii) Elm Park Holdings [2015] EWHC 1958’ referred to as “Kings Lynn”.

Hunston

- 2.32 “Hunston” [EWCA Civ 1610] goes to the heart of the interpretation of the Framework¹⁵. It relates to an appeal decision in respect of a scheme predominantly comprising housing on a Green Belt site. Its relevance is that it deals with the question of what forms the relevant benchmark for the housing requirement, when policies on the housing requirement are absent, silent or out of date as referred to in the Framework¹⁶.
- 2.33 Hunston establishes that §47 applies to decision-taking as well as plan-making and that where policies for the supply of housing are out of date, objectively assessed needs become the relevant benchmark.
- 2.34 Sir David Keene in his judgment at §25 stated:
- “... I am not persuaded that the inspector was entitled to use a housing requirement figure derived from a revoked plan, even as a proxy for what the local plan process may produce eventually. The words in paragraph 47(1), “as far as is consistent with the policies set out in this Framework” remind one that the Framework is to be read as a whole, but their specific role in that sub-paragraph seems to me to be related to the approach to be adopted in producing the Local Plan. If one looks at what is said in that sub-paragraph, it is advising local planning authorities:*
- “...to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework.”*
- “That qualification contained in the last clause quoted is not qualifying housing needs. It is qualifying the extent to which the Local Plan should go to meet those needs. The needs assessment, objectively arrived at, is not affected in advance of the production of the Local Plan, which will then set the requirement figure.”*
- 2.35 Crucially Hunston determined that it is clear that constraints should not be applied in arriving at an objective assessment of need. Sir David Keene in Hunston goes on to set out that [§§26-27]:
- “... it is not for an inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure. An inspector in that situation is not in a position to carry out such an exercise in a proper fashion, since it is impossible for any rounded assessment similar to the local plan process to be done... It seems to me to have been mistaken to use a figure for housing requirements below the full objectively assessed needs figure until such time as the Local Plan process came up with a constrained figure.”*
- “It follows from this that I agree with the judge below that the inspector erred by adopting such a constrained figure for housing need. It led her to find that there was no shortfall in housing land supply in the district. She should have concluded, using the correct policy approach, that there was such a shortfall. The supply fell below the objectively assessed five year requirement.”*

Solihull

- 2.36 “Solihull” [EWHC 1283] is concerned with the adoption of the Solihull Local Plan and the extent to which it was supported by a figure for objectively assessed housing need. Although related to

¹⁵ Framework - §47

¹⁶ Framework - §14

plan-making, it again deals with the Framework¹⁷ and draws upon, and reiterates, the earlier Hunston judgment.

2.37 The judgment of Hickinbottom J in Solihull sets out a very useful summary of the staged approach to arriving at a housing requirement, providing some useful definitions of the concepts applied in respect of housing needs and requirements [§37]:

*“i) **Household projections:** These are demographic, trend-based projections indicating the likely number and type of future households if the underlying trends and demographic assumptions are realised. They provide useful long-term trajectories, in terms of growth averages throughout the projection period. However, they are not reliable as household growth estimates for particular years: they are subject to the uncertainties inherent in demographic behaviour, and sensitive to factors (such as changing economic and social circumstances) that may affect that behaviour...”*

*“ii) **Full Objective Assessment of Need for Housing:** This is the objectively assessed need for housing in an area, leaving aside policy considerations. It is therefore closely linked to the relevant household projection; but is not necessarily the same. An objective assessment of housing need may result in a different figure from that based on purely demographics if, e.g., the assessor considers that the household projection fails properly to take into account the effects of a major downturn (or upturn) in the economy that will affect future housing needs in an area. Nevertheless, where there are no such factors, objective assessment of need may be – and sometimes is – taken as being the same as the relevant household projection.”*

*“iii) **Housing Requirement:** This is the figure which reflects, not only the assessed need for housing, but also any policy considerations that might require that figure to be manipulated to determine the actual housing target for an area. For example, built development in an area might be constrained by the extent of land which is the subject of policy protection, such as Green Belt or Areas of Outstanding Natural Beauty. Or it might be decided, as a matter of policy, to encourage or discourage particular migration reflected in demographic trends. Once these policy considerations have been applied to the figure for full objectively assessed need for housing in an area, the result is a “policy on” figure for housing requirement. Subject to it being determined by a proper process, the housing requirement figure will be the target against which housing supply will normally be measured.”*

2.38 Whilst this is clear that a housing requirement is a “policy on” figure and that it may be different from the full objectively assessed need, Solihull does reiterate the principles set out in Hunston, namely that where a Local Plan is out of date in respect of a housing requirement (in that there is no Framework-compliant policy for housing provision within the Development Plan) then the housing requirement for decision taking will be an objective assessment of need [§88]:

“I respectfully agree with Sir David Keene (at [4] of Hunston): the drafting of paragraph 47 is less than clear to me, and the interpretative task is therefore far from easy. However, a number of points are now, following Hunston, clear. Two relate to development control decision-taking.

i) “Although the first bullet point of paragraph 47 directly concerns plan-making, it is implicit that a local planning authority must ensure that it meets the full, objectively assessed needs for market and affordable housing in the housing market, as far as consistent with the policies set out in the NPPF, even when considering development

¹⁷ Framework - §14 & §47

control decisions.”

- ii) *“Where there is no Local Plan, then the housing requirement for a local authority for the purposes of paragraph 47 is the full, objectively assessed need.”*

2.39 Solihull also reaffirms the judgment in Hunston that full objectively assessed needs should be arrived at, and utilised, without the application of any constraining factors. At §91 of the judgment the judge sets out:

“... in the context of the first bullet point in paragraph 47, policy matters and other constraining factors qualify, not the full objectively assessed housing needs, but rather the extent to which the authority should meet those needs on the basis of other NPPF policies that may, significantly and demonstrably outweigh the benefits of such housing provision.”

Satnam

2.40 “Satnam” [EWHC 370] highlights the importance of considering affordable housing needs in concluding on full OAHN. The decision found that the adopted OAHN figure within Warrington’s Local Plan was not in compliance with policy in respect of affordable housing because (as set out in §43) the assessed need for affordable housing need was never expressed or included as part of OAHN.

2.41 The decision found that the “*proper exercise*” had not been undertaken, namely:

- “(a) having identified the OAN for affordable housing, that should then be considered in the context of its likely delivery as a proportion of mixed market/affordable housing development; an increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes;”*
- (b) the Local Plan should then meet the OAN for affordable housing, subject only to the constraints referred to in NPPF, paragraphs 14 and 47.”*

2.42 In summary, this judgment establishes that full OAHN has to include an assessment of full affordable housing needs.

Kings Lynn

2.43 Whilst “Satnam” establishes the fact that full OAHN must include affordable housing needs, “Kings Lynn” [EWHC 1958] establishes how full affordable housing needs should be addressed as part of a full OAHN calculation. The judgment identifies that it is the function of a SHMA to address the needs for all types of housing including affordable, but not necessarily to meet these needs in full. The justification of this statement is set out below in §35 to §36 of the judgment.

“At the second stage described by the second sub-bullet point in paragraph 159, the needs for types and tenures of housing should be addressed. That includes the assessment of the need for affordable housing as well as different forms of housing required to meet the needs of all parts of the community. Again, the PPG provides guidance as to how this stage of the assessment should be conducted, including in some detail how the gross unmet need for affordable housing should be calculated. The Framework makes clear these needs should be addressed in determining the FOAN, but neither the Framework nor the PPG suggest that they have to be met in full when determining that FOAN. This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being

developed. It is no doubt for this reason that the PPG observes at paragraph ID 2a-208-20140306 as follows:

"i The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes."

"This consideration of an increase to help deliver the required number of affordable homes, rather than an instruction that the requirement be met in total, is consistent with the policy in paragraph 159 of the Framework requiring that the SHMA "addresses" these needs in determining the FOAN. They should have an important influence increasing the derived FOAN since they are significant factors in providing for housing needs within an area."

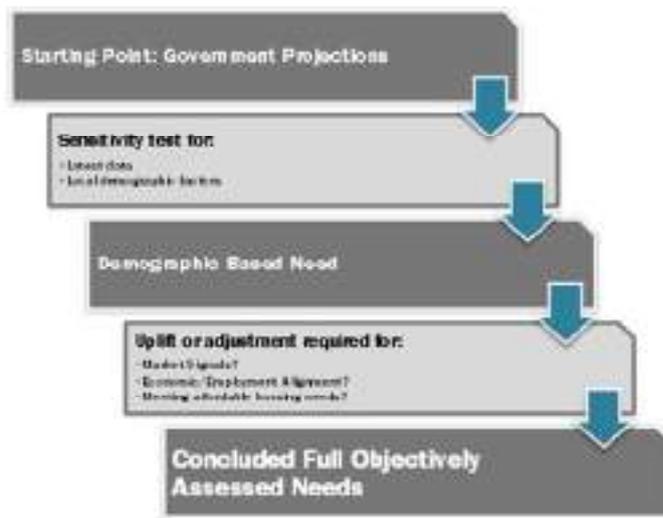
- 2.44 The judgment is clear that the correct method for considering the amount of housing required to meet full affordable housing needs is to consider the quantum of market housing needed to deliver full affordable housing needs (at a given percentage). However, as the judgment sets out, this can lead to a full OAHN figure which is so large that a LPA would have *"little or no prospect of delivering [it] in practice"*. Therefore, it is clear from this judgment that although it may not be reasonable and therefore should not be expected that the OAHN will include affordable housing needs in full, an uplift or similar consideration of how affordable needs can be 'addressed' is necessary as part of the full OAHN calculation. This reflects the Framework¹⁸.

Conclusion

- 2.45 It is against this policy context that the housing need for the City of York must be considered. In practice, applying the Framework and Practice Guidance to arrive at a robust and evidenced OAHN is a staged and logical process. An OAHN must be a level of housing delivery which meets the needs associated with population, employment and household growth, addresses the need for all types of housing including affordable and caters for housing demand.
- 2.46 Furthermore, a planned level of housing to meet OAHN must respond positively to wider opportunities for growth and should take account of market signals, including affordability. This approach has been supported by the recent Legal Judgements summarised above. This approach is summarised in Figure 2.2.

¹⁸ Framework - §158

Figure 2.2 The Framework and Practice Guidance Approach to Objectively Assessing Housing Needs



Source: Lichfields based upon the Framework / Practice Guidance

3.0 City of York Council's OAHN Evidence

Introduction

- 3.1 Before setting out a critique of CYC's housing OAHN evidence base, it is important to recognise that the Council has never had an adopted Local Plan for the City (under the 1971 Act, the 1990 Act or the 2004 Act) and progress on the current draft Local Plan has been, it is not unfair to say, glacial.
- 3.2 The development plan for York comprises two policies¹⁹ and the Key Diagram of the partially revoked Yorkshire and Humber Regional Strategy (2008) [YHRS]. There is no adopted Local Plan for York that forms part of the development plan. Instead, there is a long history of failed attempts to produce an adopted Local Plan.
- 3.3 The Council published the '*York Local Plan - Preferred Options*' document for consultation in summer 2013, followed by a 'Further Sites' consultation for six weeks in summer 2014 which included potential new sites and changes to the boundaries of some of the sites originally identified. Following these consultations, a '*Publication Draft Local Plan and Proposals Map*' was considered by the Local Plan Working Group [LPWG] and by Cabinet in September 2014²⁰. With the intention of progressing a Framework compliant Local Plan, the Cabinet resolved to carry through the LPWG's recommendations and approve the Local Plan Publication Draft for public consultation, subject to amendments circulated at the Cabinet meeting and to instruct officers to report back following the consultation with a recommendation on whether it would be appropriate to submit the Publication Draft for public examination.
- 3.4 However, at the Full Council on 9 October 2014²¹ a resolution was made to halt the public consultation on the Local Plan Publication Draft in order to reassess and accurately reflect objectively assessed housing requirements. The resolution also instructed officers to produce a report on the housing trajectory to be brought back to the next meeting of the LPWG in November 2014 along with the relevant background reports. The intention was for the report to allow the LPWG to agree an accurate analysis of the housing trajectory that is objective, evidence based and deliverable. The analysis was to be used to "*inform housing allocations and a new proposed Local Plan to be brought back to the next LPWG for discussion and recommendation to Cabinet in November.*"
- 3.5 The Council published the following 'further work' on the Local Plan relating to housing needs since the Full Council resolution to halt the Publication Draft Local Plan in 2014:
- 1 In December 2014, the LPWG considered a report on '*Housing Requirements in York*' which was based on two background documents produced by Arup²². The report set out four different housing requirement figures that were considered sound against the evidence base and three options for progressing the work on housing requirements. The LPWG members agreed a housing requirement figure of 926dpa²³;
 - 2 In September 2015 the LPWG considered an update on the '*Objective Assessment of Housing Need*' [OAHN] report produced by Arup²⁴ and a report on '*Economic Growth*'²⁵. The Arup report concluded that the housing 'requirement' should be in the range of 817

¹⁹ Both relating to Green Belt, requiring its inner boundaries to be defined in a plan and confirming that the general extent is about 6 miles out from the City centre

²⁰ Cabinet Meeting Thursday 25 September, 2014 - Minutes

²¹ Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 9th October, 2014

²² Assessment of the Evidence on Housing Requirements in York (Arup, May 2013) & Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update (Arup, September 2014)

²³ Local Plan Working Group 17 December 2014 - Minutes

²⁴ Evidence on Housing Requirements in York: 2015 Update – Arup (August 2015)

²⁵ York Economic Forecasts – Oxford Economics (May 2015)

dwellings per annum [dpa] to 854dpa between 2012 and 2031. The LPWG's recommendations were that the Executive Committee note the Arup OAHN report and endorse further work, including an evaluation of any spatial and delivery implications, on two scenarios for economic growth that would be reported back to the LPWG in due course;

- 3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to undertake a Strategic Housing Market assessment [SHMA]²⁶. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of 841dpa.
- 4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However in June 2016 GL Hearn produced an Addendum²⁷ to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706dpa - 898dpa, and therefore the Council considered that it did not need to move away from the previous 841dpa figure.
- 5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. GL Hearn was asked by City of York Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation [PSC] relating to OAN. The GL Hearn SHMA Addendum Update (May 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the demographic starting point from 783dpa (in the 2016 SHMA) to 867dpa. In their Update, GL Hearn then applied a 10% uplift to the 867dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of 953dpa. However, a cover sheet to GL Hearn's Update, entitled 'Introduction and Context to objective Assessment of Housing Need' was inserted at the front of this document by the Council. This states that 867dpa is the relevant baseline demographic figure for the 15 year period of the plan (2032/33). The Council rejected the 953dpa figure on the basis that GL Hearn's conclusions stating:

"...Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations."

- 3.6 As a result of this approach, the February 2018 City of York Publication Draft now states in Policy SS1: Delivering Sustainable Growth for York, the intention to:

"Deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38."

- 3.7 The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is "*an objectively assessed housing need*" [§3.3].
- 3.8 The remainder of this section provides an overview of the findings of the 2016 SHMA and 2016 SHMA addendum, a summary of Lichfields response to these documents, and an overview of the findings of the September 2017 SHMA Assessment Update.

²⁶GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment

²⁷GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment - Addendum

Overview of the City of York SHMA

- 3.9 The emerging City of York Local Plan is currently underpinned by three key housing need documents:
- 1 City of York Strategic Housing Market Assessment [SHMA], prepared on behalf of CYC by GL Hearn in June 2016;
 - 2 City of York SHMA Addendum, prepared on behalf of CYC by GL Hearn in June 2016; and,
 - 3 City of York September 2017 SHMA Assessment Update prepared on behalf of CYC by GL Hearn.
- 3.10 These documents follow on from previous reports prepared to inform the emerging Local Plan including the *'City of York Council Housing Requirements in York Evidence on Housing Requirements in York: 2015 Update'* (August 2015) prepared by Arup and the *'North Yorkshire Strategic Housing Market Assessment'* (November 2011) prepared by GVA.
- 3.11 A review of these documents and Lichfields' previous submissions on the City of York SHMA (June 2016) and the SHMA Addendum (June 2016) has been provided below in order to provide the context to the issues raised in this Technical Report.

City of York SHMA (June 2016)

- 3.12 GL Hearn states that the SHMA was prepared *'essentially to sensitivity check'* the Arup August 2015 Housing Requirements in York report. However, it departs significantly from the Arup approach and undertakes an entirely new set of modelling using the 2012-based SNPP and 2012-based SNHP for the period 2012-2032. The subsequent Addendum was prepared to understand the implications on the earlier SHMA analysis of the publication of the 2014-based Sub-National Population Projections [SNPP] on 25th May 2016.
- 3.13 The SHMA concludes (Section 2.0) that the HMA which covers the City of York also extends to include Selby. However:
- "While we propose a HMA which links to Selby and York we are not considering housing need across the HMA. Selby has recently produced its own SHMA and this assessment does not seek to replicate it"* [§2.106]
- 3.14 GL Hearn undertook a number of demographic modelling scenarios including the 2012-based SNPP; long term migration trends and 2012-based SNPP adjusted to take into account the (higher) 2014 MYE. GL Hearn concluded that the SNPP *"is a sound demographic projection from a technical perspective"* [page 83], although they attached greater weight to a higher figure of 833 dpa based on a projection which takes into account the 2013 and 2014 Mid-Year Population Estimates [MYE] and rolls forward the SNPP.
- 3.15 The SHMA concluded that one of the most noteworthy findings from the analysis was the relatively small increase in the population aged 15-29 (which includes the vast majority of students):
- "Whilst over the 2001-2014 period this age group increased by 12,600, there is only projected to be a 2,500 increase over the 20-years to 2032. Such a finding is consistent with this age group not being expected to see any notable changes at a national level in the future...At the time of writing York University was not expecting significant increases in the student population, whilst St Johns was only expecting a modest increase. With this knowledge, and the age specific outputs from the SNPP we can have reasonable confidence that the SNPP is a realistic projection."* [§§4.31-4.32]
- 3.16 The projections are set out in Table 3.1.

Table 3.1 Summary of the City of York SHMA (June 2016) Range of Scenarios (2012-2032)

	Change in Households	Dwellings per annum (2012-2032)	Job growth per annum (2012-2032)
2012-based SNPP	15,093	783 dpa	(not provided)
2014-based	18,458	958 dpa	
UPC adjusted	12,676	658 dpa	
10-year migration	13,660	709 dpa	
2012-based SNPP (as updated)	16,056	833 dpa	
OE Baseline	15,019	780 dpa	609
OE Re-profiling			635
OE – higher migration	15,685	814 dpa	868
YHREM	15,356	797 dpa	789

Source: City of York SHMA (June 2016)

- 3.17 The analysis also considered future economic growth performance by accessing forecasts from Oxford Economics [OE] and Experian (via the Yorkshire and the Humber Regional Economic Modelling [YHREM]). The forecasts range from 609 jobs per annum (OE baseline) to 868 (OE higher migration).
- 3.18 The GL Hearn modelling concluded that this would support a level of population growth broadly in line with the 2012-based SNPP generating between 780-814dpa, which it considered to be below the level of need identified from the most recent MYE data:
- “On balance there is no justification for an uplift to housing numbers in the City to support expected growth in employment” [page 87].*
- 3.19 The SHMA proceeds to identify a relatively high level of affordable housing need, of 573dpa, above the 486dpa need identified by GVA in the 2011 SHMA. It states:
- “The analysis undertaken arguably provides some evidence to justify considering an adjustment to the assessed housing need to address the needs of concealed households, and support improvements [sic] household formation for younger households; although any adjustment will also need to take account of any future changes already within the household projections (e.g. in terms of improving household formation). The issue of a need for any uplift is considered alongside the analysis of market signals which follows.” [§6.112]*
- 3.20 However, the SHMA concludes that whilst the affordable housing need represents 69% of the need identified in the demographic-led projections, it is not appropriate to directly compare the need as they are calculated in different ways:
- “The analysis does not suggest that there is any strong evidence of a need to consider housing delivery higher than that suggested by demographic projections to help deliver more affordable homes to meet the affordable housing need.”*
- “However, in combination with the market signals evidence some additional housing might be considered appropriate to help improve access to housing for younger people. A modest uplift would not be expected to generate any significant population growth (over and above that shown by demographic projections) but would contribute to reducing*

concealed households and increasing new household formation. The additional uplift would also provide some additional affordable housing.” [page 115]

3.21 GL Hearn’s market signals analysis in the SHMA indicates that there are affordability pressures in the City of York:

- 1 Lower quartile to median income ratio is around 7.89 (compared to 6.45 nationally);
- 2 House prices are also very high and tripled in the pre-recession decade. Private rental levels in York, at £675pcm, which are higher than comparator areas and nationally (£600pcm in England);
- 3 Over-occupied dwellings increased by 52% between 2001 and 2011: “which is high relative to that seen at a regional or national level” [§8.34].

4 Housing delivery in York:

“...has missed the target each year since 2007” [§8.38].

3.22 In this regard, GL Hearn concludes that:

“It would therefore be appropriate to consider a modest upward adjustment to the demographic assessment of housing need to improve affordability over time.” [§8.99]

3.23 To consider what level of uplift might be appropriate, GL Hearn sought to assess the degree to which household formation levels had been constrained for younger age groups, and what scale of adjustment to housing provision would be necessary for these to improve. This was derived on the assumption that household formation rates of the 25-34 age group would return to 2001 levels by 2025 (from 2015). This resulted in an increase in the annual housing provision of 8 homes per annum across the City for each of the aforementioned scenarios.

3.24 The SHMA confirms that this sensitivity analysis represents “*the market signals adjustment*” [§8.111], although in the light of GL Hearn’s conclusions concerning affordable housing needs (see above), this 8dpa uplift would also appear to be geared towards improving access to housing for younger people in the City.

3.25 The SHMA therefore concludes that applying an 8dpa uplift to the 833dpa preferred demographic scenario results in an overall housing OAHN of 841dpa over the 2012-2032 period.

SHMA Addendum (June 2016)

3.26 The Addendum revisits parts of the earlier City of York SHMA analysis following the publication of the 2014-based SNPP by ONS on 25th May 2016. The report found that the latest projections suggest a higher level of population growth, at levels around 28% higher than in the 2012-based SNPP.

3.27 GL Hearn’s analysis states that the difference between the 2014-based SNPP and the 2012-based SNPP “*is around 4,000 people, with around the same number being an additional increase in the 15-29 age group (4,200 of the difference)*” [§1.10].

3.28 GL Hearn considers that the growth in the younger age group is likely to reflect the strong growth in the student population in the City between 2008 and 2014 as a result of a new campus opening (the University of York expanded by 3,500 students over the period). The Update quotes an ONS response to CYC during the consultation to the latest projections, which suggests that some locally specific issues (such as the recorded outflow of male students from the city of York) may be under-estimated and should be treated with care.

3.29 This is in contrast to GL Hearn’s previous conclusions on the 2012-based SNPP (as set out in the earlier 2016 SHMA), where they considered that the 2012-based SNPP was a realistic projection because it forecast limited growth in the 15-29 age group going forward.

- 3.30 GL Hearn revisited the modelling using a revised long term migration trend and the 2014-based SNPP (Table 3.2).

Table 3.2 Summary of the city of York SHMA Addendum (June 2016) Range of Scenarios (2012-2032)

	2012-based SNHP Headship Rates		+ uplift to the 25-34 age group headship rates
	Change in Households	Dwellings per Annum	
2012-based SNPP	15,093	783	792
2012-based SNPP (updated)	16,056	833	841
2014-based SNPP	17,134	889	898
10-year Migration Trend	13,457	698	706

Source: City of York SHMA Addendum (June 2016)

- 3.31 Using the latest available data and including a “*market signals adjustment*” [§1.32] of 8dpa as contained in the SHMA “*and recognising concerns around the impact of historic student growth, this addendum identifies an overall housing need of up to 898dpa*”. [§1.20].
- 3.32 An update to the affordable housing need model increases the ‘*bottom line estimate of affordable housing need*’ from 573dpa to 627dpa.
- 3.33 The Addendum draws the following conclusions on OAHN:

“There are concerns relating to historic growth within the student population and how this translates into the SNPP projections. This looks to be a particular concern in relation to the 2014-based SNPP where there is a relatively strong growth in some student age groups when compared with the 2012-based version (which looks to be sound for those particular age groups). Some consideration could be given to longer term dynamics although this does need to recognise that the evidence suggests some shift in migration patterns over the more recent years – a 10 year migration trend using the latest available evidence calculates a need for 706dpa, although as noted this will not fully reflect some of the more recent trends. This projection is therefore not considered to be an appropriate starting point for which to assess housing need although it can be used to help identify the bottom end of a reasonable range.

“Given that the full SHMA document identifies an OAN for 841dpa which sits comfortably within this range set out in this addendum (706dpa – 898dpa) it is suggested that the Council do not need to move away from this number on the basis of the newly available evidence – particularly given the potential concerns about the impact of student growth in the 2014-based SNPP and also longer term trends not reflecting the most recent trends.” [§§1.33-1.34].

Lichfields Previous SHMA Representations

- 3.34 A review of the June 2016 Strategic Housing Market Assessment [SHMA], and the subsequent SHMA Addendum (June 2016) was submitted by Lichfields (then branded as Nathaniel Lichfield & Partners) on behalf of the Companies in September 2016 in response to the City of York Local Plan – Preferred Sites Consultation.
- 3.35 This review provided objective evidence on the local need and demand for housing in the City of York and its Housing Market Area [HMA]. It established the scale of need for housing in the

City of York based upon a range of housing, economic and demographic factors, trends and forecasts, based on the application of Lichfields' HEaDROOM framework.

3.36 More specifically it:

- 1 Considered the approach which needs to be taken to calculating OAHN and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
- 2 Provided a critique of the 841 dwellings per annum [dpa] identified as the City of York's OAHN in the June 2016 Strategic Housing Market Assessment [SHMA] for the City, and the subsequent SHMA Addendum which recommended a broader OAHN range of 706dpa to 898dpa and considered whether they represent the full, objectively assessed housing need for the City of York;
- 3 Set out the approach taken by Lichfields to define a new OAHN for the City of York, using the latest demographic evidence and economic forecasts and affordable housing needs;
- 4 Provided an analysis of market signals in the City;
- 5 Identified a revised OAHN for the City of York, based on Lichfields' PopGroup modelling; and,
- 6 Summarised the key issues within the SHMA and subsequent Addendum and sets out why it is not compliant with the requirements for an OAHN calculation.

3.37 The review concluded that the SHMA documents make a number of assumptions and judgements which Lichfields considered to be flawed, or which do not properly respond to the requirements of policy and guidance. As a result, the recommended OAHN was not robust and was inadequate to meet need and demand within the HMA.

3.38 The review noted that there were a number of significant deficiencies in the City of York SHMA and Addendum which means that the 841dpa OAHN figure currently being pursued by CYC is not soundly based. In particular:

- 1 The demographic modelling downplayed the robustness of the 2014-based SNPP which were not supported by the evidence in other aspects of the document;
- 2 As a result, the Council's 841dpa OAHN figure was actually below the demographic starting point in the latest 2014-based SNHP of 853hpa even before any adjustments were made;
- 3 Adjustments to headship rates had been conflated with the uplift for market signals. The SHMA did not apply a separate uplift for market signals, but instead made an adjustment to the demographic modelling based on changes to headship rates which should be part of a normal adjustment to the demographic starting point before market signals are considered. As a result, there was no adjustment for market signals at all despite the significant and severe market signal indicators apparent across the City of York;
- 4 A 'black-box' approach had been taken to the economic-led modelling, with key evidence relating to how the job projections had been factored into any PopGroup model being unpublished; and,
- 5 No explicit consideration or uplift applied in respect of delivering more homes to meet the needs of households in affordable housing need. This was despite the SHMA and Addendum indicating a level of affordable housing need (of 573dpa and 627dpa respectively) which would only be met well in excess of the concluded OAHN.

3.39 In combination, the judgements and assumptions applied within the SHMA sought to dampen the level of OAHN across the City of York. Fundamentally, it was considered that the OAHN(s) identified in the SHMA and Addendum failed to properly address market signals, economic or affordable housing needs, as envisaged by the Framework and Practice Guidance as clarified by High Court and Court of Appeal judgements.

- 3.40 Lichfields undertook its own analysis of housing need for the City of York. Based on the latest demographic data, and through the use of the industry standard PopGroup demographic modelling tool, it was Lichfields' view that the OAHN for York was at least 1,125dpa, although there was a very strong case to meet affordable housing needs in full, in which case the OAHN would equate to 1,255dpa (rounded).
- 3.41 If long term migration trends were to continue into the future, this would justify a higher OAHN of 1,420dpa, although due to uncertainties regarding the level of international net migration into York it was considered that less weight should be attached to this figure.
- 3.42 This allowed for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework²⁸ by significantly boosting the supply of housing. It would also reflect the Framework²⁹, which seeks to ensure the planning system does everything it can to support sustainable development.

September 2017 SHMA Assessment Update

- 3.43 The stated purpose of GL Hearn's Assessment Update is to review the housing need in York taking into account of the latest demographic information. In particular, it reviews the impact of the 2014-based SNHP and the 2015 Mid-Year Estimates (both published June 2016).
- 3.44 The Assessment Update also reviews the latest evidence on market signals within the City. The report states that this is not a full trend-based analysis but rather a snapshot of the latest evidence to be read in conjunction with the full SHMA document. As such, the report does not revisit the affordable housing need for the City, nor does it update analysis on the mix of housing required or the needs for specific groups.
- 3.45 The report [§2.2] finds that over the 2012-32 period, the 2014-based SNPP projects an increase in population of around 31,400 people (15.7%) in York. This is somewhat higher than the 2012-based SNPP (12.2%) and also higher than the main 2016 SHMA projection (which factored in population growth of 13.7%).
- 3.46 The report [§2.11] states that the official population projections (once they are rebased to include the latest 2015 MYE) indicate a level of population growth which is higher than any recent historic period or any trend based forecast of growth. It should therefore be seen as a positive step to consider these as the preferred population growth starting point.
- 3.47 The analysis [§2.17] finds that by applying the headship rates within the 2014-based SNHP the level of housing need would be for 867dpa – this is c.4% higher than the figure (833dpa) derived in the 2016 SHMA for the main demographic based projection.

Table 3.3 Projected Household Growth 2012-32 - Range of demographic based scenarios

	Change in households	Dwellings (per annum)
2014-based SNPP	17,120	867
2014-based SNPP (+MYE)	17,096	866

Source: SHMA Assessment Update (September 2017)

- 3.48 The report [§2.19] notes that within the SHMA, analysis was also undertaken (as part of the

²⁸ Framework - §47

²⁹ Framework - §19

market signals analysis) to recognise a modest level of suppressed household formation – this essentially took the form of returning the household formation/headship rates of the 25-34 age group back to the levels seen in 2001 (which is when they started to drop). With an uplift to the household formation rates of the 25-34 age group, the housing need (when linked to 2014-based projections when updated) increases to 873dpa. When the mid-year estimates are factored in, the housing need decreases slightly to 871dpa.

Table 3.4 Projected Household Growth 2012-32 - Range of demographic based scenarios (with uplift to headship rates for 25-34 age group)

	Change in households	Dwellings (per annum)
2014-based SNPP	17,232	873
2014-based SNPP (+MYE)	17,209	871

Source: SHMA Assessment Update (September 2017)

3.49 The SHMA Assessment Update [§5.3-5.4] states:

“Furthermore there is also the clear desire of the Government to boost housing delivery, and therefore setting an OAN that is below the most recent official projections while justifiable might be difficult to support.”

“There is however an apparent continued suppression of household formation rates within younger age groups within the official projections. In order to respond to this we have increased the household formation rates in this age group to the levels seen in 2001. The housing need (when linked to 2014-based projections) increases to 873 dwellings per annum. When the mid-year estimates are included the housing need decreases to 871dpa. This should be seen as the demographic conclusions of this report”.

3.50 GL Hearn therefore clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this ‘demographic conclusion’ of 871dpa does not appear to have been carried forward by GL Hearn through to the next steps of calculating the resultant housing need, as summarised below.

3.51 With regard to market signals and affordable housing the Assessment Update [§3.19] notes that:

“On balance, the market signals are quite strong and there is a notable affordable housing need. Combined these would merit some response within the derived OAN. This is a departure from the previous SHMA and the Addendum which did not make any market signals or affordable housing adjustment.”

3.52 The report considers a single adjustment to address both of these issues on the basis that they are intrinsically linked. The Assessment Update [§3.28] states:

“Given the balance of judgement it would appear that a 10% adjustment could be justified in York on the basis of the previously established affordable housing need the updated market signals evidence.”

3.53 With regard to this matter the Assessment Update [§5.6-5.7] draws the following conclusions:

“In response to both market signals and affordable housing need we have advocated a 10% uplift to the OAN. In line with the PPG this was set against the official starting point of 867dpa. The resultant housing need would therefore be 953dpa for the 2012-32

period.”

“The level of housing need identified is someway higher than the previous SHMA reflecting the increased starting point but also the inclusion of a market signals uplift. This OAN would meet the demographic growth in the City as well as meet the needs of the local economy”.

- 3.54 Lichfields agrees with making an adjustment for demographic and household formation rates to get to 871dpa. However, it is illogical to then revert back to the unadjusted projections of 867dpa and then apply the adjustment for market signals and affordable housing to this lower, discredited figure.
- 3.55 Moving on, GL Hearn models a series of economic growth forecasts. In this regard, they conclude that the level of housing associated with the economic growth projections are lower than the 867/871dpa demographic need, the Assessment Update considers that there is no justification for an uplift to housing numbers in the City to support the expected growth in employment.
- 3.56 As such, the report concludes that by applying a 10% uplift to the demographic starting point of 867dpa results in an OAHN of 953dpa for York City for the 2012-2032 period. However, as noted above, the Council has inserted an ‘Introduction and Context to Objective Assessment of Housing Need’ to the front of the Assessment Update which contests the need for any adjustment to the 2014-based SNHP figure.
- 3.57 It notes that Members of the Council’s Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867dpa.

4.0 Critique of the SHMA Update

Introduction

- 4.1 The Companies have serious concerns and wish to raise strong objections to the way in which the Council has chosen to identify an OAHN of 867dpa and the subsequent identification of this need as the housing requirement in Policy SS1 of the LPP. As noted above, the ‘Introduction and Context to Objective Assessment of Housing Need’ (inserted by the Council at the front of the SHMA Update Assessment) states [page 2]:

“Members of the Council’s Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867 dwellings per annum, based on the latest revised sub national population and household projections published by the Office for National Statistics and the Department of Communities and Local Government, be accepted.”

“Executive also resolved that the recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn’s conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.”

- 4.2 This is effectively a ‘policy-on’ intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that OAHN is ‘policy off’ and does not take into account supply pressures. The judgment of Hickinbottom J in Solihull sets out the definition of OAHN [§37]:

“Full Objective Assessment of Need for Housing: This is the objectively assessed need for housing in an area, leaving aside policy considerations (Lichfields emphasis). It is therefore closely linked to the relevant household projection; but is not necessarily the same. An objective assessment of housing need may result in a different figure from that based on purely demographics if, e.g., the assessor considers that the household projection fails properly to take into account the effects of a major downturn (or upturn) in the economy that will affect future housing needs in an area. Nevertheless, where there are no such factors, objective assessment of need may be – and sometimes is – taken as being the same as the relevant household projection.”

- 4.3 With regard to this matter, the SHMA Assessment Update [§§5.8-5.9] clearly states:

“The official projections should be seen a starting point only and housing delivery at this level (867dpa) would only meet the demographic growth of the City. It would not however address the City’s affordability issues.”

“Without the 10% uplift for market signals/affordable housing need the City’s younger population would fail to form properly. This would result in greater numbers residing with parents or friends or in share accommodations such as HMOs.”

- 4.4 GL Hearn is therefore clear that the 867dpa figure is not an appropriate OAHN. On one level, it is the incorrect demographic starting point in any case, which according to GL Hearn’s work is 871dpa following suitable adjustments to the 2014-based SNHP to incorporate the 2015 MYE and accelerated household formation rates. On the second level, there is an array of evidence, which we examine in further detail below, that York City is one of the least affordable local authority areas in Northern England. A market signals uplift of 10% is the very least that would

be appropriate, and indeed we provide evidence that suggests that an even higher uplift, of 20% should actually be applied.

- 4.5 It is therefore not acceptable for the Council to ignore its own housing expert's advice. The Council's approach to identifying an OAHN of 867dpa, as set out in the front section of the SHMA Assessment Update, is policy-on driven and is therefore contrary to the guidance provided by the Courts. The calculation of OAHN should be based on the normal 'policy-off' methodology.
- 4.6 Notwithstanding these points, the remainder of this section provides a detailed critique of GL Hearn's SHMA Assessment Update.

Starting Point and Demographic-led Needs

Population Change

- 4.7 The Practice Guidance³⁰ sets out that in assessing demographic-led housing needs, the CLG Household Projections form the overall starting point for the estimate of housing need, but these may require adjustments to reflect future changes and local demographic factors which are not captured within the projections, given projections are trend based. In addition, it states that account should also be taken of ONS' latest Mid-Year Estimates [MYEs]³¹.
- 4.8 The SHMA Assessment Update applies the 2014-based SNPP which projects an increase in population of around 31,400 people (15.7%) in York. This is higher than the 2012-based SNPP (12.2%) and also higher than the main SHMA projection (which had population growth of 13.7%). It also considers longer term migration trend using the latest available evidence from the 2014-SNPP and the 2015 Mid-Year Estimate.
- 4.9 The SHMA Assessment Update considers housing need based on the (then) latest CLG 2014-based household projections over the period 2012 to 2032.
- 4.10 The Companies agree with the overall principle of taking the 2014-based SNPP as the demographic starting point and rebasing population growth off the latest Mid-Year Population Estimates.
- 4.11 However, it is important to note that the household projections upon which York's OAHN is based relate to C3 uses only, and not C2. Specifically, and of particular relevance to the City of York, CLG's household projections do not include an allowance for students who might be expected to reside in Halls of Residence (termed, along with people living in nursing homes, military barracks and prisons, as the 'Institutional population').
- 4.12 As summarised by CLG in its 2014-based household projections Methodological Report (July 2016), the household projections are based on the projected household population rather than the total population. The difference between the two is the population in communal establishments, also termed the 'institutional' population. This population comprises all people not living in private households and specifically excludes students living in halls of residence:
- "The institutional population is subtracted from the total resident population projections by age, sex and marital status to leave the private household population, split by sex, age and marital status in the years required for household projections."* [page 12]
- 4.13 This is important for the City of York, because it means that if the household projections are used as the basis for calculating the OAHN (which GL Hearn's methodology does), it specifically excludes a substantial proportion of specialised student accommodation needs.

³⁰ Practice Guidance - ID 2a-015-20140306

³¹ Practice Guidance - ID 2a-017-20140306

Household Formation Rates

4.14 The Practice Guidance³² indicates that in respect of household projections:

“The household projections are trend based, i.e. they provide the household levels and structures that would result if the assumptions based on previous demographic trends in the population and rates of household formation were to be realised in practice...”

“...The household projection-based estimate of housing need may require adjustment to reflect factors affecting local demographic and household formation which are not captured in past trends...rates may have been suppressed historically by under-supply and worsening affordability of housing...”

4.15 The SHMA Assessment Update notes that there is no material difference 2014-based SNHP headship rates and the household formation rates from the 2012-based version.

4.16 The SHMA [§2.19] accepts that there has been a level of suppressed household formation arising from the 25-34 age group and in relation to this matter states [§§5.3-5.4]:

“Furthermore there is also the clear desire of the Government to boost housing delivery, and therefore setting an OAN that is below the most recent official projections while justifiable might be difficult to support.”

“There is however an apparent continued suppression of household formation rates within younger age groups within the official projections. In order to respond to this we have increased the household formation rates in this age group to the levels seen in 2001. The housing need (when linked to 2014-based projections) increases to 873 dwellings per annum. When the mid-year estimates are included the housing need decreases to 871 dpa. This should be seen as the demographic conclusions of this report.”

4.17 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. We agree with this. However this adjusted demographic figure of 871dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below.

4.18 Lichfields agrees with making an adjustment for demographic and household formation rates. However, it is illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when an adjusted demographic need of 871dpa has been identified.

Market Signals

4.19 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:

“Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.” [S17]

4.20 The Practice Guidance³³ requires that the housing need figure as derived by the household

³² Practice Guidance - ID 2a-015-20140306

³³ Practice Guidance - ID 2a-019-20140306

projections be adjusted to take into account market signals. It indicates that comparisons should be made against the national average, the housing market area and other similar areas, in terms of both absolute levels and rates of change. Worsening trends in any market signal would justify an uplift on the demographic-led needs. In addition, the Practice Guidance³⁴ highlights the need to look at longer terms trends and the potentially volatility in some indicators.

4.21 The Practice Guidance also sets out that:

“...plan-makers should not attempt to estimate the precise impact of an increase...rather they should increase planning supply by an amount that, on reasonable assumptions...could be expected to improve affordability...”³⁵.

4.22 This clearly distinguishes between the demographic-led need for housing (generated by population and household growth) and the market signals uplift which is primarily a supply response over and above the level of demographic need to help address negatively performing market signals, such as worsening affordability.

4.23 The SHMA Assessment Update (Section 3) examines a range of market signals as set out in the Practice Guidance, comparing the City of York to Ryedale, Hambleton, Yorkshire and the Humber region and England. It states that the update is a targeted update to the market signals section looking using recently published data, not a full update, as many of the datasets used have not been updated since publication of the SHMA. Attached at Appendix 1 is Lichfields’ own assessment of market signals in City of York which has been used for comparison purposes.

4.24 The findings of the SHMA Assessment Update can be summarised (with Lichfields’ commentary included) as follows:

- 1 **Land Prices** – No analysis has been presented, as was the position on the 2016 SHMA. As noted in our market signals assessment in Appendix 1, CLG land value estimates suggest a figure of £2,469,000 per hectare, well above the equivalent figure for England (excluding London) of £1,958,000.
- 2 **House Prices** – The 2016 SHMA outlined significant house price growth in the HMA between 2011 and 2007. By Q4 2014 house prices in York had reached £195,000 and by Q2 2016 this had increased to £225,000. The Assessment Update notes that, based on 2016 data, the average (median) house price in York was £215,000, compared to £148,000 across the Yorkshire and Humber region. Our market signals analysis in Appendix 1 suggests that the average (median) house price in York in 2016 was £220,000 compared to £199,995 for the North Yorkshire region. It is particularly important to note that over the previous 17 years (1999-2016), median house prices have increased by 244% (or £156,000) in York, compared to 204% nationally and 199% across North Yorkshire as a whole.

As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York’s median house prices have effectively tripled in 17 years, from £64,000 in 1999 to £220,000 in 2016, and have risen at a much faster rate than comparable national and sub-regional figures, suggests that the local market is experiencing considerable levels of stress.

- 3 **Rents** – The Assessment Update [§3.8] notes that the most recent data shows that England has grown to £650 (+8%), while York has seen median rental prices increase to £700 (+4%). In contrast rents in the region only grew by 1% to £500 per month. The Assessment Update [§3.9] finds that the most recent data shows a strong upward trend in the number of rental transactions in York although they have been falling over the last six months. In York rental transactions are currently 73% higher than in September 2011, showing a

³⁴ Practice Guidance - ID 2a-020-20140306

³⁵ ibid

continued return to the longer term trend than seen in the previous SHMA. By comparison, in Yorkshire and the Humber rental volumes are still slightly above (6%) past figures. Nationally, over this period there has been a slight downward trend.

Our market signals analysis in Appendix 1 shows that Median rents in York are £725 per month, with median rents ranging from £595 per month for a 1 bed flat, to £1,500 per month for a 4+ bed house. All of these figures are significantly higher than the national average, with overall average rents comprising £675 across England, and £585 for North Yorkshire. Rental levels are therefore 7.4% higher than comparable national figures. High and increasing private sector rents in an area can be a further signal of stress in the housing market.

- 4 **Affordability** – The Assessment Update [§3.10] acknowledges the affordability issues faced within the HMA with the Median Ratio being 8.3 times earnings in 2015 (compared to 7.6 nationally), whilst the Lower Quartile [LQ] ratio is 8.9 times earnings (compared to 7.0 nationally). However, it does not discuss this stark indicator of supply/demand imbalance, preferring to note instead that much of the growth in (un)affordability took place prior to 2005, with limited changes to affordability in the past decade[§3.11].

Lichfields' market signals analysis in Appendix 1 shows that although the ratio fell substantially from a peak of 8.14 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than North Yorkshire as a whole. This suggests that levels of affordability are declining in York at a pace which is not the case for the rest of the sub-region (and indeed, for the country as a whole). In 2016, the median house price in York City was approximately 9.0-times the LQ workplace-based income, compared to 7.8 for North Yorkshire and 7.2 nationally.

Our analysis shows the over the past 19 years, the ratio of lower quartile house prices to lower quartile earnings in York has been consistently above the national average, with the gap widening over time. Indeed, the rate of increase is worrying – between 2002 and 2016, the affordability ratio increased by 39%, significantly above the comparable growth rate for North Yorkshire (+27%) and England (+37%).

The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

- 5 **Rates of Development** – the Practice Guidance is clear that historic rates of development should be benchmarked against the planned level of supply over a meaningful period. The Assessment Update [§3.13] examines housing completions data for York dating back to 2004/05 and sets these against the annual housing target from 2004/05 to 2015/16. With the exception of the last year, housing delivery in York has missed the target each year since 2007. Overall delivery targets for these years was missed by 20% which equals 2,051 units below the target level. GL Hearn notes [§3.14] that under-delivery may have led to household formation (particularly of younger households) being constrained and states that this point is picked up in the report which uses a demographic projection based analysis to establish the level of housing need moving forward.

The Assessment Update [§3.15] considers that this past under-delivery is not a discrete part of the analysis but is one of the various market signals which indicate a need to increase provision from that determined in a baseline demographic projection. It notes that that this market signal will require upward adjustment through consideration of migration and household formation rates rather than just a blanket increase based on the level of 'shortfall'.

It is clear from the Council's own evidence that the City has consistently under-delivered housing, with a failure to deliver anything more than 525 dwellings in any single year between 2007 and 2015. The policy benchmarks suggest that the level of past under-

delivery is 1,793 dwellings over the past 12 years. Furthermore, the Council's already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures. For example, CYC's 2012/13 Annual Monitoring Report states that 482 (net) dwellings were completed in 2012/13, but this figure includes 124 student cluster flats. The 6 months completions data set out in CYC's Housing Monitoring Update (Table 3, October 2017) suggested that the Council was continuing to rely on student housing completions to boost its housing numbers, with 637 of the total 1,036 net completions during the first half of the 2017/18 monitoring year comprising privately managed off-campus student accommodation.

- 6 Overcrowding** - No analysis has been presented. Our market signals analysis in Appendix 1 shows overcrowding against the occupancy rating in York is not severe, with 7.10% of households living in a dwelling that is too small for their household size and composition. This compares to 8.7% nationally. However, it represents a significant increase of 2 percentage points on the 5.1% recorded in York in 2001, which is above the national trend (which had increased by 1.6 percentage points from 7.1% in 2011). From our analysis we also note that when compared against neighbouring Yorkshire districts, York is the worst performing district regarding the rate of change in overcrowded households.

4.25 In response to both market signals and affordable housing need, the Assessment Update advocates a 10% uplift to the OAN [§3.31].

4.26 Lichfields agrees that based on the market signals analysis there are clear housing market pressures, particularly regarding affordability within the HMA. The Practice Guidance³⁶ is clear that any market signals uplift should be added to the demographic-led *needs* as an additional *supply* response which could help improve affordability, and further goes on to clarify that:

"...plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions...could be expected to improve affordability..." (Lichfields emphasis)

4.27 The Practice Guidance³⁷ is also clear that:

"...the more significant the affordability constraints...and the stronger the other indicators of high demand... the larger the improvement in affordability needed and, therefore the larger the additional supply response should be."

4.28 Whilst it is not clear cut from the Practice Guidance how an upwards adjustment should be calculated, some recent Local Plan Inspector's findings have provided an indication as to what might be an appropriate uplift. The Inspector's Report into the Eastleigh Borough Local Plan (11th February 2015)³⁸ provide interpretation of the Practice Guidance in terms of a reasonable uplift on demographic-led needs in light of market signals:

"It is very difficult to judge the appropriate scale of such an uplift. I consider a cautious approach is reasonable bearing in mind that any practical benefit is likely to be very limited because Eastleigh is only a part of a much larger HMA. Exploration of an uplift of, say, 10% would be compatible with the "modest" pressure of market signals recognised in the SHMA itself." [§§40-41].

4.29 The Eastleigh Inspector ultimately concluded that a modest uplift of 10% is a reasonable proxy for quantifying an increase from purely demographic based needs to take account of 'modest' negatively performing market signals. Furthermore, Inspectors have used figures of up to 20% for 'more than modest' market signal indicators, notably in the case of Canterbury, where the

³⁶ Practice Guidance - ID:2a-020-20140306

³⁷ Practice Guidance - ID:2a-020-20140306

³⁸ http://www.eastleigh.gov.uk/pdf/ppi_Inspectorsreport12Feb15.pdf

Inspector concluded that:

“Taking these factors in the round it seems to me that 803dpa would achieve an uplift that took reasonable account of market signals, economic factors, a return to higher rates of household formation and affordable housing needs.”³⁹

4.30 From the indicators set out by Lichfields in Appendix 1, as shown in Table 4.1, and from the commentary and analysis undertaken by GL Hearn, we consider that the current levels of market stress should be considered more severe than the ‘modest’ uplift the SHMA suggests. An application of other approaches (discussed above) would suggest an uplift of 20% could be appropriate for the City of York.

4.31 Drawing together the individual market signals above begins to build a picture of the current housing market in and around York; the extent to which demand for housing is not being met; and, the adverse outcomes that are occurring because of this. The performance of York against County and national comparators for each market signal is summarised in Table 4.1. When quantified, York has performed worse in market signals relating to both absolute levels and rates of change against North Yorkshire and England in 13 out of 28 measures.

Table 4.1 Summary of York Market Signals against North Yorkshire and England

Market Signal	North Yorkshire		England	
	Absolute Figure	Rate of Change	Absolute Figure	Rate of Change
House Prices	Worse	Worse	Better	Worse
Affordability Ratios	Worse	Worse	Worse	Worse
Private Rents	Worse	Worse	Worse	Better
Past Development	~	~	~	~
Homelessness (Households in Temporary Accommodation)	Better	Better	Better	Better
Homelessness (Households in Priority Need)	Better	Better	Better	Better
Overcrowding (Overcrowded Households)	Worse	Worse	Better	Worse
Overcrowding (Concealed Families)	Same	Same	Better	Better

Source: Lichfields Analysis

Footnote: Worse = performing worse against the average
 Better = performing the same or better against the average
 ~ = data not available

4.32 It is clear that the City is currently facing very significant challenges in terms of house prices and private rental values and under delivery, causing affordability difficulties. The GL Hearn analysis is an improvement from the 2016 SHMA and clearly is an improvement from the Council’s approach to identifying an OAHN of 867dpa, but even so, is inadequate to address the current housing crisis. For the aforementioned reasons a 20% uplift is preferable.

4.33 Whilst it can only be applied limited weight at the current time, Lichfields also note that the CLG methodology, based on the median workplace based affordability ratio, would suggest an uplift of 27% for market signals.

4.34 GL Hearn also conflates market signals and affordable housing in the 10% uplift, which is a fundamental misreading of the Practice Guidance, and should be addressed separately (see below for affordable housing commentary).

³⁹Canterbury District Council Local Plan Examination August 2015, Inspector’s Letter and Note on main outcomes of Stage 1 Hearings, paragraph 26.

Economic Growth

- 4.35 With regards to considering the need to uplift a housing figure to take account of the economic potential of the local authority, the Framework sets out the following:
- “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.” [S19]*
- 4.36 The SHMA Assessment Update presents no alternative to the work in the June 2016 SHMA. It states [S4.3] that the housing need required to meet the economic growth is lower than the demographic need. Furthermore evidence of more recent forecasts suggests that the economic growth will be even lower than anticipated. Therefore GL Hearn considers that on balance, there is unlikely to be any justification for an uplift to housing numbers in the City to support expected growth in employment. The Update states that the uplift for market signals would see the likelihood for an economic uplift reduce.
- 4.37 Lichfields considers that this approach fails to address the concerns raised in our previous submissions on behalf of the Companies to the Preferred Sites Consultation. Included in those submissions was ‘Technical Report 1’ which noted that June 2016 SHMA presents a suppressed picture of likely economic growth, drawing upon economic forecasts produced in 2014, which are outdated. The submission noted that we could only provide a limited analysis on the robustness of GL Hearn’s assessment of the implications of the job forecasts as they had not set out their assumptions in detail, and we reserved the right to review these assumptions if/when they were provided by GL Hearn.
- 4.38 Given that the SHMA Assessment Update provides no further information on this matter it has not been possible for Lichfields to make any further analysis at this stage. On this basis, the concerns raised on behalf of the Companies in Technical Report 1 still stand, particularly as the LPP Policy SS1 identifies a specific target to provide sufficient land to accommodate an annual provision of around 650 new jobs to support sustainable economic growth.

Affordable Housing Needs

- 4.39 In line with the Framework⁴⁰, LPAs should:
- “...use their evidence based to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing...”*
- “...prepare a SHMA which...addresses the need for all types of housing, including affordable.”*
- 4.40 The Practice Guidance⁴¹ sets out a staged approach to identifying affordable housing needs, and states that affordable housing need should be:
- “...considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments...an increase in the total housing figures included in the plan should be considered where it could help deliver the required number of affordable homes.”*
- 4.41 As set out in Section 2.0, two High Court Judgements go to the heart of addressing affordable housing within the identification of OAHN. ‘Satnam’ establishes that affordable housing needs are a component part of OAHN, indicating that the ‘proper exercise’ is to identify the full

⁴⁰ Framework - Paragraphs 47 and 159

⁴¹ Practice Guidance - ID: 2a-022-20140306 to 2a-029-20140306

affordable housing needs and then ensure that this is considered in the context of its likely delivery as a proportion of mixed market/affordable housing development. ‘Kings Lynn’ builds on ‘Satnam’, identifying that affordable housing needs “*should have an important influence increasing the derived OAHN since they are significant factors in providing for housing needs within an area.*” [§36] This is clear that affordable housing needs are a substantive and highly material driver of any conclusion on full OAHN.

4.42 The SHMA Assessment Update states that it does not review affordable housing need but the situation is unlikely to have changed significantly from the 2016 SHMA. The 2016 SHMA identified a net affordable housing need of 573 homes per annum or 12,033 dwellings over the 2012-2033 period. This suggests a worsening situation when compared with the previous figure of 486 affordable homes per annum needed in the previous 2011 SHMA, produced by GVA.

4.43 The SHMA Assessment Update [§3.3] suggests that large parts of this need are either existing households (who do not generate need for additional dwellings overall) or newly forming households (who are already included within the demographic modelling).

4.44 It further states [§§3.17-3.18] that:

“The City of York Council currently have an affordable housing policy of up to 30%. The SHMA identified a net affordable housing need of 573 dwellings. Based on this level of need and the current policy the City would require to deliver 1,910 dwellings per annum. To put this in context the City has only delivered more than 1000 homes once since 2004-5. Using a lower policy target would result in an even higher need.”

“While there is clearly an affordable housing issue in the City many of the households in need are already in housing (just housing that is not suitable for some reason such as overcrowding) and therefore do not generate a need for additional dwellings”.

4.45 The provision of the net affordable housing need identified is likely to be unrealistic given past dwelling completions in City of York. With regard to this matter the SHMA Assessment Update states [§3.28]:

“Given the balance of judgement it would appear that a 10% adjustment could be justified in York on the basis of the previously established affordable housing need the updated market signals evidence.”

4.46 In taking this approach, GL Hearn is effectively conflating the uplift resulting from affordable housing need with uplift resulting from market signals analysis. These are two separate steps in the Practice Guidance and should not be combined in this manner.

4.47 Lichfields has not analysed in detail the figures forming the assessment of affordable housing needs, due in part to limitations on access to the underlying data; instead, Lichfields has focused on how this need has informed the OAHN conclusion.

Addressing Affordable Housing Needs

4.48 Having identified the affordable housing needs, the Practice Guidance requires an assessment of its likely delivery to consider whether there is a need to uplift or adjust the OAHN and planned housing supply in order to address affordable housing needs. This is what the ‘Satnam’ judgment calls the ‘proper exercise’ and is undertaken by the 2016 SHMA within Figure 30. This concludes that to meet affordable housing need in full the City of York would need to deliver 573dpa. At a delivery rate of 30% of overall housing, this means that the City would need to deliver 1,910dpa to address affordable housing needs in full.

4.49 Taking into account affordable need within the calculation of OAHN does not necessarily involve a mechanistic uplift, or an indication that such identified needs must be met in full. It

has to be a scenario which, on a reasonable basis, could be expected to occur. This is set out in the Kings Lynn judgment which concluded:

“...This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being developed.” [§35]

This is also consistent with the Practice Guidance⁴² which sets out the assessment of need “does not require local councils to consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur.”

- 4.50 However, in line with the High Court Judgments, this still needs to be an uplift of consequence, insofar as it can reasonably be expected to occur. This will inevitably need to involve judgement, based on relevant evidence, as to the extent to which any scale of uplift could be reasonably expected to occur.
- 4.51 The SHMA ultimately does not use the identified acute affordable housing needs in a way in which it has “an important influence in increasing the derived F[ull] OAN” as per the Kings Lynn judgment.
- 4.52 The Local Plan Expert Group [LPEG], in its Report to the Secretary of State for Communities and Local Government in March 2016, recommended various changes to the Practice Guidance with the remit of considering how local plan-making could be made more efficient and effective. Although very limited weight can be given to the LPEG approach given that it is not policy or endorsed by Government, it is at least helpful in seeking to understand the general ‘direction of travel’ of defining OAHN and what an appropriate response might be to define the influence of market signals and affordable housing needs. LPEG recommended changes to the preparation of SHMAs and determination of OAHN.
- 4.53 With regard to affordable housing need in the preparation of SHMAs and determination of OAHN it proposed that where the total number of homes that would be necessary to meet affordable housing need is greater than the adjusted demographic-led OAHN, then this figure (953dpa) should be uplifted by a further 10%. The 10% uplift was intended to provide a streamline approach that removes judgement and debate from the process of setting OAHN (as opposed to what might be the most accurate under current Practice Guidance).
- 4.54 Given the significant affordable housing need identified in City of York Lichfields considers that this 10% uplift would be appropriate in this instance and should be applied to the OAHN.

MHCLG Standardised Approach to OAHN

- 4.55 As noted in Section 2, MHCLG has recently published for consultation the draft Planning Practice Guidance, which sets out the standard method for calculating local housing need, including transitional arrangements first set out in “*Planning for the right homes in the Right Places*”..
- 4.56 Whilst relatively limited weight can be attached to this document at present given its consultation status, for the City of York, if adopted as MHCLG proposes, the approach would mean that the OAHN over the period 2016-2026 is 1,070 dpa.
- 4.57 This is based on an annual average level of household growth of 844 dpa between 2016 and 2026, uplifted by a very substantial 27% to address the fact that the latest median workplace-based affordability ratio is 8.3.

⁴² Practice Guidance - ID:2a-003-20140306

Conclusions on the City of York's Housing Need

- 4.58 The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is fundamentally flawed. This is a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the FOAN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.
- 4.59 There are a number of significant deficiencies in the SHMA Assessment Update which means that even the higher 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
- 1 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this demographic conclusion of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below. Lichfields agree with making an adjustment for demographic and household formation rates. However, it is illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - 2 The Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - 3 Given the significant affordable housing need identified in City of York Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN.
- 4.60 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 1 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates amongst younger age cohorts takes the demographic starting point to 871 dpa.
 - 2 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, for the reasons set out above, Lichfields considers that a greater uplift of 20% would be more appropriate in this instance. When applied to the 871 dpa re-based demographic starting point, this would indicate a need for 1,045 dpa.
- The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the Blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;
- The scale of affordable housing needs, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045 dpa set out above. It is considered that to meet affordable housing needs in full (573 dpa), the OAHN range should be adjusted to 1,910 dpa @30% of overall delivery. It is, however, recognised that this level

of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

This is **7.5% higher** than the MHCLG proposed standardised methodology figure of 1,070 dpa.

- 4.61 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework by significantly boosting the supply of housing. It would also reflect the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.
- 4.62 It is emphasised again that CLG's household projections explicitly exclude the housing needs of students living in halls of residence. GL Hearn has used the latest CLG 2014-based household projections to underpin its housing OAN for York. The market signals adjustment it makes does not address the separate specialised housing needs of students, which would be additional to the target identified.

5.0 **Approach to Assessing Housing Land Supply**

Introduction

- 5.1 This section sets out the requirements of the Framework and the Practice Guidance in establishing the supply of housing land to meet the housing needs of an area. This will provide the benchmark against which the SHLAA and emerging Local Plan will be assessed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of a housing supply calculation in a legal context.

Policy Context

National Planning Policy Framework

- 5.2 The Framework outlines a two-step approach to setting housing requirements in Local Plans. Firstly, to define the full objectively assessed need for development and then secondly, to set this against any adverse impacts or constraints which would mean that need might not be met. This is enshrined in the approach defined in the Framework⁴³ which sets out the presumption in favour of sustainable development.

- 5.3 The Framework⁴⁴ stresses the intention of the Government to significantly boost the supply of housing. As a consequence, the focus of national policy is to ensure the delivery of housing and, in that context, the Framework requires LPAs to:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

*identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15..."*⁴⁵

- 5.4 There is therefore a need for the Council to identify both a 5-year supply and a longer-term supply as part of the preparation of the Local Plan.

- 5.5 For the purpose of the supply assessment, the Framework advises that only deliverable sites should be included within the first 5-years. To be considered deliverable:

"...sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing

⁴³ Framework - §14

⁴⁴ Framework - §47

⁴⁵ Framework - §47

plans.”⁴⁶

- 5.6 The Framework states that for the period 5-15 years developable sites may be included, which are sites that are:

“...in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”⁴⁷

- 5.7 The Framework sets out the approach to defining such evidence which is required to underpin a local housing supply. It sets out that in evidencing housing supply:

“LPAs should have a clear understanding of housing needs in their area. They should:

...

“...prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.”⁴⁸

National Planning Practice Guidance

- 5.8 The Practice Guidance⁴⁹ provides further guidance on how an assessment of the housing supply is to be undertaken. It urges LPAs to assess the suitability, availability and achievability of sites, including whether the site is economically viable, to determine whether a site can be considered deliverable over the plan period.

- 5.9 In this context the Practice Guidance makes it clear that a site will be considered available when:

“...there is confidence that there are no legal or ownership problems, such as unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners. This will often mean that the land is controlled by a developer or landowner who has expressed an intention to develop, or the landowner has expressed an intention to sell. Because persons do not need to have an interest in the land to make planning applications, the existence of a planning permission does not necessarily mean that the site is available. Where potential problems have been identified, then an assessment will need to be made as to how and when they can realistically be overcome. Consideration should also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.”⁵⁰

- 5.10 The Practice Guidance indicates that a site is considered achievable for development where:

“...there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the developer to complete and let or sell the development over a certain period.”⁵¹

- 5.11 The LPA, when preparing a Local Plan, is urged to use the information on suitability, availability, achievability and constraints to assess the timescale within which each site is capable of development. The Practice Guidance suggests that this may include indicative lead-in times and build-out rates for the development of different scales of sites. On the largest sites

⁴⁶ Framework – Footnote 11

⁴⁷ Framework – Footnote 12

⁴⁸ Framework - §159

⁴⁹ Practice Guidance – ID:3-018-20140306

⁵⁰ Practice Guidance – ID:3-020-20140306

⁵¹ Practice Guidance – ID:3-021-20140306

allowance should be made for several developers to be involved. The Practice Guidance⁵² makes it clear that the advice of developers and local agents will be important in assessing lead-in times and build-out rates by year.

- 5.12 The Practice Guidance⁵³ accepts that a windfall allowance may be justified if a local planning authority has compelling evidence as set out in the Framework. In addition, it states that:

*“Local planning authorities have the ability to identify broad locations in years 6-15, which could include a windfall allowance based on a geographical area (using the same criteria as set out in paragraph 48 of the National Planning Policy Framework).”*⁵⁴

- 5.13 The Practice Guidance requires LPAs to collate this above information and present it in an indicative trajectory which:

*“...should set out how much housing and the amount of economic development that can be provided, and at what point in the future. An overall risk assessment should be made as to whether sites will come forward as anticipated.”*⁵⁵

- 5.14 In relation to the assessment of whether sites are deliverable within the first 5-years the Practice Guidance⁵⁶ indicates that deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5-years. It goes on to state:

*“...planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.”*⁵⁷

Recent Legal Judgments

- 5.15 The High Court decision in the case of Exeter City Council and Secretary of State⁵⁸ is relevant to York as it considers the appropriateness of including student accommodation in the calculation of the housing supply in accordance with the Framework. Exeter is a University City similar to York and included student accommodation within their housing land supply.

- 5.16 The Inspector who determined the appeal⁵⁹ considered the inclusion of student accommodation in the 5-year supply based on the Practice Guidance which states:

*“All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market. Notwithstanding, local authorities should take steps to avoid double counting.”*⁶⁰

⁵² Practice Guidance – ID:3-023-20140306

⁵³ Framework - §48

⁵⁴ Practice Guidance – ID:3-024-20140306

⁵⁵ Practice Guidance – ID:3-025-20140306

⁵⁶ Practice Guidance – ID:3-031-20140306

⁵⁷ Practice Guidance – ID:3-031-20140306

⁵⁸ Exeter City Council v Secretary of State for Communities and Local Government [2015] EWHC 1663 (Admin)

⁵⁹ Land at Home Farm, Church Hill, Pinhoe – Insp. Decision 29.10.14 [Ref: APP/Y1110/A/14/2215771]

⁶⁰ Practice Guidance – ID:3-036-20140306

5.17 The Inspector, in her decision letter, stated:

“The Council submit that the provision of student accommodation releases housing that would otherwise be occupied by students and thereby indirectly releases accommodation within the housing market. For this reason it believes that all student accommodation should be included within the housing delivery and housing land supply figures. This view is not consistent with the PPG because it is not based on any assessment of the extent to which the provision of student accommodation has released general market housing.”

5.18 She went on:

“Where student population is relatively stable, and the number of general market dwellings occupied by students declines as a consequence of the provision of student accommodation, I consider the inclusion of such accommodation as part of the housing supply would be consistent with the guidance within the PPG. However, within Exeter, due to the considerable increase in the number of students relative to the provision of purpose-built student accommodation, there has not been a reduction in the number of general market dwellings occupied by students. On the contrary, there has been a significant increase...”⁶¹

5.19 The High Court agreed that the Council did not set out any specific evidence to justify that the development of student accommodation would release housing to the market elsewhere. It stated that:

“...it simply relied upon paragraph 3.38 of the PPG in support of its proposition that, irrespective of the extent (if any) that student accommodation was included in the housing requirement figure adopted.”⁶²

5.20 As a consequence, the High Court stated that the Appeal Inspector:

“... was correct not to accede to the Council’s submission that all student accommodation supplied should or could be set off against the housing requirement. She was correct not to be persuaded by the Developers’ contention that she could not under any circumstances take into account student accommodation. She was correct to look at the facts of this case and determine whether, on the evidence before her, there was any basis for taking any of the new student accommodation into account ... she properly accepted (in paragraph 47) that, although there was currently no evidence to show that the provision of student accommodation has released housing into the general market in Exeter, the situation may in the future change if (e.g.) the delivery of student accommodation significantly exceeded the increase in student population.”⁶³

Conclusion

5.21 It is against this policy context that the proposed housing supply should be considered. In practice, applying the Framework and Practice Guidance to achieve a robust supply that will meet the needs of the community is an evidence based process which should use transparent and justifiable assumptions on lead-in times, delivery rates and density. In addition, it should be clear that the sites are available and achievable over the plan period.

5.22 In the case of York, there are inherent dangers in including student housing in the supply if there is no evidence that there has been a reduction in the number of general market dwellings

⁶¹ Land at Home Farm, Church Hill, Pinhoe – Insp. Decision 29.10.14 [Ref: APP/Y1110/A/14/2215771] - §44 & §47

⁶² Exeter City Council v Secretary of State for Communities and Local Government [2015] EWHC 1663 (Admin) - §37

⁶³ Ibid - §44

occupied by students as a direct result of the provision of purpose-built student accommodation.

6.0 Council's Housing Supply Evidence

Introduction

6.1 Detailed representations on the Council's housing land supply evidence were submitted on behalf of the Companies to the City of York Local Plan - Preferred Sites Consultation (in 'Technical Report 2: Housing Supply'). These representations concluded the following:

- 1 The Council had not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence had therefore been produced to demonstrate the Council's housing supply position.
- 2 The assessment of the balance between the housing requirement and supply demonstrated that there was a significant shortfall for both the plan period and 5-year period. In these circumstances, the emerging plan was not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 3 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that would deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

These concerns have not been addressed and reference is accordingly made below in Lichfields' assessment of the Council's latest evidence.

6.2 Before considering the adequacy of the Council's supply, it is important to consider the nature and extent of the Council's evidence base in relation to the supply. Evidence on the Council's supply is contained in a number of different places:

- 1 The City of York Strategic Housing Land Availability Assessment [SHLAA] (September 2017);
- 2 The City of York Local Plan Publication Draft (March 2018);
- 3 Half Year Housing Monitoring Update for Monitoring Year 2017/18 (1st April 2017 and 30th September 2017); and,
- 4 The City of York Windfall Allowance Technical Paper 2017 (SHLAA Annex 5).

Housing Completions

6.3 The Council has provided detailed site by site delivery figures for the past five monitoring years (2012/13 to 2016/17). In addition, the Council's annual completion figures since 2007/08 are contained in the September 2017 Half Year Housing Monitoring Update.

6.4 The Council has included student specific accommodation within their completions figures and their forward supply figures. Based on recent High Court decisions it is clear that robust evidence must be provided to justify the inclusion of student accommodation in the housing supply, specifically that the accommodation will release housing into the general market.

6.5 York Council has not provided any evidence to demonstrate that the provision of additional student accommodation would result in the release of housing into the market as required by national policy. Furthermore, the Council's June 2016 SHMA outlines that the York St John University is, over the next five years, seeking to "*grow our student numbers from 6,400 to 7,300*"⁶⁴. This reflects an aim to achieve growth in student numbers of 14.1% by 2020.

⁶⁴ City of York, June 2016 Strategic Housing Market Assessment, §10.71

- 6.6 Based on national policy, the recent High Court decision coupled with the expected growth in student numbers in York, it is considered that it is inappropriate to include student accommodation within the Council's supply. This is because there is no justification regarding how it will result in the release of current housing into the general housing market.
- 6.7 In this context, the Council has included the delivery of 124 units in monitoring year 2012/13 from the site at 6-18 Hull Road. However, a total of 97 of the units are not self-contained and share communal/living areas. As such, these bedspaces cannot contribute towards the Council's housing completion figures as there is no evidence that they have released housing to the general market. That said, we have included the delivery of 27 units from this site as they are self-contained studio apartments which could be sold on the open market at some stage in the future.
- 6.8 The Council has also included the delivery of 91 units in the monitoring year 2016/17 for the site at Hallfield Road. The majority of the units on this scheme are not self-contained and share communal/living areas. As such, these bedspaces cannot also contribute towards the Council's housing completion figures as there is no evidence that they have released housing to the general market. However approximately 9% of these units are studio apartments which could be sold on the open market at some stage in the future, so we have included 8 units from this scheme on this basis.
- 6.9 Table 6.1 sets out the Council's past completion figure and provides a cumulative running total since 2012/13. It also sets out Lichfields' assumed completions figures and provides a running total.

Table 6.1 Housing Completions

Year	Council Position		Lichfields' Position	
	Comp.	Cum +/-	Comp.	Cum +/-
2012/13	482	482	385	385
2013/14	345	827	345	730
2014/15	507	1,334	507	1,237
2015/16	1,121	2,455	1,121	2,358
2016/17	977	3,432	894	3,252
Totals	3,432		3,252	

Source: City of York Council

2017 SHLAA

- 6.10 The Framework⁶⁵ sets out that local planning authorities should prepare a SHLAA to establish assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period. Furthermore, the Practice Guidance⁶⁶ outlines that the assessment of land availability is an important step in the preparation of Local Plans. The provision of an up to date SHLAA approach ensures that all land is assessed together as part of plan preparation to identify which sites or broad locations are the most suitable and deliverable for a particular use.
- 6.11 The Council has published its City of York Strategic Housing Land Availability Assessment

⁶⁵ Framework - §159⁶⁶ Practice Guidance - ID: 12-018-20140306

September 2017. This document supersedes previous versions of the SHLAA to present the sites assessed for their development potential to form part of the evidence base for York's Local Plan. The 2017 SHLAA accompanied the Local Plan Pre Publication [LPPP] Draft, setting out the methodology for site selection in the plan, and detail of which sites have been allocated.

Site Selection

- 6.12 The 2017 SHLAA outlines the previous consultation undertaken by City of York Council in relation to site identification and consultation/engagement. It states [§2.3.1] that a two stage suitability process was undertaken in order to sieve out the potential sites most suitable for development:
- 1 Stage 1: Sustainable Location Assessment which uses the shapers set out in the emerging Spatial Strategy to assess potential site suitability. The SHLAA states that the methodology was also informed by work on the Sustainability Appraisal.
 - 2 Stage 2: Technical Officer Group which considers more site specific suitability of sites which successfully passed Stage 1 and determined whether they should progress as development sites. The SHLAA states that any sites which were wholly or partly removed from the site selection process following the Stage 1 analysis will be given the opportunity to respond to the assessment with supporting evidence.
- 6.13 Further details on the scoring process and methodology used are provided in Annex 3 of the SHLAA. As the site selection and criteria assessment process was developed in 2013, the SHLAA indicates that subsequent guidance on Impact Risk Zones for SSSIs, Flood Risk and Agricultural Land Value has been taken into consideration. It also explains the basis on which the availability and deliverability of sites has been determined.
- 6.14 The SHLAA [§§2.5.1-2.5.2] outlines how the availability of sites has been determined. It states:
- “The majority of sites assessed were received through the Call for Sites process or subsequent Local Plan consultations. Through this process we asked that landowner details were provided to us to ensure that we could confirm availability and that the site had a willing landowner. We also asked for details of whether the site had been promoted commercially or by an agent as well as when the site would be become available for development. Since 2012, the availability of sites has been reconfirmed through consultation.”*
- “For the allocated sites set out in the Section 3.3, availability of the site has been confirmed and the timescales reflect our understanding of when the site will be brought forward in the plan period”.*
- 6.15 The SHLAA [Section 2.6] sets out a series of archetypes which have been used to determine the scale of potential development on sites less than 5ha (non-strategic sites). It notes that for Strategic Sites (over 5 ha) a bespoke approach is taken to reflect the site characteristics and detailed work undertaken.

Housing Supply

- 6.16 A summary of housing completions and permissions for the period April 2016 to March 2017 is provided.
- 6.17 The SHLAA identifies a windfall allowance of 169 dwellings per annum and states that windfalls will be included from year 4 of the trajectory. Included at Annex 5 of the SHLAA is City of York Local Plan Windfall Allowance Technical Paper (2017) which explains how the windfall figure has been derived.
- 6.18 The SHLAA does not provide any detailed calculation to demonstrate how a 5-year housing land

supply is achieved. This is wholly unacceptable and does not demonstrate the deliverable 5 year housing land supply as required by national guidance.

City of York Local Plan Publication Draft [LPP]

- 6.19 The Council published its LPP in February 2018 for public consultation. Policy H1 identifies the sites which have been allocated to meet the housing requirement set out in Policy SS1 over the plan period 2017/18 to 2032/33 (867dpa).
- 6.20 Table 5.1 in the LPP identifies the sites which have been allocated in the LPP and provides the estimated dwelling yield and estimated phasing for these sites (i.e. Short Term: Years 1-5, Medium Term: Years 1 -10 etc.). For those sites where the phasing extends beyond years 1-5, the anticipated delivery of the sites in each 5 year phase is not confirmed.
- 6.21 The LPP (Figure 5.1 and Table 5.2) provides housing trajectories for the period April 2017 to March 2033 (16 years) against the identified housing target of 867dpa. The LPP [5.6] states that the trajectory shows there is an adequate supply to meet the objectively assessed need throughout the plan period. However, there is a lack of detailed evidence on the supply to demonstrate this position.
- 6.22 Lichfields notes that the period March 2017 to April 2018 has been identified as Year '0', rather than Year '1', which would be the usual approach. Years 0 to 4 (rather than Years 1 to 5) is therefore the period against which the Framework requirement of achieving a 5-year supply would be assessed.
- 6.23 The information provided in the trajectories is high level. They do not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total completion figure for all sites each year without detailed reasoning on the methodology for deriving this figure. In addition, there is a lack of evidence in the SHLAA on lead-in times and delivery rate assumptions for the Council's unimplemented permissions and draft allocations.
- 6.24 With regard to providing a rolling 5 year supply of deliverable sites the LPP [5.9] states:

“The Council accepts that there has been persistent under delivery of housing as defined in the NPPF and consequently has included enough land in the early years of the trajectory to ensure there is a 20% buffer in the 5 year supply. This land has been brought forward from later in the plan period. Progress on meeting delivery targets will be assessed through the authority monitoring report and the 20% buffer will be rolled forward within the 5 year supply until such time as the under delivery has been satisfactorily addressed. This does not mean that overall more land has been allocated in the plan, what it does mean is that the development trajectory (see Figure 5.1) ensures that in the early years of the plan additional land is available to address previous under delivery”.

However, as with the SHLAA, the LPP does not provide any detailed calculation to demonstrate how the 5-year housing land supply is achieved.

- 6.25 With regard to site yield and delivery, the LPP [5.12] notes that the yield for each of the strategic sites has been established through working with site promoters to produce an individual assessment of the yield for each site. For non-strategic sites the LPP refers to the yield archetypes identified in the SHLAA [2.6.2].
- 6.26 With regard to the delivery and phasing of allocated sites the LPP [5.13-5.14] states:

“Each allocated site has been assessed for its likelihood of being delivered to ensure that we are satisfied that each site is likely to come forward for development during the plan period, although ultimately this can be dependent upon external factors such as finance”.

availability for house builders, mortgage availability for purchasers and the aspirations of landowners. In all cases there have been discussions with the land owner about their current plans. We have at this stage placed each allocated site within a timescale of short (1-5 years), medium (6-10 years), long term (11-15 years) or life time of the plan (1-21 years). The timescale of each site is an indication of when we think the site is likely to come forward and reflects the timescale put forward by the landowner or developer in the discussions referred to above, the requirement to develop the most sustainable sites within a settlement first and viability”.

“The phasing of sites is important for the successful delivery of the plan’s priorities and sites should only come forward in different phases if they would not prejudice the delivery of other allocated sites. For example where the construction of essential infrastructure is linked to the delivery of a package of sites, these sites will need to be brought forward in an orderly fashion to ensure the infrastructure is in place to mitigate the impacts of development”.

- 6.27 As with the SHLAA, there is a lack of evidence in the LPP on lead-in times and delivery rate assumptions for the Council’s unimplemented permissions and draft allocations. This is a flawed approach which does not meet the requirements of national guidance.

Conclusion

- 6.28 The Council has compiled and recently published housing completions figures for the past ten monitoring years as well as published detailed site by site completion figures for the past 5 years. However, the Council’s housing land supply figures do not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total delivery figure for each site without detailed reasoning on the methodology for deriving this figure.
- 6.29 Insufficient information has also been provided on the assumptions used to derive the Council’s proposed delivery in the LPP and associated evidence base documents. There is a distinct lack of evidence on lead-in times and delivery rate assumptions for the Council’s unimplemented permissions and draft allocations.
- 6.30 Furthermore, the Council includes several student sites in its future supply, which is inappropriate, as there is no justification regarding how these developments will result in the release of housing into the general housing market as required by the Practice Guidance. In particular, no robust evidence has been provided to clearly demonstrate that there has been a reduction in the number of general market dwellings occupied by students as a direct result of the provision of purpose-built student accommodation. As a result, the Council’s land supply figures risk being severely distorted.

7.0 Housing Requirement

Introduction

- 7.1 The Framework⁶⁷ and Practice Guidance require LPAs to demonstrate a developable 5-year supply and a deliverable supply for the period 5-15 years. This requires an understanding of the relevant housing requirements for each of these time periods.
- 7.2 This Technical Report sets out a critique of the Council's OAHN and the need to increase the target to meet the needs of the local community. This section briefly sets out the relevant figures to be used for both the 5-year assessment and the plan period assessment.

Plan Period Housing Requirement

- 7.3 The Council's SHMA Assessment Update seeks to provide the evidence to justify the housing requirement for the City of York Local Plan. It sets the Plan period as 2012-2032.
- 7.4 This Technical Report sets out the flaws in the SHMA Assessment Update and the Council's approach in rejecting the 953 dpa figure recommended in the SHMA Assessment Update. It requests that the OAHN is recalculated using an appropriate methodology. Lichfields considers that the Council's SHMA makes a number of flawed assumptions and judgements and does not properly respond to the requirements of policy and guidance. As a result, the proposed OAHN set out in the SHMA is not robust and is inadequate in meeting the need and demand for housing.
- 7.5 Even so, the Council has resolved to reject the OAHN of 953 dpa set out in the SHMA update and adopt a figure of 867 dpa, based on the latest revised SNHP published by ONS and MHCLG with no adjustment for market signals or affordable housing. By way of contrast, MHCLG's standard methodology produces an OAHN figure of 1,070 dpa, significantly higher than adopted by the Council which again demonstrates the inappropriateness of the Council's approach.
- 7.6 As noted in Section 4, Lichfields considers that the OAHN for York is **at least 1,150 dpa**. To be robust however, for the purposes of this report, we have also used GL Hearn's 953 dpa OAHN figure to calculate the City's 5YHLS.

5-Year Housing Requirement

Annual Requirement

- 7.7 When calculating the 5-Year Housing Requirement the annual average requirement should be used. As there is disagreement over the appropriate OAHN with the Council preferring a housing requirement of 867 dpa rather than their own housing evidence which suggests a need for 953 dpa figure in the SHMA Update, with Lichfields recommending a yet higher figure (1,150 dpa). All three are used in this assessment.
- 7.8 We would note that whichever figure is used, it does not include the specific needs of students living in halls of residence, which would be additional as these are explicitly excluded from the CLG's household projections.

⁶⁷ Framework - §47

Under Supply

- 7.9 The Practice Guidance⁶⁸ indicates that LPAs should aim to deal with any under supply within the first 5-years of the plan period where possible. Table 7.1 sets out the net completions recorded by the Council since 1st April 2007 compared to the now withdrawn RS for Yorkshire and the Humber requirement which the Council has been using in the absence of an adopted Local Plan. Table 7.1 shows the failure of York to deliver housing to meet the needs of the community.

Table 7.1 Housing Completions 2007/08 - 2016/17

Year	Target	Comp.	+/-	Cum +/-
2007/08	650	523	-127	-127
2008/09	850	451	-399	-526
2009/10	850	507	-343	-869
2010/11	850	514	-336	-1,205
2011/12	850	321	-529	-1,734
2012/13	850	482	-368	-2,102
2013/14	850	345	-505	-2,607
2014/15	850	507	-343	-2,950
2015/16	850	1,121	+271	-2,679
2016/17	850	977	+127	-2,552
Totals	8,300	5,748	-2,552	

Source: York Housing Monitor Update for Monitoring Year 2016/17

- 7.10 The Council has produced a Half-Year Monitoring Update for 2017/18 (1st April 2017 to 30th September 2017). This indicates that net completions over this period have totalled 1,036 dwellings.
- 7.11 However, as details of the full monitoring year 2017/18 are not yet available it is not possible to include this latest dataset in the analysis.
- 7.12 Table 7.2 sets out the net completions recorded by the Council since 1st April 2012 compared to the Council's requirement and the Lichfield's target. In this context it should be noted that the Lichfield completions exclude the student accommodation (180 units) previously included in the Council's delivery figures for the reasons set out in Section 6.0. The table shows the failure of York to deliver sufficient housing to meet the emerging OAHN.

⁶⁸ Practice Guidance - ID:3-035-20140306

Table 7.2 Housing Completions

Year	Council Position				SHMA OAHN				Lichfield Position			
	Target	Comp.	+/-	Cum +/-	Target	Comp.	+/-	Cum +/-	Target	Comp.	+/-	Cum +/-
2012/13	867	482	-385	-385	953	482	-471	-471	1,150	385	-765	-765
2013/14	867	345	-522	-907	953	345	-608	-1,079	1,150	345	-805	-1,570
2014/15	867	507	-360	-1,267	953	507	-446	-1,525	1,150	507	-643	-2,213
2015/16	867	1,121	+254	-1,013	953	1,121	168	-1,357	1,150	1,121	-29	-2,242
2016/17	867	977	+110	-903	953	977	24	-1,333	1,150	894	-256	-2,498
Totals	4,335	3,432	-903		4,765	3,432	-1,333		5,750	3,252	-2,498	

Source: York Housing Monitoring Update for the Year 2016/17 / Lichfields analysis

Application of the Buffer

- 7.13 Judgements on the appropriate Framework buffer (i.e. 5% or 20%) to apply turns on whether there is a record of “*persistent under delivery*”.
- 7.14 In this case, the Council has under-delivered in 8 of the past ten years when compared to the previous housing target and the emerging Local Plan (see Tables 7.1 & 7.2). A ten year period is considered to represent an entire economic cycle and an appropriate period for considering past delivery. This results in a substantial shortfall which needs to be quickly rectified. It is therefore appropriate to apply a 20% buffer to help address the significant delivery failings. This approach aligns with the Framework⁶⁹ objective to “*boost significantly*” the supply of housing and ensure that objectively assessed housing needs are met.
- 7.15 In respect of applying the buffer, it should be applied to both the forward requirement and the under supply. This approach accords with the Framework, which suggests that the buffer should be added to the total requirement which would, inevitably, include any under delivery from earlier years. In this regard, the purpose of the buffer is to increase the supply of land; it does not change the number of houses required to be built within that period. Put simply, the buffer is not, and it does not become, part of the requirement; it is purely a given excess of land over the land supply necessary to permit the identified need for housing to be delivered.
- 7.16 There have been a number of appeal decisions supporting this approach. In particular, the appeal in Droitwich Spa⁷⁰ where the Inspector indicated that the buffer should be applied to the forward requirement and under supply. He stated:
- “It is also clear that the 20% buffer should be applied to the entire 5-year requirement (including the historic shortfall). The Council could not point to any provision in policy or previous decisions which supports the contention that the 20% should not apply to the historic shortfall...”* [§8.46]
- The Secretary of State supported this approach in his decision letter.⁷¹
- 7.17 Table 7.3 sets out respective positions in relation to the 5-year requirement.

⁶⁹ Framework - §47

⁷⁰ Land at Newland Road and Primsland Way, Droitwich Spa (SoS Decision 02.07.14 – Ref: APP/H1840/A/13/2199085)

⁷¹ *ibid* – DL §14

Table 7.3 5-Year Housing Requirement

	Council		SHMA OAHN		Lichfields	
	Calc.	Total	Calc.	Total	Calc.	Total
Policy Requirement (2017-2022)	867 dpa x 5	4,335	953 dpa x 5	4,765	1,150 dpa x 5	5,750
Under Supply (2012-2017)	4,335 – 3,432	903	4,765 – 3,432	1,333	5,750 – 3,252	2,498
Buffer at 20%	$(4,335 + 903) \times 0.2$	1,048	$(4,765 + 1,333) \times 0.2$	1,220	$(5,750 + 2,498) \times 0.2$	1,650
Total Requirement		6,286		7,318		9,898
Annual Requirement	6,286 / 5	1,257	7,318 / 5	1,464	9,898 / 5	1,980

Source: Lichfields

7.18 On this basis, the 5-year requirement ranges from **6,286** to **9,898** dwellings.

Conclusion

7.19 The SHMA Update sets out an OAHN for York of 953 dpa; however, the Council has ignored this figure and adopted 867dpa for the plan period. Lichfields considers that an OAHN of 1,150 dpa is more appropriate. Even this figure explicitly excludes the needs of students living in purpose-built halls of residence.

7.20 The appropriate plan period is for this assessment is 2012-2032. We have set out the Council's past completion data and consider that a 20% buffer is required due to the persistent under delivery of housing in the City over the past 10 years.

7.21 When using the Council's OAHN and factoring in backlog and an appropriate buffer it is concluded that the annual housing requirement over the next 5-years is 6,286 (1,257 dpa), rising to 7,318 (1,464 dpa) using the SHMA's OAHN. Using Lichfields' OAHN figure would result in an annual requirement of 9,898 (1,980 dpa) over the next 5-years.

8.0 Housing Land Supply

Introduction

8.1 This section assesses the adequacy of the deliverable and developable supply of housing sites to meet the requirement for the plan period and 5-year period. It draws on the information supplied by the Council in the LPP and associated evidence base.

8.2 Before considering the individual components of the supply some initial points on the assumptions made by the Council on deliverability, particularly in relation to lead-in times and delivery rates. In this context it is important to be cautious in relation to the likelihood of sites delivering and the scale of that delivery. This is because the purpose of the assessment is to provide a realistic view of whether there is sufficient land available to meet the community's need for housing. If those needs are to be met a cautious approach must be taken.

Delivery Assumptions

Lead in Times

8.3 From the information released to date by York City Council it is impossible to decipher the Council's assumed lead in times for the proposed housing allocations outlined in the LPP.

8.4 Whilst housebuilders aim to proceed with development on site as quickly as possible, lead-in times should not underestimate inherent delays in the planning process (e.g. the approval of reserved matter and discharge of planning conditions) as well as the time taken to implement development (e.g. complete land purchase, prepare detailed design for infrastructure, mobilise the statutory utilities and commence development).

8.5 Another fundamental element in calculating appropriate lead-in times is the size and scale of the site. As a generality, smaller sites can commence the delivery of units before larger sites. Larger sites often have more complex issues that need to be addressed and require significantly greater infrastructure development which must be delivered in advance of the completion of units.

8.6 Table 8.1 sets out our general methodology in terms of lead-in times. We have split the methodology by site size and stage in the planning process.

Table 8.1 Lead-in Times

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

Source: Lichfields

8.7 We provide a detailed breakdown in Table 8.2 to Table 8.5 of the lead-in times and the factors that have been taken into account. The tables, breakdown the lead in times for a typical site of up to 250 units. Obviously, the larger site categories would take long to come forward as given the additional complexities in relation to negotiate S.106 contributions, discharge conditions

and put in place the necessary on-site infrastructure.

- 8.8 We have incorporated a period between the grant of outline planning permission and the formulation of the scheme to allow for market assessments and board approvals. Finally, if the outline permission has been secured by a land promoter or a landowner the site would need to be marketed during this period. This period has not been included but would add between 6 months to 9 months to the delivery.
- 8.9 On the sites with no current planning application, the timetable assumes there is a willing developer/landowner who wishes to commence the preparation of an application immediately. However, this is not always the case and a draft allocation in a Local Plan does not necessarily mean the process of securing planning permission is commenced immediately.

Table 8.2 Full Planning Permission - Lead-in Times (Site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Full Permission						
Discharge of Pre-Commencement Conditions	3	2				5
Site Commencement				3	6	9
Overall Time to 1st Completion						14*

Source: Lichfields

Notes: * rounded down to 12 months for the purposes of calculating a delivery trajectory.

Not included time within the timetable for market assessment and board approval as it is assumed this has been completed

Table 8.3 Outline Planning Permission - lead-in Times (Site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Outline Permission						
Reserved Matters and Discharge of Pre-Commencement Conditions	6	4				10
Site Commencement				3	6	9
Overall Time to 1st Completion						19*

Source: Lichfields

Notes: * rounded down to 12 months for the purposes of calculating a delivery trajectory.

Not included time within the timetable for market assessment and board approval as it is assumed this has been completed

Table 8.4 Application Pending Outline Permission - Lead-in Times (Site up to 250 units)

Key Stages	Prep. of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Outline Application		4	3			7
Market Assessment						3
& Board Approval	6	4				10
Reserved Matters and/or Discharge of Pre-Commencement Conditions				3	6	9
Overall Time to 1st Completion						29*

Source: Lichfields

Notes: * rounded to 30 months for the purposes of calculating a delivery trajectory.

Table 8.5 No Planning Application - Lead-in Times (site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Application	6	4	3			13
Market Assessment						
& Board Approval						3
Reserved Matters and/or Discharge of Pre-Commencement Conditions	6	4				10
Site Commencement				3	6	9
Overall Time to 1st Completion						35*

Source: Lichfields

Notes: * rounded to 36 months for the purposes of calculating a delivery trajectory.

- 8.10 The lead-in times set out in these tables are likely to be an underestimate based on the recent report by Barratt Homes and Chamberlin Walker.⁷² The report notes that:

“New data for 2017 presented in this report, from Barbour ABI, indicates that ‘post-planning permission’ development timescales (C+D) have increased markedly: on sites of 20 homes or more it now takes at least 4.0 years on average from the grant of detailed planning permission to site completion, compared to the earlier LGA estimates of 1.7 to 3.2 years.”

In these circumstances the Council must set out clearly the lead-in times that are assumed and demonstrate that they are sound and robust. This is clearly not the case with the current evidence base.

Delivery Rates

- 8.11 Whilst housebuilders aim to deliver development on site as quickly as possible, in a similar fashion to the lead-in times outlined above, the annual delivery rate on sites will depend on a number of factors including overall site capacity. In our experience, sites with a capacity of less than 250 units are built out by one housebuilder using one outlet. As such, a reasonable average

⁷² The Role of Land Pipelines in the UK Housebuilding Process (September 2017) Barratt Homes & Chamberlin Walker

annual delivery rate in York is 40 dpa for sites with a capacity of less than 250 units. However, on sites of less than 100 units we have assumed a lower delivery rate of 25 dpa as these sites will generally be delivered by smaller housebuilders.

8.12 Generally, in York on sites with a capacity of between 250 units and 500 units there is often a second developer (or national housebuilders use a second outlet) delivering units simultaneously. As such, annual delivery rates increase but not exponentially to the number of housebuilders or delivery outlets. In our experience in the current market, sites with 2 outlets deliver approximately 65 dpa.

8.13 Finally, on large-scale sites with a capacity of more than 500 units, there are often up to three housebuilders or outlets operating simultaneously. As before, this does not increase delivery exponentially but it can be expected that three outlets operating simultaneously on a large scale would deliver approximately 90 dpa.

Table 8.6 Annual Delivery Rates

	0-100 units	100-250 units	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

Source: Lichfields

8.14 Lichfields considers that it would be appropriate to apply the delivery rates identified above. The quantum of delivery of units on a site can be affected by a significant number of factors including local market conditions, general economic conditions, proximity to competing site, housing market area, type and quality of unit and the size of the development. There will be a number of sites in York that will experience higher annual delivery rather than the averages outlined above but there will also be a number of who deliver below the average also. It is therefore important not to adopt an average delivery rate which may only be achieved by a small minority of the strategic sites.

Density Assumptions

8.15 The 2017 SHLAA (page 20) sets out the density assumptions for each residential archetype.

8.16 It is considered that, the proposed densities are overly ambitious and will not be achieved on average on sites throughout York. For example, from our experience, it is not anticipated an average density of 50dph on sites of 1ha+ with a gross to net ratio of 95% can be achieved. Meeting open space requirements alone will preclude this ratio. There will be a very limited number of examples where this density has been achieved but a more appropriate and conservative figure should be pursued in the absence of firm details from a developer. The gross to net ratio at most should be 85%, although this can reduce to less than 60% for larger developments with significant infrastructure requirements.

8.17 Secondly, it is considered that a density of 40dph on suburban sites is highly aspirational and is unlikely to be achieved across a significant number of sites. This density is characterised by housing for the smaller households and thus not suitable for family accommodation. Our housebuilder clients and local intelligence has reaffirmed our concerns with the proposed average densities. Unless there is specific evidence to the contrary the default density on suburban sites should be 35 dph.

8.18 The Council has not provided sufficient information to back up their assumptions and we consider that these development densities should be revised downwards to ensure that the capacity of sites is not artificially inflated. Assumptions on development densities in the

absence of specific developer information should air on the side of caution and we consider that the details in the 2017 SHLAA are at variance with this principle.

Components of the Housing Supply

- 8.19 The components of the Council's supply are set out in the LPP. The LPP does not set out a delivery trajectory for each site and only sets out the expected delivery from each site over the plan period.
- 8.20 The information provided in the trajectory in the LPP is high level. It does not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total completion figure for all sites each year without detailed reasoning on the methodology for deriving this figure.
- 8.21 As set out above, the Council includes several student sites in its future supply which is inappropriate as no robust evidence has been provided to demonstrate that there has been a reduction in the number of general market dwellings occupied by students as a direct result of the provision of purpose-built student accommodation. As a result, including student accommodation in the supply is flawed and risks severely distorting the figures.

Sites with Planning Permission

- 8.22 It is now a standard approach that sites with planning permission should be included in the supply (unless there is a good reason to exclude them) whereas sites without planning permission should be excluded (unless there is a good reason to include them). This interpretation is entirely logical as the absence of a planning permission is a clear impediment to development, which is contrary to the test that land should be available now.
- 8.23 The LPP [§5.3] indicates that, as at 11th April 2017, there were extant planning permissions for 3,578 homes which will contribute towards meeting the overall housing requirement in the Plan. However, the Council has not identified these sites nor has it provided a delivery trajectory for each site to demonstrate how each of these sites contributes to delivery over the Plan period or to the 5-Year housing land supply. In the absence of this information it is not possible to ascertain whether these sites should be included in the supply. Lichfields therefore reserves the right to provide further comment on this matter as and when more detailed information is made available.

Allocations

- 8.24 Table 5.1 of the LPP identifies the housing and strategic sites which are proposed for allocation. It provides an estimated dwelling yield and estimated phasing for these sites (i.e. Short Term: Years 1-5, Medium Term: Years 1-10 etc.). For those sites where the phasing extends beyond years 1-5, the anticipated delivery of the sites in each 5 year phase is not confirmed.
- 8.25 The Council has not provided a detailed delivery trajectory for each of the Potential Strategic Housing Allocations and Potential General Housing Allocations. The Council has simply provided a figure for the total dwellings to be provided for the plan period without any justification or clarification on the assumptions used to derive the delivery figure. Lichfields therefore reserves the right to provide further comment on this matter as and when more detailed information is made available.
- 8.26 The estimated phasing in LPP Table 5.1 indicates that a number of large strategic sites are to commence delivery in Year 1. With regard to this matter, Lichfields would like to express a degree of caution in relation to resourcing issues at the Council. The Council are assuming that a significant number of large planning applications will be submitted and determined concurrently in a relatively short space of time. It is not clear if the Council has fully considered

the resourcing issues associated with dealing with all these application at the same time. In our experience, the Council's Department may not have sufficient capacity to deal with a number of major applications at the same time.

- 8.27 Based on the information provided, Lichfields also consider there are a number of sites where the delivery of development has been substantially overestimated by the Council, including the examples below.

Sites ST14 Land to West of Wigginton Road & ST15 Land to West of Elvington Lane

- 8.28 The estimated phasing in LPP Table 5.1 indicates that sites ST14 (Land to West of Wigginton Road) and ST15 (Land to West of Elvington Lane) will begin to deliver in Year 1 (2018/19). Lichfields consider this anticipated early delivery to be unrealistic for a number of reasons:
- 1 The sites are located within the Green Belt and no application is likely to be permitted until the Local Plan is adopted.
 - 2 A clear strategy is needed to deliver the sites during the plan period. Both are in multiple ownerships and the siting of each allocation without access to a public highway introduces an added level of complexity in negotiation and agreement between the parties involved.
 - 3 In view of their size and complexity much work will be needed to develop masterplans and establish viability of the developments to be progressed through the planning system.
 - 4 Detailed masterplans will be required to secure an appropriate form of development and ensure a phased delivery of the on-site services and facilities.
 - 5 Given the scale and location of the developments the schemes will need to be subject to full environmental assessment, especially to consider the likely impact on landscape, ecology and transportation and historic character of the City.
 - 6 The sites are isolated and there is no existing infrastructure capable of accommodating the proposed level of development. Both sites do not have frontage to a public highway with capacity that would allow even the smallest amount of development to commence. Their development will require major off-site highway improvements and new highway access roads and junctions. Other utilities will need to be procured and delivered in advance of any construction works on the site. This will inhibit the early delivery of the developments.
 - 7 The proposed sites are not obviously sustainable in that they are not easily accessible to existing social and community facilities or located close to existing public transport routes. Considerable effort will need to be made to ensure the allocations do not become satellite, dormitory communities wholly reliant on private transport for every journey away from the home.
- 8.29 The proposed delivery of units in Year 1 (2018/19) is ambitious and unrealistic given the extensive infrastructure requirements which will need to be put in place in advance of any development taking place. In addition, in view of the application of restrictive Green Belt policy it is inevitable that once the Local Plan is adopted the City of York Council will receive many planning applications for both large and smaller developments. Processing these applications will inevitably cause added delay, especially to the major, complex, housing allocations.
- 8.30 We consider that the identification of a portfolio of small site allocations (e.g. up to 250 dwellings) would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.

Windfalls

- 8.31 The Council claims that 169dpa will be delivered on windfall sites from Year 3 of the trajectory (2020/21) and provides justification for their windfall allowance in its Windfall Allowance Technical Paper (2017).

- 8.32 The Framework⁷³ sets out the local planning authorities may make allowance for windfall sites in the 5-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. Furthermore, any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends.
- 8.33 Lichfields accept that windfalls should be included in the overall housing delivery trajectory but only consider that they are appropriate outwith the first 5-year period. The inclusion of a significant windfall figure in earlier years increases the likelihood of artificially inflating the housing delivery figures in year 3 and double counting sites with permission. It does not account for any potential delays to the build out sites with extant consent. As such, the windfall allowance should be amended to only make an allowance from Year 5 (2022/23) onwards.
- 8.34 The Council consider that an annual windfall of 169dpa is appropriate to take account of potential delivery on sites of <0.2ha and completions on change of use and conversion sites.
- 8.35 However, the figure of 169 dwellings has only been achieved four times over the past 10 years and only twice since the base date of the new plan period (2012). This is during a period when the application of a very tight inner Green Belt boundary has precluded urban edge development at a time of ever increasing housing demand. In such circumstances it would have been an ideal period for windfall development to increase; but it did not. There is therefore no justification for such a high allowance.
- 8.36 In relation to the delivery on sites of <0.2ha, Lichfields consider that the proposed windfall allowance is too high because tightly defined settlement boundaries in York and surrounding settlements means there is a finite supply of sites which can come forward. This supply has been curtailed by the change in definition of previously developed land (June 2010) to remove garden sites. In addition, the Council started to request small sites to make contributions towards affordable housing provision and required rural sites with a capacity of more than 15 units to provide on-site affordable housing. This has made the provision of units on small sites less attractive to the market. Since the policy change and the introduction of affordable housing contributions the quantum of completions on windfall sites in York has plummeted. As a consequence, the future supply from this source should only consider the average completion rate since 2009/10 of 33dpa.
- 8.37 In relation to the delivery from conversions, the average completion figure in the past three years is largely dependent on recent changes to permitted development rights. As a consequence, it is considered that after an initial surge the conversion rate will revert back to the long term average. It is likely that the optimum conversion sites will be completed in the short term and the less sustainable and attractive office developments in York will not be converted. As such the average conversion rate from 2007/08 to 2013/14 of 64dpa should be used.
- 8.38 Based on the above assessment it is considered that the proposed windfall allowance should be reduced from 169dpa to 100dpa (rounded up from 97) which represents a far more realistic windfall allowance over the plan period. The incorporation of this figure would ensure that the Council's trajectory is not artificially inflated, can be realistically achieved and would only be incorporated into the delivery trajectory at Year 5 (2022/23) to ensure no double counting.
- 8.39 It is considered that the Council's information does not adequately justify a windfall allowance of 169dpa and does not provide sufficient certainty that this figure will be achieved over the plan period. We reserve the right to revise our position on windfalls if the Council prepares and releases further justification.

⁷³ The Framework, §48

Conclusion

- 8.40 Lichfields has undertaken an analysis of the Council's evidence base documents and consider that the evidence provided by the Council is not sufficient to demonstrate that the dwelling requirement over the plan period and a 5-Year supply will be achieved. It is also considered that some of the proposed delivery rates on sites are unfounded and unrealistic.

9.0 **Balance of the Requirement and Supply**

Introduction

9.1 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position, as required by the Framework. In these circumstances, it can only be assumed that the Council considers that it can demonstrate an adequate housing supply in the initial 5-year period and over the plan period. However, no evidence has been produced to demonstrate this position.

9.2 As a consequence, this section sets out an assessment of the housing supply against the three OAHNs for York (set out in Section 4).

5-Year Supply

Adequacy of Supply

9.3 The five year supply has been assessed against the Council's LPP housing target of 867 dpa; the SHMA Update's OAHN of 953 dpa; and Lichfields OAHN (1,150 dpa). The requirement is then compared to the Council's supply figures. The assessments in both cases make provision for the backlog and 20% buffer for persistent under delivery as calculated in Section 7. The calculation of Lichfields' position excludes any windfall allowance for the reasons we have set out in this Technical Report. As the Council has not provided adequate evidence to show how committed, allocated sites, student housing etc. factor into the housing supply, it has not been possible to fully assess the supply position and make further amendments. However, on the basis of our comments above, it is likely that this would reduce the housing supply considerably. Table 9.1 sets out the relative positions.

Table 9.1 5-Year Housing Land Supply Position using the Council's and Lichfields' OAHNs

Housing Requirement (2017-2022)		York Assumed Position		SHMA OAHN		Lichfields' Position	
Local Plan OAHN (dpa)			867		953		1,150
5 Year Requirement	2017-2022		4,335		4,765		5,750
Backlog	2012-2017	903		1,333		2,498	
Framework Buffer	20%	1,048		1,220		1,650	
Sub Total		1,951	1,951	2,553	2,553	4,148	4,148
5-year Requirement	2017-2022		6,286		7,318		9,898
Annual 5-year requirement			1,257		1,464		1,980
Housing Supply (2017-2022)							
Projected Housing Completions including Windfall Allowance from Year 3 (windfall allowance excluded from Lichfields' Position)			5,902		5,902		5,769
Total Supply	2017-22		5,902		5,902		5,769
Difference (Undersupply expressed as a minus)			-384		-1,416		-4,129
5-Year Supply Expressed as Years of Residual Annual Requirement			4.70		4.03		2.91

Source: Lichfields Analysis

- 9.4 The table demonstrates that even when comparing the likely delivery within the 5-year period to the Council's OAHN, there is not an adequate supply of housing land. Based on the Council's approach, there is only a supply of 4.70 years (with an undersupply of 384 dwellings), falling to 4.03 years if the higher SHMA OAHN is applied. If the Lichfields OAHN is used there is a supply of 2.91 years and a shortfall of 4,129 dwellings.
- 9.5 In addition, for the reasons we have raised in the previous section, the Council's 5-year supply figure of 5,902 dwellings is considered to be optimistic and all of this supply is unlikely to come forward over the 5-year period, which would further exacerbate the supply shortfall. Furthermore, including student accommodation in the supply without clearly evidencing how this would release housing onto the market elsewhere is not in accordance with the Practice Guidance or recent High Court judgements, and risks severely distorting the Council's land supply figures as a consequence.

Implications of the 5-Year Supply Position

- 9.6 The Council has a significant shortage of housing land in the first 5-years. This is a significant issue for the Council which means the plan is not 'sound' in its current form. It is therefore imperative that additional sites are allocated for housing to tackle this issue. These should be sites without any immediate constraints that can be delivered quickly once the plan is adopted.

The Plan Period Supply

- 9.7 There is also a significant shortfall of housing over the Plan period, when assessed against the Lichfields OAHN of 1,150 dpa and the 2,498 dwelling shortfall in delivery for the period 2012 to 2017 identified in Table 7.2 (a total figure of 20,898 dwellings over the Plan period 2012 to 2033). LPP Table 5.2 indicates a supply of 18,839 dwellings which is equivalent to a shortfall of 2,059 dwellings over this period.

Conclusion

- 9.8 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence has therefore been produced to demonstrate the Council's housing supply position.
- 9.9 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall for 5-year period. For the plan period, there is also a significant shortfall when assessed against the Lichfields assessment of the OAHN.
- 9.10 In these circumstances, the emerging plan is not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 9.11 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.
- 9.12 It should be noted that the above assessment is reliant upon the information provided in the LPP and associated evidence base documents. Lichfields therefore reserves the right to update the above evidence as and when further information becomes available, particularly regarding student housing needs.

10.0 Summary

Context

- 10.1 The Framework sets out that LPAs should use their evidence base to ensure they meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework.
- 10.2 The SHMA Assessment Update makes a number of assumptions and judgements which Lichfields considers to be flawed, or which do not properly respond to the requirements of policy and guidance. As a result, the concluded OAHN is not robust and is inadequate to meet need and demand within the HMA.

Conclusions on the City of York's Housing Need

- 10.3 The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is considered to be fundamentally flawed. This is effectively a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the OAHN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.
- 10.4 There are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
- 1 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this demographic-led figure of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below. Lichfields agree with making an adjustment for demographic and household formation rates. However, it would be illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - 2 Overall, the Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - 3 Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.
- 10.5 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 1 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates

amongst younger age cohorts takes the demographic starting point to 871dpa.

- 2 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, for the reasons set out above, Lichfields considers that a greater uplift of 20% would be more appropriate in this instance. When applied to the 871dpa re-based demographic starting point, this would indicate a need for 1,045dpa.

The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the Blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;

- 3 The scale of **affordable housing needs**, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045dpa set out above. It is considered that to meet affordable housing needs in full (573dpa), the OAHN range should be adjusted to 1,910dpa @30% of overall delivery. It is, however, recognised that this level of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

This is 7.5% higher than the MHCLG proposed standardised methodology figure of 1,070 dpa.

- 10.6 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework [§47] by significantly boosting the supply of housing. It would also reflect the Framework [§19], which seeks to ensure the planning system does everything it can to support sustainable development. We would note that these figures do not include the need for specialised student accommodation, which would be additional.

Conclusions on Housing Land Supply

- 10.7 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence has therefore been produced to demonstrate the Council's housing supply position.
- 10.8 Furthermore, including student accommodation in the supply without clearly evidencing how this would release housing onto the market elsewhere does not accord with the Practice Guidance or recent High Court judgements, and risks severely distorting the Council's land supply figures as a consequence
- 10.9 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall for the 5-year period. For the plan period, there is also a significant shortfall when assessed against the Lichfields assessment of the OAHN. Based on the Council's approach, there is only a supply of 4.70 years (with an undersupply of 384 dwellings), falling to 4.03 years if the higher SHMA OAHN is applied. If the Lichfields OAHN is used there is a supply of 2.91 years and a shortfall of 4,129 dwellings.
- 10.10 In these circumstances, the emerging plan is not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 10.11 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

- 10.12 **It should be noted that the above assessment is reliant upon the information provided in the LPP and associated evidence base documents. Lichfields therefore reserves that right to update the above evidence as and when further information becomes available.**

Appendix 1: Lichfields Market Signals Assessment

Appendix 1

Our ref 50642/03/MW/CR
Date 19th March 2018

Subject Lichfields Market Signals Assessment

1.0 Market Signals

Introduction

- 1.1 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:
- “Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.” [§17]*
- 1.2 The Practice Guidance requires market signals to be assessed against comparator locations . The analysis in the following sections focuses on comparing the City of York and other Local Authorities and England to benchmark their performance against trends both across the wider region and nationally.
- 1.3 The Guidance sets out six key market signals¹:
- 1 land prices;
 - 2 house prices;
 - 3 rents;
 - 4 affordability;
 - 5 rate of development; and,
 - 6 overcrowding.
- 1.4 It goes on to indicate that appropriate comparison of these should be made with upward adjustment made where such market signals indicate an imbalance in supply and demand, and the need to increase housing supply to meet demand and tackle affordability issues:
- “This includes comparison with longer term trends (both in absolute levels and rates of change) in the housing market area; similar demographic and economic areas; and nationally. Divergence under any of these circumstances will require upwards adjustment to planned housing numbers compared to ones based solely on household projections”.*
- “In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in*

¹ 2a-019-20140306

affordability needed and, therefore, the larger the additional supply response should be.”²

- 1.5 The Practice Guidance sets out a clear and logical ‘test’ for the circumstances in which objectively assessed needs (including meeting housing demand) will be in excess of demographic-led projections. In the context of the Framework and the Practice Guidance, the housing market signals have been reviewed to assess the extent to which they indicate a supply and demand imbalance in the City of York and other comparable local authorities and therefore indicate that an upwards adjustment should be made over the demographic-led baseline already identified.

Housing Market Indicators

- 1.6 In the context of The Framework and the Practice Guidance, each of the housing market signals have been reviewed to assess the extent to which they indicate an imbalance between supply and demand in the City of York.

Land Prices

- 1.7 CLG has published a document entitled ‘*Land value estimates for policy appraisal*’ (February 2015) which contains post permission residential land value estimates, per hectare for each Local Authority. For York this figure is £2,469,000 per hectare, well above the equivalent figure for England (excluding London) of £1,958,000.

House Prices

- 1.8 The Practice Guidance³ identifies that longer term changes in house prices may indicate an imbalance between the demand for and supply of housing. Although it suggests using mix-adjusted prices and/or House Price Indices, these are not available at local authority level on a consistent basis, and therefore for considering market signals in York, price paid data is the most reasonable indicator.
- 1.9 Land Registry price paid data displays the median prices in York, alongside North Yorkshire and England as of 2016 (Table 1.1). These median prices illustrate lower prices in York compared to national rates, but higher prices than in the surrounding sub-region.

Table 1.1 Median Dwelling price, York (2016)

	Median Dwelling Price 2016
York	£220,000
North Yorkshire	£199,995
England	£224,995

Source: ONS Price Paid Data

- 1.10 CLG publishes series data on median house prices based on the same Land Registry price paid data series. This currently runs from 1996 to 2016. This longitudinal analysis is illustrated in Figure 1.1, which indicates that the City of York has seen virtually identical levels of house price growth to the national average since 1999. The figure remains slightly below the England

² 2a-020-20140306

³ 2a-019-20140306

average at present, but is above the North Yorkshire median.

Figure 1.1 Median House Prices



Source: ONS Price Paid Data

- 1.11 In 2016 median house prices in York were just 2% lower than the national average, whilst the City ranked as being the 166th most expensive place to live in England (out of 326 districts).
- 1.12 It is particularly important to note that over the previous 17 years (1999-2016), median house prices have increased by 244% (or £156,000) in York, compared to 204% nationally and 199% across North Yorkshire as a whole.
- 1.13 As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York's median house prices have effectively tripled in 17 years, from £64,000 in 1999 to £220,000 in 2016, and have risen at a much faster rate than comparable national and sub-regional figures, suggests that the local market is experiencing considerable levels of stress.

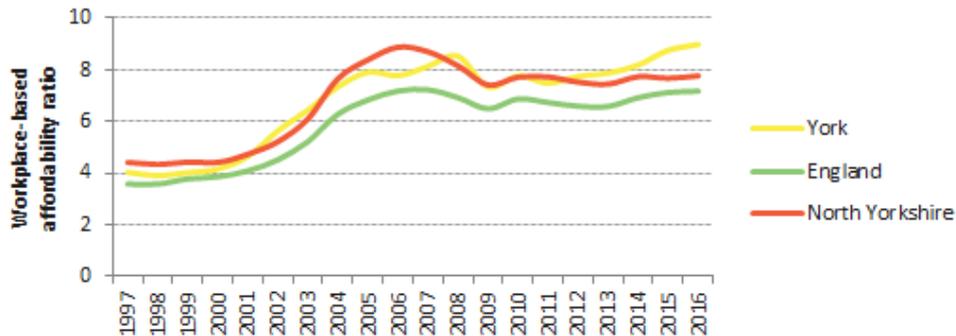
Affordability

- 1.14 The CLG's former SHMA Practice Guidance defines affordability as a '*measure of whether housing may be afforded by certain groups of households*'⁴. A household can be considered able to afford to buy a home if it costs 3.5 times the gross household income for a single earner household or 2.9 times the gross household income for dual-income households. Where possible, allowance should be made for access to capital that could be used towards the cost of home ownership [page 42].
- 1.15 The Practice Guidance concludes that assessing affordability involves comparing costs against a household's ability to pay, with the relevant indicator being the ratio between lower quartile house prices and lower quartile [LQ] earnings.
- 1.16 Using CLG affordability ratios, Figure 1.2 illustrates that although the ratio fell substantially from a peak of 8.14 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than North Yorkshire as a whole. This suggests that levels of affordability are declining in York at a pace which is not the case for the rest of the sub-region (and indeed, for the country as a whole). In 2016, the median house price

⁴ Annex G

in York City was approximately 9.0-times the LQ (workplace-based) income, compared to 7.8 for North Yorkshire and 7.2 nationally.

Figure 1.2 Ratio of house price to lower quartile earnings



Source: ONS Affordability Data

- 1.17 It can be seen in Figure 1.2 that over the past 19 years, the ratio of lower quartile house prices to lower quartile earnings in York has been consistently above the national average, with the gap widening over time. Indeed, the rate of increase is worrying – between 2002 and 2016, the affordability ratio increased by 39%, significantly above the comparable growth rate for North Yorkshire (+27%) and England (+37%). Indeed, across the whole of northern England, only Manchester City has experienced a higher rate of increase in its affordability ratio than York.
- 1.18 The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

Rents

- 1.19 On a similar basis, high and increasing private sector rents in an area can be a further signal of stress in the housing market. Median rents in York are £725 per month, with median rents ranging from £595 per month for a 1 bed flat, to £1,500 per month for a 4+ bed house. All of these figures are significantly higher than the national average, with overall average rents comprising £675 across England, and £585 for North Yorkshire. Rental levels are therefore 7.4% higher than comparable national figures (Figure 1.3).

Figure 1.3 Median Monthly Rents



Source: VOA Private Rental Market Statistics

Rate of Development / Under delivery

1.20 The rate of development is intended to be a supply-side indicator of previous delivery. The Practice Guidance states that:

“...if the historic rate of development shows that actual supply falls below planned supply, future supply should be increased to reflect the likelihood of under-delivery of a plan”⁵

1.21 York has never had an adopted Local Plan, hence the only relevant previous ‘planned supply’ figure is the target within the former Yorkshire and the Humber RS up to 2012. Thereafter, we have compared delivery against the household projections and its preferred OAHN range, as set out in Table 1.2.

Table 1.2 Rate of net housing delivery in York against possible policy benchmarks, 2004/05-2015/16

Year	Net Housing Completions	Council's OAHN (867 dpa)	
		'Need'*	+/-
2004/05	1,160	640	+520
2005/06	906	640	+266
2006/07	798	640	+158
2007/08	523	640	-117
2008/09	451	850	-399
2009/10	507	850	-343
2010/11	514	850	-336
2011/12	321	850	-529
2012/13	482	867	-385
2013/14	345	867	-522
2014/15	507	867	-360
2015/16	1,121	867	+254
2016/17	977	867	110
Total	8,612	10,295	-1,683

Source: ARUP (August 2015): Evidence on housing Requirements in York: 2015 Update, Table 4 and City of York Half Year Housing Monitoring Update for Monitoring Year 2017/181

*RSS assumed average 640 dpa 2005/05-2007/08; 850 dpa 2008/09 -2011/12

⁵Section 2a-019-20140306

- 1.22 It is clear from the Council’s own evidence that the City has consistently under-delivered housing, with a failure to deliver anything more than 525 dwellings in any single year between 2007 and 2015. The policy benchmarks suggest that the level of past under-delivery is 1,683 dwellings over the past 13 years.
- 1.23 Furthermore, the Council’s already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures. For example, CYC’s 2012/13 Annual Monitoring Report states that 482 (net) dwellings were completed in 2012/13, but this figure includes 124 student cluster flats. The 6 months completions data set out in CYC’s Housing Monitoring Update (Table 3, October 2017) suggested that the Council was continuing to rely on student housing completions to boost its housing numbers, with 637 of the total 1,036 net completions during the first half of the 2017/18 monitoring year comprising privately managed off-campus student accommodation.

Overcrowding and Homelessness

- 1.24 Indicators on overcrowding, sharing households and homelessness demonstrate un-met need for housing within an area. The Practice Guidance suggests that long-term increases in the number of such households may be a signal that planned housing requirements need to be increased.
- 1.25 The Guidance states that indicators on:
- “...overcrowding, concealed and sharing households, homelessness and the number in temporary accommodation demonstrate unmet need for housing. Longer term increases in the number of such households may be a signal to consider increasing planned housing numbers...”*⁶
- 1.26 The Census measures overcrowding based on a standard formula, which measures the relationships between members of a households (as well as the number of people in that household) to determine the number of rooms they require. A rating of -1 or less indicates a household has one fewer room than required, +1 or more indicates a household has one or more rooms than needed. At the national level, affordability issues in recent years, as well as a shortfall in housing supply, have meant that people are either willing to accept sub-optimal living conditions (e.g. living in a smaller home to manage costs) or are forced into accepting such housing outcomes (e.g. are priced out of the market and have to share with friends/family).
- 1.27 Table 1.3 illustrates that overcrowding against the occupancy rating in York is not severe, with 7.10% of households living in a dwelling that is too small for their household size and composition. This compares to 8.7% nationally. However, it represents a significant increase of 2 percentage points on the 5.1% recorded in York in 2001, which is above the national trend (which had increased by 1.6 percentage points from 7.1% in 2011).

⁶ Section 2a-019-20140306

Table 1.3 Overcrowding: Household Room Occupancy Rating

	2001			2011		
	Total Households	-1 room occupancy or less	-1 room occupancy or less (%)	Total Households	-1 room occupancy or less	-1 room occupancy or less (%)
York	76,926	3,887	5.1%	83,552	5,930	7.1%
England	20,451,427	1,457,512	7.1%	22,063,368	1,928,596	8.7%

Source: Census 2001 / Census 2011

Note: The definition of the Census 'bedroom standard' is slightly different from the 'occupancy rating' that informs the Government's Under-Occupancy Charges, i.e. the Census states that 'two persons of the same sex aged between 10 and 20' can occupy one bedroom, whilst the Under Occupancy Charge changes this to 'any two children of the same sex aged under 16'. It is possible that if the Government's policy continues into the long term, then changes will be made to the categorisation of the Census's Occupancy Rating to bring the two datasets into line.

1.28 The Census also recorded the number of concealed families (i.e. where there is more than one family present in a household). Nationally, this rose significantly between 2001 and 2011, at least in part due to the impact of the recession on younger households' ability to afford their own home. This meant that many younger people, including families, remained in the family home for longer than might have been expected in the past, either through choice (to save money) or through necessity.

1.29 At the time of the 2011 Census, 1.9% of all families in England were concealed; this represented 275,954 families. This is a rise compared to 2001 when 1.2% of families were concealed. In York, a lower percentage of families were concealed (1.1%) than nationally (1.9%). However, this represents a higher proportional rise, of almost two thirds, from the 2001 figure. This is presented in Table 1.4.

Table 1.4 Concealed Families in York, Yorkshire and Humber and England 2001-2011

	Concealed Families		Change (percentage points)	Change in %
	2001	2011		
York	330 (0.7%)	586 (1.1%)	+0.43	+65.7%
Yorkshire and the Humber	15,890 (1.1%)	25,410 (1.7%)	+0.57	+51.1%
England	161,254 (1.2%)	275,954 (1.9%)	+0.69	+59.2%

Source: Census 2011/2011

1.30 The levels of overcrowding and concealed households in York are moderate when compared with the national and regional averages but have increased at a higher rate (albeit from a lower base). While the level of overcrowding and number of concealed households is not so significant as to conclude that there is severe market pressure, it nevertheless highlights inadequacy reducing flexibility in the housing market.

1.31 The levels of overcrowding are likely to be a symptom associated with restricted incomes in York, with people either willing to accept sub-optimal living conditions (e.g. living in smaller houses to manage costs) or forced into accepting such housing outcomes (e.g. are priced out and have to share with friends/family). In such circumstances, overcrowding and concealed households may be indicative of insufficient supply to meet demand.

- 1.32 Table 1.5 indicates that York has a comparatively low number of homeless people in priority need, of just 97 (or 1.1 per 1,000 households), which is less than half the national rate. The fall in homelessness levels in the City has also been much more pronounced than elsewhere in England over the past ten years, although broadly comparable to Yorkshire and the Humber as a whole.

Table 1.5 Number accepted as being homeless and in priority need 2006/07-2016/17

	Homeless and in Priority Need		% Change	Absolute Change
	2006/07	2016/17		
York	213 (2.70 / 1,000 H'holds)	97 (1.1 / 1,000 H'holds)	-54%	-1.60 / 1,000 H'holds
Yorkshire and the Humber	8,220 (3.87 / 1,000 H'holds)	3,670 (1.60 / 1,000 H'holds)	-55%	-2.27 / 1,000 H'holds
England	73,360 (3.48 / 1,000 H'holds)	59,110 (2.54 / 1,000 H'holds)	-19%	-0.94 / 1,000 H'holds

Source: CLG Live Table 784: Local authorities' action under the homelessness provisions of the Housing Acts (P1e returns)

Synthesis of Market Signals

- 1.33 Drawing together the individual market signals above begins to build a picture of the current housing market in and around York; the extent to which demand for housing is not being met; and the adverse outcomes that are occurring because of this.
- 1.34 The performance of York against County and national comparators for each market signal is summarised in Table 1.6. When quantified, York has performed worse in market signals relating to both absolute levels and rates of change against North Yorkshire and England in 13 out of 28 measures.
- 1.35 It is clear that the City is currently facing very significant challenges in terms of house prices and private rental values causing affordability difficulties.

Table 1.6 Summary of York Market Signals against North Yorkshire and England

Market Signal	North Yorkshire		England	
	Absolute Figure	Rate of Change	Absolute Figure	Rate of Change
House Prices	Worse	Worse	Better	Worse
Affordability Ratios	Worse	Worse	Worse	Worse
Private Rents	Worse	Worse	Worse	Better
Past Development	~	~	~	~
Homelessness (Households in Temporary Accommodation)	Better	Better	Better	Better
Homelessness (Households in Priority Need)	Better	Better	Better	Better
Overcrowding (Overcrowded Households)	Worse	Worse	Better	Worse
Overcrowding (Concealed Families)	Same	Same	Better	Better

Source: Lichfields Analysis

Footnote: Worse = performing worse against the average
 Better = performing the same or better against the average
 ~ = data not available

- 1.36 To draw meaningful conclusions on the extent to which these market indicators show housing market stress within the City of York and a level of supply that is not meeting demand, the Practice Guidance suggests that comparisons of absolute levels and rates of change in such indicators should be made with comparator areas and nationally. For this reason, York has been compared and ranked against other local authority areas, and England as a whole.
- 1.37 These comparator areas have been chosen on the following basis:
- 1 Other nearby areas within the wider Yorkshire and the Humber Region:
 - a East Riding
 - b Hambleton
 - c Harrogate
 - d Hull
 - e Leeds
 - f Ryedale
 - g Selby
 - h Wakefield
 - 2 The Practice Guidance also states that market signals must be compared with authorities which are not necessarily close geographically, but which share characteristics in terms of economic and demographic factors. These authorities have been chosen by examining the ‘OAC Supergroup Area Classification Map’, produced by the ONS in 2015, which groups each local authority into various socio-economic classifications. York, as a ‘Coast and Heritage’ authority, has been compared with other communities similarly classified within this ranking and which share similar socio-economic characteristics:
 - a Bath and North East Somerset
 - b Canterbury
 - c Cheltenham
 - d Colchester
 - e Lancaster
 - f Scarborough
 - g Taunton Deane
 - h Worcester
- 1.38 England has been used as the final comparator for both sets of tables. A comparison across the range of housing market signals within the authorities identified above is presented in Table 1.7 and Table 1.8. A higher ranking in these tables suggests a worse, or comparatively poorer-performing, housing market for that indicator.

Table 1.7 York Market Signals Comparator Table [Neighbouring Authorities]

		House Prices (to year ending December)			Resident-based Affordability			Workplace-based Affordability			Rents		
		2016	Change (£) 1999-2016	Change (%) 1999-2016	2016	Change (absolute) 2002-2016	Change (%) 2002-2016	2016	Change (absolute) 2002-2016	Change (%)	Sep 2017	Change (absolute) June 2011-Sep 2017	Change (%) June 2011-Sep 2017
Worsening housing market outcomes ▲ Rank ● 1 ● 2 ● 3 ● 4 ● 5 ● 6 ● 7 ● 8 ● 9 ● 10 ● 11 ● 12 ● 13 ▼ 14 Better housing market outcomes	1	Harrogate	Harrogate	York	Ryedale	Ryedale	gston upon Hull, Cit	Ryedale	Ryedale	gston upon Hull, Cit	York	England	England
	2	England	York	Harrogate	Harrogate	Harrogate	ast Riding of Yorkshi	Harrogate	York	Ryedale	Harrogate	Leeds	Leeds
	3	Hambleton	England	Ryedale	York	York	Wakefield	York	gston upon Hull, Cit	York	England	Harrogate	gston upon Hull, City of
	4	York	Hambleton	Selby	Hambleton	ast Riding of Yorkshi	England	Hambleton	England	ast Riding of Yorkshi	Leeds	gston upon Hull, Cit	Harrogate
	5	Ryedale	Ryedale	England	England	England	Ryedale	Selby	ast Riding of Yorkshi	England	Hambleton	York	Ryedale
	6	Selby	Selby	Hambleton	Selby	gston upon Hull, Cit	York	England	Harrogate	Wakefield	Ryedale	Ryedale	Selby
	7	Leeds	ast Riding of Yorkshi	gston upon Hull, Cit	ast Riding of Yorkshi	Selby	Harrogate	Selby	ast Riding of Yorkshi	Selby	Wakefield	Selby	York
	8	ast Riding of Yorkshi	Leeds	ast Riding of Yorkshi	Leeds	Wakefield	Leeds	Leeds	Hambleton	Leeds	Wakefield	ast Riding of Yorkshi	ast Riding of Yorkshi
	9	Wakefield	Wakefield	Leeds	Wakefield	Leeds	Selby	Wakefield	Wakefield	Harrogate	ast Riding of Yorkshi	Hambleton	Hambleton
	10	gston upon Hull, Cit	gston upon Hull, Cit	Wakefield	gston upon Hull, Cit	Hambleton	Hambleton	gston upon Hull, Cit	Leeds	Hambleton	gston upon Hull, Cit	Wakefield	Wakefield
	11												
	12												
	13												
	14												
		ONS Price Paid Data			ONS Affordability Data			ONS Affordability Data			VOA Private Rental Market Statistics		
		Overcrowded households			Concealed families			~			~		
		2011	Change (% points)	Change (number)	2011	Change (% points)	Change (number)						
Worsening housing market outcomes ▲ Rank ● 1 ● 2 ● 3 ● 4 ● 5 ● 6 ● 7 ● 8 ● 9 ● 10 ● 11 ● 12 ● 13 ▼ 14 Better housing	1	Leeds	York	England	England	gston upon Hull, Cit	England						
	2	England	England	Leeds	Leeds	England	Leeds						
	3	gston upon Hull, Cit	gston upon Hull, Cit	gston upon Hull, Cit	gston upon Hull, Cit	Selby	gston upon Hull, City of						
	4	York	Leeds	York	Wakefield	Leeds	Wakefield						
	5	Wakefield	Harrogate	ast Riding of Yorkshi	Selby	Wakefield	ast Riding of Yorkshi						
	6	Harrogate	Selby	Wakefield	York	York	York						
	7	Selby	ast Riding of Yorkshi	Harrogate	Hambleton	Hambleton	Selby						
	8	ast Riding of Yorkshi	Wakefield	Selby	ast Riding of Yorkshi	ast Riding of Yorkshi	Harrogate						
	9	Ryedale	Hambleton	Hambleton	Harrogate	Harrogate	Hambleton						
	10	Hambleton	Ryedale	Ryedale	Ryedale	Ryedale	Ryedale						
	11												
	12												
	13												
	14												
		Census			Census								

Table 1.8 York Market Signals Comparator Table ['Coast and Heritage' Authority Comparisons]

Rank	House Prices (to year ending December)			Resident-based Affordability			Workplace-based Affordability			Rents		
	2016	Change (£) 1999-2016	Change (%) 1999-2016	2016	Change (absolute) 2002-2016	Change (%) 2002-2016	2016	Change (absolute) 2002-2016	Change (%)	Sep 2017	Change (absolute) June 2011-Sep 2017	Change (%) June 2011-Sep 2017
1	and North East Som	and North East Som	Canterbury	and North East Som	and North East Som	Lancaster	Canterbury	Canterbury	York	and North East Som	Lancaster	Lancaster
2	Canterbury	Canterbury	York	Canterbury	Canterbury	and North East Som	and North East Som	York	England	Canterbury	and North East Som	and North East Somerset
3	Cheltenham	Colchester	Colchester	York	York	England	York	and North East Som	Lancaster	York	England	England
4	Colchester	Cheltenham	and North East Som	Colchester	Colchester	Canterbury	Cheltenham	England	Canterbury	Colchester	Colchester	Colchester
5	England	York	England	Taunton Deane	England	York	Cheltenham	Cheltenham	Cheltenham	Cheltenham	Worcester	Worcester
6	York	England	Lancaster	Worcester	Lancaster	Colchester	Taunton Deane	Lancaster	and North East Som	England	Cheltenham	Scarborough
7	Taunton Deane	Taunton Deane	Cheltenham	Cheltenham	Scarborough	Scarborough	Worcester	Worcester	Worcester	Taunton Deane	Scarborough	Cheltenham
8	Worcester	Worcester	Taunton Deane	England	Worcester	Worcester	England	Colchester	Scarborough	Worcester	Canterbury	Taunton Deane
9	Lancaster	Lancaster	Scarborough	Scarborough	Taunton Deane	Taunton Deane	Scarborough	Scarborough	Colchester	Lancaster	York	Canterbury
10	Scarborough	Scarborough	Worcester	Lancaster	Cheltenham	Cheltenham	Lancaster	Taunton Deane	Taunton Deane	Scarborough	Taunton Deane	York
11												
12												
13												
14												
	ONS Price Paid Data			ONS Affordability Data			ONS Affordability Data			VOA Private Rental Market Statistics		

Rank	Overcrowded households			Concealed families			~			~		
	2011	Change (% points)	Change (number)	2011	Change (% points)	Change (number)						
1	England	York	England	England	England	England						
2	Cheltenham	Colchester	York	Worcester	Canterbury	Canterbury						
3	Canterbury	Cheltenham	Colchester	Canterbury	York	Canterbury						
4	Colchester	England	and North East Som	Scarborough	Taunton Deane	Colchester						
5	York	Worcester	Canterbury	Lancaster	Scarborough	and North East Somerset						
6	and North East Som	and North East Som	Cheltenham	Taunton Deane	Worcester	Taunton Deane						
7	Worcester	Taunton Deane	Worcester	York	Colchester	Scarborough						
8	Scarborough	Canterbury	Taunton Deane	and North East Som	Lancaster	Lancaster						
9	Taunton Deane	Scarborough	Scarborough	Cheltenham	and North East Som	Worcester						
10	Lancaster	Lancaster	Lancaster	Colchester	Cheltenham	Cheltenham						
11												
12												
13												
14												
	Census			Census								

- 1.39 It is clear from this analysis that the housing market in the City of York is increasingly dysfunctional, with a very steep level of house price growth in recent years leading to significant affordability challenges generating adverse outcomes for residents who need to access the housing market. The comparative analysis suggests that when compared against neighbouring Yorkshire districts, York has experienced the highest rate of house price growth over the period 1999 to 2016, at levels significantly above the national average at a rate higher than the national level of growth. Only Harrogate and Hambleton have higher house prices, whilst only Harrogate and Ryedale have higher affordability ratios.
- 1.40 Median rental levels are also the highest of all the comparator Yorkshire authorities and the City has the highest rate of change of overcrowded households.
- 1.41 The performance of York's housing market relative to comparable authorities further afield (Table 1.8) which share similar socio-economic characteristics also suggests that the local housing market is under stress, with York amongst the very worst performing districts regarding rates of change in house prices, absolute and relative changes in affordability, median rents, and the rate of change in overcrowded households and concealed families.
- 1.42 The Practice Guidance, as well as providing general economic principles, points towards such factors as indicating that additional supply, over and above that solely needed by demographic change, may need to be delivered in order to address affordability and to reverse adverse housing market trends within the HMA.

Bristol
0117 403 1980
bristol@lichfields.uk

Cardiff
029 2043 5880
cardiff@lichfields.uk

Edinburgh
0131 285 0670
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Leeds
0113 397 1397
leeds@lichfields.uk

London
020 7837 4477
london@lichfields.uk

Manchester
0161 837 6130
manchester@lichfields.uk

Newcastle
0191 261 5685
newcastle@lichfields.uk

Thames Valley
0118 334 1920
thamesvalley@lichfields.uk

From: Claire Linley [Claire.Linley@dppukltd.com]
Sent: 04 April 2018 12:02
To: localplan@york.gov.uk
Cc: Jennifer Winyard (Linden Homes) (Jennifer.Winyard@gallifordtry.co.uk); Mark Lane
Subject: York Local Plan Reps - Site 872 (formerly - ST12)
Attachments: ST12 Manor Heath Copmanthorpe Forms.pdf; ST12 Manor Heath Copmanthorpe Report and Appendices.pdf

Good morning,

Please find attached our representations on behalf of Linden Homes Strategic Land in relation to the City of York Local Plan Publication Draft Regulation 19 Consultation. This submission relates to the site known as land at Manor Heath, Copmanthorpe - Site 872 (formerly - ST12).

Please can you confirm receipt.

Kind regards,

Claire Linley BA (hons) DIPTP MRTPI
Principal Planner

M 07870 997 841
T 0113 350 9865

www.dppukltd.com



City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		0113 3509865

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

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Do I need to attend the Public Examination?

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- City of York Council West Offices
- In all libraries in York.

Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that Policy H2 and the associated assumed yields applied to various allocations are unsound and not justified and will not ensure effective delivery of the housing requirement and is therefore inconsistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We suggest that that net development density is reduced and that greater flexibility is included in the policy to allow for balanced developments to be created.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

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To elaborate on our written representations.

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Part C - How we will use your Personal Information

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Storing your information and contacting you in the future:

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Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.³

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Signature



Date 03/04/2018

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
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No

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Paragraph no.

Policy Ref.

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This policy is related to balancing the housing market. We do not object to the principle of this policy and indeed we welcome the acknowledgement in the Local Plan that the Council will “seek to balance the housing market across the plan period”. In this regard we welcome the use of the word “seek”. However, the policy then says that the applicants “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”. The use of the word “required” is onerous and is not reflective of the tone of the policy when read as a whole. For example, the policy goes onto state that “the final mix of dwelling types and sizes will be subject to negotiation with the applicant”.

Further, we also feel that it is unreasonable for an applicant to provide sufficient evidence to support their proposals particularly where a developer is providing a housing mix which is broadly in accordance with the identified need. This should be deleted.

We consider that Policy H3 is unsound as it will not be effective, it is not justified, and is not consistent with national policy.

See attached report for full comments.

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After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We suggest the policy should be modified to provide greater flexibility to allow for balanced developments to be created. In this regard we would suggest amending the policy to read *“Proposals for residential development should assist in balancing the housing market, unless material considerations indicate otherwise, by including a mix of types of housing that respond to and reflects the diverse mix of need across the city and the character of the locality.”*

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Signature

[Redacted Signature]

Date 03/04/2018

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² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		0113 3509865

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

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Do I have to use the response form?

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

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Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

Lack of safeguarded Land Allocation

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

The inclusion of ST12 as a safeguarded land site as an alternative to a housing allocation.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

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Storing your information and contacting you in the future:

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Signature



Date 03/04/2018

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

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Last Name		Linley
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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

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Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

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Yes No

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5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

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(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

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We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites to be contrary to national policy.

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The inclusion of a safeguarded land policy and an appropriate quantum of safeguarded land sites.

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Signature



Date 03/04/2018

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3. To which document does your response relate? (Please tick one)

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4. (1) Do you consider the document is Legally compliant?

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No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

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4.(3) Please justify your answer to question 4.(1) and 4.(2)

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Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Local Plan is not 'sound' as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance.

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The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much-needed investment in new housing to meet the community's needs.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		0113 3509865

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

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Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Local Plan does not provide sufficient housing land to meet the needs of the housing market area and those sites allocated will not deliver the units identified and as the Site does not perform a Green Belt purpose it should not be included in the Green Belt. On the basis of the above we consider that the Local Plan is unsound, it is not justified and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



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Site ST12 should be removed from the Green Belt and allocated for housing development or safeguarded land.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

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3. To which document does your response relate? (Please tick one)

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Paragraph no.

Policy Ref.

Site Ref.

ST5

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider the allocation of ST5 to be unsound in that ST5 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

See attached report for full comments.

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We do not suggest that allocation known as ST5 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST5 should be 410 units as set out in the Publication Draft (2014). This level of development is more realistic and achievable.

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(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST12

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that the deallocation of ST12 is unjustified and the reasons given unsound. On the basis of the above we consider that the Local Plan is unsound and will not be effective and therefore not deliver sustainable development in accordance with national policy.

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6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

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After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

To address the above ST12 should be reintroduced into the plan and reallocated for housing development.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

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Date 03/04/2018

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		0113 3509865

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

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Do I have to use the response form?

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Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST14

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We do not object to the principle of the allocation but we do consider that the estimated yield from ST14 to be overly ambitious so as to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider that the yield assumed for ST14 to be unsound in that ST14 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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We do not suggest that allocation known as ST14 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST14 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

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Signature



Date

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Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

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Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

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5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

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 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST15

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We do not object to the principle of the allocation but we do consider the estimated yield from ST15 to be unrealistic and to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider that the yield assumed for ST15 to be unsound in that ST15 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

See attached report for full comments.

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We do not suggest that allocation known as ST15 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST15 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
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Address – line 2		One City Square
Address – line 3		Leeds
Address – line 4		
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See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph
no.

Policy
Ref.

Site Ref.

ST31

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider the proposed allocation of ST31 is unsound as it will result in a greater level of harm to the purposes of including land within the Green Belt and other material considerations than other comparable sites and as such there can be no exceptional circumstances for the allocation of this site. The allocation of ST31 is not justified and is inconsistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We request the deletion of ST31.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.¹

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

Retention of Information

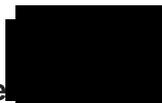
We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.³

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on [01904 554145](tel:01904554145)

Signature



Date 03/04/2018

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012



RESPONSE TO YORK LOCAL PLAN PRE- PUBLICATION DRAFT

LINDEN HOMES STRATEGIC LAND

**SITE 872 (FORMERLY - ST12) - MANOR
HEATH, COPMANTHORPE**

RESPONSE TO YORK LOCAL PLAN PRE-PUBLICATION DRAFT

On behalf of: Linden Homes Strategic Land

In respect of: Site 872 (formerly - ST12) - Manor Heath,
Copmanthorpe

Date: April 2018

Reference: CL/ML/2412le/R003cl

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Executive Summary

The Developer **objects** to the proposed deletion of the housing allocation known as Site 872 (formerly - ST12). The Developer also **objects** to the suggested housing requirement and to the lack of a safeguarded land policy. In the alternative to a housing allocation the Developer **objects** to the lack of a safeguarded land allocation. The Developer also **objects** to the density assumptions applied to allocated sites, particularly in rural villages, and the assumed delivery from ST15, ST14 and ST5. Furthermore, the Developers **objects** to the allocation of ST31.

The Council position is clear, due to revisions to the evidence base, certain previously proposed allocations have been modified or deleted. This does not mean that these sites or parts of them are unsuitable or inappropriate for development. Rather it simply means that the Council now consider these sites or parts of them are less preferable than those allocated in the current version of the Local Plan.

The Site was assessed as part of the Council's rigorous site selection methodology and as a result of passing this site selection process the Site was proposed as a housing allocation in the Preferred Options draft and the Publication Draft versions of the local plan. In this regard, the Council must have satisfied themselves that the Site is available, that the Site is suitable for development and that development is achievable at the point in time when the Site is intended to deliver development.

The Council must also accept that as the Site is a proposed housing allocation in the Preferred Options draft and the Publication Draft versions it serves no or a limited Green Belt purpose.

On the basis of the Council's revised evidence base, primarily the alleged lower OAHN, the Council have sought to reduce the number of housing allocations and one of those sites that the Council are proposing to be removed is Site 872 (formerly - ST12). However, having found that the Site serves no or a limited Green Belt purpose, the conclusion that should have been reached is that the Site did not need to be kept permanently open and should have been allocated as safeguarded land. However, as this policy is also proposed to be deleted, that was not an option open to the Council.

Rather than simply saying the Council are proposing to remove Site 872 (formerly - ST12) because of the alleged reduction in the need for housing land, the Local Plan also gives a technical or planning reason or reasons. In the case of Site 872 (formerly - ST12) the reason given relates to Green Belt considerations.

We disagree with the reasoning given in the Local Plan and we have shown that the reasoning is flawed.

We have shown that the reason given in the Local Plan documentation for the suggested removal of the Site is therefore misplaced. The Council have consistently allocated the Site for housing development and they must have concluded, when they undertook their original assessment exercise, that the land did not perform an important Green Belt purpose. We supported this view

and it remains our view. We have shown that their current view on the Green Belt function of the Site is misplaced and that their initial assessment was correct.

Notwithstanding the above we have shown that the Council's objective assessment of housing need is deficient and underestimates the level of housing need. This is exacerbated by the Council's assessment of housing supply particularly their over estimation of the delivery from certain sites, particularly ST5, ST14 and ST15. Consequently, we have shown that there is a need to allocate additional land for housing development.

The Council have also increased the delivery from individual sites by increasing the density assumptions. This is inappropriate particularly in rural settlements.

As a consequence, we conclude that the Council should reinstate the proposed housing allocation known as Site 872 (formerly - ST12).

To make the Local Plan sound we recommend the following:

- We suggest that the OAHN should be reviewed;
- The Council needs to provide a justified trajectory of the proposed housing sites and it needs to reassess the assumed delivery from certain sites;
- A range and choice of sites need to be allocated for residential development;
- Safeguarded land policy and allocations should be incorporated within the Local Plan. Allocations should be chosen from the safeguarded sites identified within the previous iterations of the Local Plan or from sites which had been allocated for housing in the previous iterations of the Local Plan but which are allegedly no longer required within the due to the purported decrease in the housing requirements within the District;
- Appropriate development densities should be assumed and justified particularly from village and rural sites; and
- The Council should reinstate the proposed housing allocation known as Site 872 (formerly - ST12).

1.0 Introduction

- 1.1 We are submitting this representation on behalf of our client, Linden Homes Strategic Land (“the Developer”), in respect of various issues contained in the City of York Local Plan Publication Draft Regulation 19 Consultation (“the Local Plan”) and in particular their interests in relation to land at Manor Heath, Copmanthorpe - Site 872 (formerly - ST12) (“the Site”).
- 1.2 The land that is in the control of the Developer is shown on the plan attached at **Appendix 1**.
- 1.3 City of York Council (“the Council”) published the Local Plan for public consultation in February 2018 together with its associated evidence base. The Local Plan proposes to delete the allocation known as Site 872 (formerly - ST12). The Developer **objects** to the proposed deletion of Site 872 (formerly - ST12).
- 1.4 In the alternative to a housing allocation the Developer **objects** to the Site not being identified as safeguarded land.
- 1.5 On behalf of the Developer we have now had the opportunity to read the document and its associated evidence base and we have made a number of comments. For the purpose of this report the Site will be referred to as ST12.

2.0 The Test of Soundness

2.1 Paragraph 182 of the NPPF indicates that a Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “**sound**” namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

3.0 The Site

- 3.1 The settlement of Copmanthorpe is located approximately 6km to the south west of the centre of York. Copmanthorpe is well served by local facilities including; a library, playgroup, youth club, hairdressers, coffee shop, newsagents, butchers, post office and a Co-op store.
- 3.2 The Site covers a total area of 14.75 hectares and is relatively flat in nature. The Site is split into two by Hagg Lane, both sections consist of agricultural land. The southern section consists of three agricultural fields. This section of the overall Site is bound; to the south by a hedgerow and a substantial property; to the west by a low-level field boundary; to the east by Manor Heath and the residential properties beyond and to the north by a low-level field boundary with Hagg Lane beyond. The northern section of the Site also consists of agricultural land. To the east this part of the Site is bounded by Manor Heath and the residential properties beyond; to the north by a belt of trees and the continuation of Manor Heath which then links into the A64 and to the south by a low-level field boundary with Hagg Lane beyond. There is no defined boundary along the western boundary of the northern field.

4.0 The Proposed Development

4.1 The allocation of ST12 can deliver a number of benefits including the following.

Housing

4.2 The development of circa 354 open market and affordable houses.

New Permanent Western Edge to the Settlement

4.3 The creation of an appropriate and defensible western boundary which will provide a proper transition between the Green Belt and the urban area.

Allotments

4.4 The revised masterplan which is attached at **Appendix 2** shows the creation of various local open spaces within the land under the control of the developers including an area of allotments.

Enhancement to Education

4.5 Part of ST12 is owned by Askham Bryan College. The sale of this land to the house builder will allow the college to invest in its York estate, including new technology and front-line capital and estate improvements. The college indicates in the letter attached at **Appendix 3** that investment will *“unquestionably enhance the educational opportunities for young people in the York area and across the North of England. In addition, this would also benefit the region’s businesses and employers, particularly within agriculture and the food manufacturing sector and thus the region’s economic growth.”*

Sports Pitches

4.6 The Neighbourhood Plan for Copmanthorpe was published for consultation in early 2015. Within the document it is indicated the Neighbourhood Plan seeks to provide for new and enhanced playing fields, recreational open space and children’s play areas.

4.7 Linden Homes Strategic Land controls an area of land to the east and south of Moor Lane on the eastern side of the railway. A plan is attached at **Appendix 4** which shows the location of the fields in question. It is proposed that, as part of any proposal to develop ST12, these fields will be made available for use as playing fields.

4.8 The fields are accessible from the main urban form of Copmanthorpe along Temple Lane/Station Road via a bridge over the railway line.

4.9 It is considered that the provision of playing fields here would provide a valuable benefit to the local community in an area which is recognised as being deficient in playing field facilities. This is a major benefit of the allocation of ST12, in that it can deliver local community benefits.

Conclusion

- 4.10 In conclusion, the development of ST12 can bring a number of community, education and public benefits in addition to the more traditional social and economic benefits associated with providing additional affordable and open market housing to meet the needs of the community.
- 4.11 These benefits need to be balanced against the harm to the Green Belt which, if any harm exists at all, must be minimal otherwise the Council would not have allocated the Site in the Preferred Options and Publication Draft versions of the local plan.

Soundness

- 4.12 ST12 is sustainably located and is a suitable and appropriate housing site that will provide community, education and public benefits in addition to the more traditional social and economic benefits associated with providing additional affordable and open market housing. It is considered that the deallocation of ST12 is unjustified. On the basis of the above we consider that the Local Plan is unsound and will not be effective and therefore will not deliver sustainable development in accordance with national policy.

Modification

- 4.13 To address the above ST12 should be reintroduced into the plan and reallocated for housing development.

5.0 Suitability of the Site

- 5.1 The Site has previously been promoted by the Developer, Linden Homes Strategic Land at previous stages of the plan process. Through promoting the Site, it has previously been shown that the Site is available and suitable for residential development and that development can be achieved.
- 5.2 The Site was assessed as part of the Council's rigorous site selection methodology and as a result of passing this site selection process the Site was proposed as a housing allocation in the Preferred Options and Publication Draft versions of the local plan.
- 5.3 In this regard the Council must have satisfied themselves that the Site is available, that the Site is suitable for development and the development is achievable at the point in time when the Site is intended to deliver development.

Soundness

- 5.4 ST12 was previously considered to be a location suitable and appropriate for housing development and that the development of the land would not harm any important planning considerations. We consider that the deallocation of ST12 is unjustified. On the basis of the above we consider that the Local Plan is unsound and will not be effective and therefore will not deliver sustainable development in accordance with national policy.

Modification

- 5.5 To address the above ST12 should be reintroduced into the plan and reallocated for housing development.

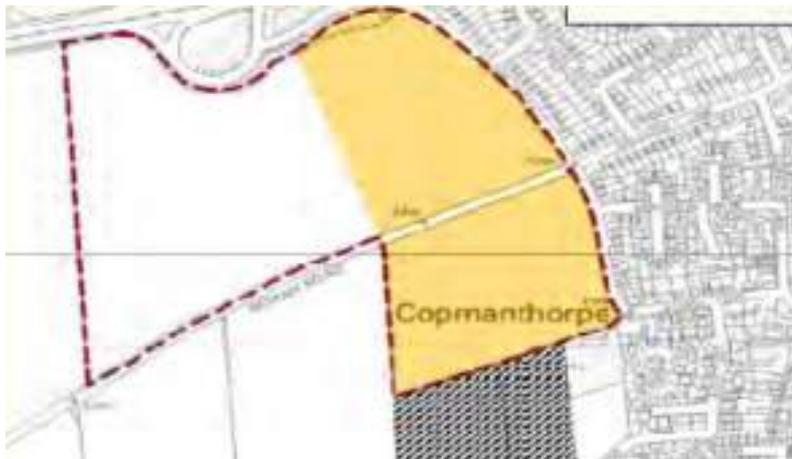
6.0 Objection to the Deletion of ST12

Preferred Options (June 2013)

- 6.1 The Council consulted on the Preferred Options (June 2013) and its supporting evidence base in summer 2013. The Preferred Options set out the spatial strategy for the City which included identifying land for housing and employment growth.
- 6.2 Within this document the Site is identified by the Council as a housing allocation known as ST12. The Site is identified as having an area of 14.75ha and an estimated yield of 354 dwellings. The Preferred Options version of the plan indicated that the Site was available for development in the short to medium term (1-10 years).

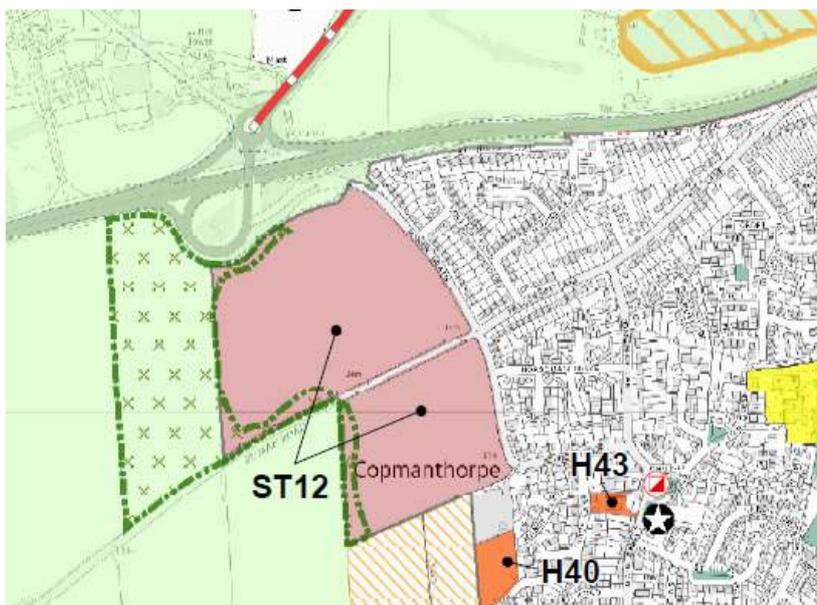
Further Sites Consultation (June 2014)

- 6.3 Following consultation on the Preferred Options the Council held a Further Sites Consultation (June 2014). This contained the results of the testing of the suggested modifications and new sites received as part of the previous Preferred Options consultation.
- 6.4 The Further Sites Consultation helped to develop and fine tune a portfolio of sites to meet the identified housing and employment needs of the City for the Publication Draft version of the plan.
- 6.5 As part of this consultation process an increase in the size of the Site was proposed. The size of the Site proposed and assessed in this document was 29ha.
- 6.6 The Officer's assessment of the proposal concluded that this extension would not create a logical rounding off of the settlement when compared to that which would be achieved through development of the Site as proposed in the Preferred Options. It was considered that housing in the western section would be located at a distance that is considered too far from Copmanthorpe village centre and the masterplan which was submitted did not propose any facilities other than the open space within the Site.
- 6.7 Overall no changes were proposed the original strategic Site boundary.



Publication Draft (September 2014)

- 6.8 At the Publication Draft stage of the plan the Council proposed to increase the size of the Site to 20.08ha. The estimated yield from the Site was also increased to 421 dwellings and the Council indicated that the Site was available for development during the whole lifetime of the plan (1-16 years).
- 6.9 The Publication Draft was taken to Members of the Local Plan Working Group and Executive in September 2014, who voted to take the Publication Draft out to public consultation. However, this plan was halted by Members from progressing to consultation following a motion at a Full Council Meeting on 9th October 2014 to review the overall housing requirements included in the emerging plan.
- 6.10 The proposed allocation contained within the Publication Draft is shown below.



The Preferred Sites Consultation (July 2016)

6.11 The Council published the Preferred Sites Consultation Document in July 2016 together with its associated evidence base. This was consulted on between 18th July and 12th September 2016.

6.12 Despite being a proposed allocation in the Publication Draft version of the local plan, the Preferred Sites Consultation proposed to delete the allocation. The reason given for the deletion of the Site was as follows:

'The site consists of two large fields split by a country lane (Hagg Lane) and is partially contained by the road/A64 embankment to the north and Manor Heath (road) and residential properties adjacent to the east. To the south of the southern field is a low-level field boundary with the western boundary of the southern field also having a low-level field boundary. There is no defined boundary along the western boundary of the northern field other than a crop line so the site has a lack of containment and a sense of openness. The site would be a significant intrusion into open countryside and impact on the open and rural edge to Copmanthorpe. There is access to open countryside from the lane running through the site. It is therefore considered that the site serves green belt purposes and that Manor Heath Road should provide the boundary to the greenbelt to the west of Copmanthorpe'

6.13 The only concern regarding the proposed allocation of ST12 therefore relates to its impact on the Green Belt.

6.14 DPP submitted representations to the Preferred Sites Consultation in September 2016 on behalf of Linden Homes Strategic Land and made the following points: -

- The Framework encourages the definition of boundaries, using physical features that are readily recognisable and likely to be permanent. However, given the housing need not all of the proposed allocations will have clear and recognisable boundaries for example ST14 and ST15;
- The Council plainly consider that the lack of clear defensible boundaries is not a show stopper;
- In the case of ST12 it is recognised that there is a need to create a transition between the proposed Green Belt and the proposed housing;
- The revised masterplan shows a substantial belt of buffer planting along the western and southern edges of the Site as well as landscape open spaces, including allotments, which will create a transition between the Green Belt and the urban edge;
- The western edge to the settlement cannot be properly described as rural. We have shown that the interface between Manor Heath and the land to the west to be a hard-urban edge which would benefit greatly from a masterplan led development which could soften the boundary between the urban form and the Green Belt;
- The allocation of the Site will provide the opportunity to form a more appropriate and long term landscaped boundary;

- As with many greenfield allocations on the edge of a settlement it would lead to a degree of intrusion into the open countryside but some harm is justified in order to accommodate the housing need;
- Since the Council proposed to allocate the Site in the Preferred Options and Publication Draft versions of the local plan nothing has changed. The degree of intrusion into the countryside and the Green Belt remains the same;
- The deletion of the Site can only be justified with regard to a comparative exercise which assesses the harm each potential site would cause to Green Belt consideration. No comparative exercise appears to have been undertaken. Therefore, how can the Council now make a judgement about which site should be allocated and which should not be; and
- The Council previously accepted that the allocation of ST12 would not cause unacceptable harm to the purposes of including land within the Green Belt.

Pre-Publication Draft Regulation 18 Consultation (September 2017)

6.15 The Council then published the Pre-Publication Draft in September 2017 along with its evidence base. The Pre-Publication Draft showed ST12 to be within the Green Belt and not to be allocated for housing development.

6.16 Within the evidence base was the 'Preferred Sites Consultation Statement' which summarised the consultation responses received in relation to the Preferred Sites Document (July 2016). Within the SHLAA, which was also included within the evidence base, these consultation responses were added to the comments of the Technical Officer Workshop and a full assessment of each site was provided.

6.17 Comments were submitted on behalf of Linden Homes Strategic Land in October 2017 which reviewed the assessment and provided further comments to demonstrate why the ST12 allocation should not be deleted.

6.18 The feedback from the Technical Officer Workshop stated that:

"Whilst there was some support for the reduced site boundary and extensive buffering offering an element of transition a defined green belt boundary would still have to be artificially created in this location and would not be as robust as the existing boundary currently offered by Manor Heath Road to the east of the proposed site. The roman road which runs through the site is still a gateway to the open countryside and building up on either side of this would be a significant intrusion into the open countryside."

6.19 Officers are essentially raising the following points: -

- The creation of an artificial boundary;
- The Manor Heath boundary is to be preferred; and
- The Roman Road is a gateway to the open countryside

6.20 Linden Homes Strategic Land noted that neither the Council or the Technical Officer Workshop: --

- Had any concerns regarding the availability of the Site or the ability of the Developer to achieve development;
- No technical issues were raised which would preclude development; and.
- ST12 was allocated for residential development in the Preferred Options and Publication Draft versions of the plan and therefore the Site did not perform an important Green Belt purpose.

6.21 Linden Homes Strategic Land noted that to now find that ST12 is not suitable for development the Council must have concluded that other sites would create less harm. We have not seen any such assessment and find it difficult to believe that ST12 would cause more harm than the development of ST14 or ST15. In any event such a decision must be finely balanced as previously the Council assessed the Site and found that it was suitable for development.

6.22 Notwithstanding the above Linden Homes Strategic Land went onto consider the issues in the Technical Officer Workshop.

The creation of an artificial boundary

6.23 The lack of a clear edge to the Site and the need to create a transition between the proposed Green Belt and the proposed housing is recognised by the Developer. The revised masterplan (see **Appendix 2**) clearly shows a substantial belt of buffer planting along the western and southern edges of the Site as well as landscape open spaces, including allotments, which will create a transition between the Green Belt and the urban area. In effect, the proposed development of ST12 would create a new and better boundary when compared to the existing

6.24 The reality of the situation is that western edge of the settlement of Copmanthorpe is concave in that it bows inward with the junction of the A64 forming the northern extent of development associated with Copmanthorpe and the housing estate at the southern end of Low Westfield Road forming the southern extent. The allocation of ST12, as shown on the revised masterplan, together with the adjoining safeguarded land to the south would effectively consolidate this urban edge.

6.25 Linden Homes Strategic Land agreed with the Council's original assessment that this is an appropriate rounding off of the settlement and the allocation of the Site will provide the opportunity to form a more appropriate and long term landscaped boundary.

6.26 Linden Homes Strategic Land welcomed the recognition that there was some support for the extensive buffering offering an element of transition to Green Belt boundary and whilst on the western edge of the proposed Site there is no firm and recognisable boundary it is plain that the Council do not consider this to be a show stopper. Indeed, it is necessary for other proposed allocations to create new and artificial Green Belt boundaries such as ST14 and ST15.

6.27 Linden Homes Strategic Land considered that the creation of an artificial western boundary to the Site is therefore, on its own, not sufficient to justify the deallocation of ST12.

The Manor Heath boundary is to be preferred; and

- 6.28 Linden Homes Strategic Land accepted that Manor Heath does form a recognisable edge to the settlement.
- 6.29 However, the Manor Heath edge is formed by a low gappy hedgerow with the occasional isolated hedgerow tree beyond which is the road known as Manor Heath. On the opposite side of the road there is a long linear line of dwellings which front onto it. There is street lighting along the road and parked as well as moving cars. It is not a traditional urban edge to the Green Belt where you would have back gardens and landscaping acting as a transition. We consider that the interface between Manor Heath and the proposed Green Belt is hard and creates a very urban feel to this edge of the settlement.
- 6.30 Linden Homes Strategic Land considered that the western edge of Copmanthorpe would greatly benefit from an area of new development which could provide a proper transition between the Green Belt and the urban edge of the settlement.
- 6.31 Linden Homes Strategic Land considered that this can be delivered by the allocation of ST12 and through a masterplan led development.
- 6.32 Linden Homes Strategic Land considered that the creation of a proper landscape transition to the western edge of Copmanthorpe would be beneficial to the setting of this settlement and would create a genuine long term Green Belt boundary.

The Roman Road is a gateway to the open countryside

- 6.33 The officer's assessment considers that the Roman Road which runs through the Site is a gateway to the open countryside and building up on either side of this would be a significant intrusion into the open countryside.
- 6.34 Linden Homes Strategic Land accepted that the allocation of ST12 would lead to development on land which is currently in agricultural use but disputed that the Roman Road is a gateway or that the level of intrusion is significant.
- 6.35 In relation to the latter issue Linden Homes Strategic Land noted that since the Council proposed to allocate the Site in the Preferred Options and Publication Draft versions of the local plan nothing has changed. The degree of intrusion remains the same.
- 6.36 As with many greenfield allocations on the edge of a settlement it would lead to a degree of intrusion into the countryside. This cannot be avoided. The harm that the development of the Site would cause by virtue of intrusion needs to be balanced and considered in the context of all of the sites being considered by the Council and with reference to the housing requirement.
- 6.37 Previously the Council accepted that this harm is outweighed by the benefits of providing housing and other benefits to Copmanthorpe and the District. Linden Homes Strategic Land maintain that this is the correct balance.

- 6.38 Further, it is considered that for the proposed development to constitute an 'intrusion' it must result in some other impact. The word intrusion implies a visual impact. In this regard, Linden Homes Strategic Land noted that the Site does not lie in a valued landscape and that the Site is relatively well contained. There would be no significant landscape harm. Rather than intruding into the landscape the development of ST12 will be seen as an extension of the existing urban area.
- 6.39 The development of ST12 will result in homes being built in the countryside but any intrusion will not be significant as is now claimed.
- 6.40 In relation to the former issue the assessment describes the Roman Road as a gateway. In the context of the assessment it implies that the route is significant and that it is well used. It is a term you might apply to the A64 in that it is the main gateway to the east coast resort of Scarborough.
- 6.41 The term gateway can be applied to any road, bridleway or footpath. In the context of ST12 the Roman Road is not significant in access terms. It does provide access into and out of the settlement and yes when leaving Copmanthorpe, along the Roman Road, you would currently see open fields but it is of no greater significance than this.

Publication Draft Regulation 19 Consultation

- 6.42 The Council previously satisfied themselves that the Site is available, that the Site is suitable for development and the development is achievable at the point in time when the Site is intended to deliver development as the Site was a housing allocation in the Preferred Options and Publication Draft versions of the plan.
- 6.43 The Council have consistently allocated the Site for housing development and they must have concluded, when they undertook their original assessment exercise, that the land did not perform an important Green Belt purpose and that the development of the Site would not constitute an unacceptable intrusion into the countryside.
- 6.44 The lack of a firm and recognisable boundary to the western side of ST12 was not considered by Council to be a show stopper when the Site was originally allocated for residential development and is not considered a show stopper for the development of ST14 and ST15.
- 6.45 The creation of artificial boundaries is also not considered a show stopper by the Council. Indeed, in is necessary for other proposed allocations to create new and artificial Green Belt boundaries for sites such as ST14 and ST15.
- 6.46 Previously the Council did not consider that Manor Heath was significant boundary nor was it considered to be the most appropriate boundary for the western edge of Copmanthorpe.
- 6.47 This is a highly sustainable Site which is located immediately next to the large and sustainable settlement of Copmanthorpe.
- 6.48 There are no technical issues precluding the allocation of the Site.

- 6.49 Given all of the above we object to the suggested deletion of ST12 and request that this sustainable Site should be reintroduced into the plan and allocated for housing development.

Soundness

- 6.50 We consider that the deallocation of ST12 is unjustified and the reasons given unsound. On the basis of the above we consider that the Local Plan is unsound and will not be effective and therefore not deliver sustainable development in accordance with national policy.

Modification

- 6.51 To address the above ST12 should be reintroduced into the plan and reallocated for housing development.

7.0 Objection to Policy SS2 - Green Belt Designation

7.1 Policy SS2: The Role of York's Green Belt states:

"The primary purpose of the Green Belt is to safeguard the setting and the special character of York and delivering the Local Plan Spatial Strategy. New building in the Green Belt is inappropriate unless it is for one of the exceptions set out in policy GB1.

The general extent of the Green Belt is shown on the Key Diagram. Detailed boundaries shown on the proposals map follow readily recognisable physical features that are likely to endure such as streams, hedgerows and highways.

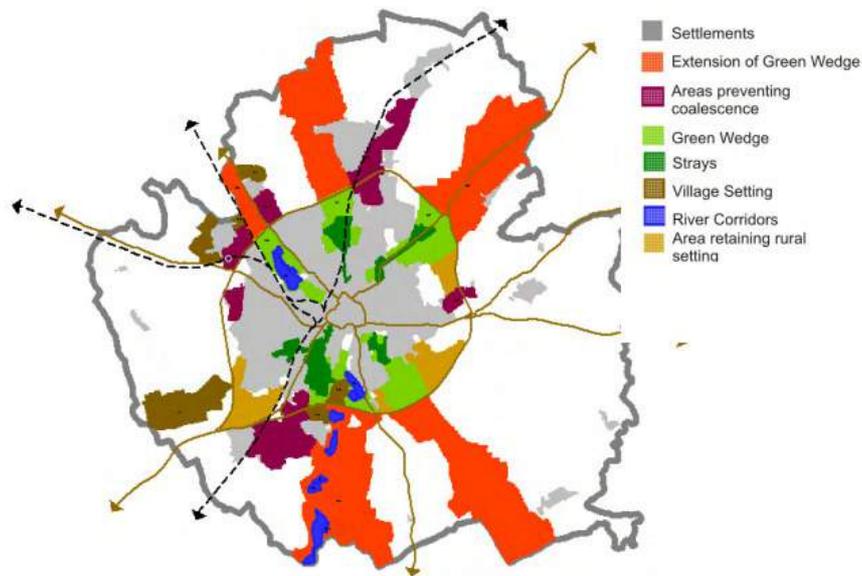
To ensure that there is a degree of permanence beyond the plan period sufficient land is allocated for development to meet the needs identified in the plan and for a further minimum period of five years to 2038."

7.2 Within the current version of the Local Plan ST12 is shown to lie within the Green Belt.

7.3 Paragraph 80 of the NPPF states that the 5 purposes of including land within the Green Belt are as follows:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

7.4 An exercise was carried out by the Council in the preparation of the local plan which aimed to establish Green Belt Character Areas and highlighted the role and importance of the Green Belt surrounding Copmanthorpe.



- 7.5 The figure (shown above) was prepared following the production of a technical paper which looks at potential amendments to the Green Belt. The Green Belt to the east of Copmanthorpe, beyond the railway line, is identified as an area preventing coalescence. The Green Belt to the north, beyond the A64 is identified as an area retaining the rural setting. The Green Belt which bounds the western periphery of the Site is not identified as having a particular Green Belt role. This clearly demonstrates that the Council considers that land around the Site does not form any locally important Green Belt purpose.
- 7.6 Additionally, as the Site was allocated for development in the Preferred Options (2013) and the Publication Draft (2014) versions of the local plan, it is plain that the Council previously did not consider that the Site performed any significant Green Belt purpose and that it is not important to keep the Site permanently open.
- 7.7 Linden Homes Strategic Land therefore object to the inclusion of the Site within the Green Belt.

Soundness

- 7.8 The Local Plan does not provide sufficient housing land to meet the needs of the housing market area and those sites allocated will not deliver the units identified and as the Site does not perform a Green Belt purpose it should not be included in the Green Belt. On the basis of the above we consider that the Local Plan is unsound, it is not justified and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

Modifications

- 7.9 Site ST12 should be removed from the Green Belt and allocated for housing development or safeguarded land.

8.0 Sustainability Appraisal

- 8.1 In order to consider the sustainability and therefore the relative merits of ST12, the Site has been assessed against a number of different sites which appear within the Local Plan.
- 8.2 The table included at **Appendix 5** reflects the Council's Sustainability Appraisal (2016) that formed part of the Preferred Sites Consultation Document (July 2016) and summarises the sustainability of each site. This is the most recent sustainability appraisal which incorporates ST12 as it has since been deleted.
- 8.3 Within the Council's Sustainability Appraisal, all sites were assessed against 15 Sustainability Appraisal (SA) objectives using a tailored assessment criterion to remain consistent with site appraisals within previous versions of the Local Plan. Each site was scored in relation to the effect it would have on the objective. The assessment criteria are shown below.

++	Likely to have a significant positive effect on the SA objective
+	Likely to have a positive effect on the SA objective
O	No significant effect/no clear link to the SA objective
I	Uncertain or insufficient information on which to determine effect on the SA objective
-	Likely to have a negative effect on the SA objective
--	Likely to have a significant negative effect on the SA objective

- 8.4 As can be seen from the table at **Appendix 5** it is evident that ST12 scores higher than ST14, ST15 and ST31 against most objectives. ST12 scores a total of 5 positive outcomes (Greens), 3 single negatives (Amber) and 2 double negatives (Red). The double negatives for ST12 relate to the category of Land and the category of Water. The double negative for the category of Land is common to most of the proposed allocations as it relates to the whether a site is Brownfield/Greenfield and the Agricultural Land Classification that the land falls within. Whereas, ST14, for example, has only 2 positive outcomes (Greens), 2 uncertainties (Blue), 4 single negatives (Amber) and 4 double negative (Red) scores. ST15 has a similar assessment to that of ST14. It is therefore plain that ST12 is a more sustainable than ST14, ST15 and ST31. Given the above, it is difficult to explain why the Council have chosen to allocate less sustainable development options to ST12, particularly as sustainability is at the heart of the Framework.

Soundness

- 8.5 It is considered that the Local Plan is unsound in that the Council's own evidence base shows that ST12 is a more sustainable development option than other proposed housing allocations and therefore the Local Plan has not been positively prepared and is not justified and is not consistent with national policy.

Modification

- 8.6 To address the above, ST12 is a sustainable site and should be reintroduced into the Local Plan and reallocated for housing development.

9.0 Objection to Policy SS1

Introduction

9.1 Lichfields has been commissioned by Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd & Bellway Homes [the Companies] to undertake a review of City of York Council's housing requirement and housing supply that has formed a key part of the evidence base to inform the Local Plan.

The City of York Strategic Housing Market Assessment

9.2 The Framework sets out that local planning authorities should use their evidence base to ensure they meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. To provide an objective assessment of housing need ("OAHN") the Council commissioned GL Hearn to produce the following reports and updates: -

- i) The City of York Strategic Housing Market Assessment (June 2016) ("SHMA")
- ii) The Strategic Housing Market Assessment Addendum (June 2016) ("the Addendum"); and
- iii) The Strategic Housing Market Assessment Update (September 2017) ("the Update")

Background

9.3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to prepare the SHMA. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of 841dpa.

9.4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However, in June 2016 GL Hearn produced an Addendum to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706dpa - 898dpa, and therefore the Council considered that it did not need to move away from the previous 841dpa figure.

9.5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. GL Hearn was asked by the Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation relating to OAN. The GL Hearn SHMA Update (September 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the

demographic starting point from 783dpa (in the 2016 SHMA) to 867dpa. In their Update, GL Hearn then applied a 10% uplift to the 867dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of 953dpa. However, a cover sheet to GL Hearn's Update, entitled '*Introduction and Context to objective Assessment of Housing Need*' was inserted at the front of this document by the Council. This states that 867dpa is the relevant baseline demographic figure for the 15-year period of the plan (2032/33). The Council rejected the 953dpa figure on the basis that GL Hearn's conclusions stating:

"...Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations."

9.6 As a result of this approach, the Publication Draft now states in Policy SS1: Delivering Sustainable Growth for York, the intention to:

"Deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38."

9.7 The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is "*an objectively assessed housing need*".

9.8 The Council therefore commissioned GL Hearn, an expert in the field, to produce a Strategic Housing Market Assessment in order to provide an OAHN and having done so the Council elected to ignore the findings of the Strategic Housing Market Assessment considering it to speculative and arbitrary. The Council provided no evidence to substantiate its claims that the Strategic Housing Market Assessment was speculative and arbitrary. The decision to ignore the advice of the Council's independent experts is flawed and unsound.

9.9 We will go onto explain why the Council's decision to ignore the advice of the Council's independent experts is flawed and unsound.

Housing Requirement

9.10 There are a number of deficiencies in the Strategic Housing Market Assessment Update highlighted by Lichfields and these are summarised below.

- i) The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is considered to be fundamentally flawed. This is effectively a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the OAHN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.

- ii) There are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
- GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However, this demographic-led figure of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need. Lichfields agree with making an adjustment for demographic and household formation rates. However, it would be illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - Overall, the Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.
- 9.11 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within the Litchfields report provides alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 9.12 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates amongst younger age cohorts takes the demographic starting point to **871dpa**.
- 9.13 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, Lichfields considers that a greater **uplift of 20%** would be more appropriate in this instance. When applied to the **871dpa** re-based demographic starting point, this would indicate a need for **1,045dpa**. The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;
- 9.14 The scale of **affordable housing needs**, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045dpa set out above. It is considered that to meet affordable housing needs in full (573dpa), the OAHN range should be adjusted to 1,910dpa

@30% of overall delivery. It is, however, recognised that this level of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a **further 10% uplift** would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

9.15 Whilst it is accepted that limited weight can be attached to the MHCLG proposed standardised methodology figure this figure nevertheless reflects the direction of travel of Government policy. The MHCLG proposed standardised methodology figure is 1,070 dpa, similar to the Lichfield figure which has been uplifted to address market signals but not be uplifted to address affordable housing need.

9.16 The Lichfields housing requirement allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Lichfields consider that using this figure would ensure compliance with paragraph 47 of the Framework by significantly boosting the supply of housing. It would also reflect paragraph 19 of the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.

Housing Land Supply

9.17 Lichfields have also assessed the Council's housing supply position. Lichfields raise issues and concerns about the following matters; -

- i) Lead in times;
- ii) Delivery rates;
- iii) Density assumptions;
- iv) The components of supply;
- v) ST14 and ST15; and
- vi) Windfall.

9.18 Lichfields has undertaken an analysis of the Council's evidence base and question some of the assumptions in relation to the components of supply and conclude that some of the proposed delivery rates on sites are unfounded and unrealistic.

9.19 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall when assessed against the Lichfields assessment of the OAHN.

9.20 The Lichfield Report is attached at **Appendix 7**.

Soundness

- 9.21 In these circumstances, the Local Plan is not 'sound' as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance.

Modification

- 9.22 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much-needed investment in new housing to meet the community's needs.

10.0 Objection to Policy H2 - Density of Development

- 10.1 In addition to Lichfields' comments relating to the OAHN and the proposed housing land supply we also have concerns about the density of development that the Council believe can be delivered from the various allocated sites.
- 10.2 We welcome the clarification that this policy should be used as a general guide and that the density of any development will need to respond to its context.
- 10.3 We however have concerns about the density of development that the Council believe can be delivered from the various allocated sites.
- 10.4 We note that as a general trend the density of development on allocated sites increased in the Preferred Sites Consultation (2016) when compared to the Publication Draft (2014). These densities increased again when comparing the Preferred Sites Consultation (2016) to the Pre-Publication Draft. See the table attached at **Appendix 6**.
- 10.5 It would appear that the Council have changed their approach to calculating development densities between the various draft iterations of the local plan. For example, in the Preferred Options (2013) it was assumed that in the villages and rural areas development would occur at 30 dwellings per hectare. In the Publication Draft (2014) it is assumed that development in the villages and rural areas would occur at 35 dwellings per hectare. We feel that for villages and rural areas a development density of 30 dwellings per hectare would be more appropriate.
- 10.6 The development density for suburban areas, which includes Haxby and Wigginton, is identified as 40 dwellings per hectare. Given the character and form of some suburban areas it is considered that such a density of development could be harmful particularly if a balanced development is to be provided. A development density of 40 dwellings per hectare is more characteristic of high density urban living rather than an extension to sustainable suburban areas and villages. It implies a high proportion of small tight knit dwellings which would be uncharacteristic of locations adjoining urban areas and villages which have typically been developed at about 25 dwellings per hectare. It would be reasonable to expect a development density above 30 dwellings per hectare but 40 dwellings per hectare is too high.
- 10.7 As to the proposed development densities of 50 dwellings per hectare for urban areas and 100 dwellings per hectare within the city centre, these densities of development are considered ambitious particularly where there is a need to incorporate open space. Development at this density may limit the marketability of the product and if this is the case it would not boost housing delivery.
- 10.8 The proposed densities and the increases in the yields from individual sites needs to be fully explained and justified.

- 10.9 The Council need to justify the density of development in the various areas and the increases in the yields from various sites in order to ensure that they are robust and are not going to lead to a shortfall in housing delivery.
- 10.10 On the basis of the above we object to the proposed development densities being applied in policy H2 and on individual sites.

Soundness

- 10.11 We consider that Policy H2 and the associated assumed yields applied to various allocations are unsound and not justified and will not ensure effective delivery of the housing requirement and is therefore inconsistent with national policy.

Modification

- 10.12 We suggest that that net development density is reduced and that greater flexibility is included in the policy to allow for balanced developments to be created.

11.0 Objection to Policy H3 – Housing Market

- 11.1 This policy is related to balancing the housing market. We do not object to the principle of this policy and indeed we welcome the acknowledgement in the Local Plan that the Council will *“seek to balance the housing market across the plan period”*. In this regard we welcome the use of the word *“seek”*. However, the policy then says that the applicants *“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”*. The use of the word *“required”* is onerous and is not reflective of the tone of the policy when read as a whole. For example, the policy goes on to state that *“the final mix of dwelling types and sizes will be subject to negotiation with the applicant”*.
- 11.2 Further, we also feel that it is unreasonable for an applicant to provide sufficient evidence to support their proposals particularly where a developer is providing a housing mix which is broadly in accordance with the identified need. This should be deleted.

Soundness

- 11.3 We consider that Policy H3 is unsound as it will not be effective, it is not justified, and is not consistent with national policy.

Modification

- 11.4 We suggest the policy should be modified to provide greater flexibility to allow for balanced developments to be created. In this regard we would suggest amending the policy to read *“Proposals for residential development should assist in balancing the housing market, unless material considerations indicate otherwise, by including a mix of types of housing that respond to and reflects the diverse mix of need across the city and the character of the locality.”*

12.0 Objection to the Allocation of ST5

- 12.1 The Local Plan identifies this site as having a total site area of 78ha and a net developable area of 35ha. The Local Plan suggests that this proposed allocation will be a mixed-use development allegedly providing 1,700 to 2,500 dwellings of which a minimum of 1,500 will be delivered in the plan period and 100,000 sqm of office space (B1a).
- 12.2 We note that this will be an extremely challenging site to bring forward. Indeed, we are aware that Network Rail and its predecessors have been trying to develop the site since the 1960's/1970's (some fifty years) but development has never been brought forward. Given the length of time that this site has been theoretically available there is quite a considerable amount of doubt as to its viability and deliverability.
- 12.3 Our concern here is exacerbated by the fact that we still do not believe that there is any developer interest. The site is not attractive to the private sector due to the high risks of development.
- 12.4 We understand that the Council are seeking to de-risk the development with public funds but this will not necessarily bring the site forward as there is no or little track record within the City of York of large scale grade 'A' office space or high rise residential accommodation particularly for private purchasers. There are therefore few or no comparable projects to give developers confidence to invest in proposals for development on the site even if public funds are invested.
- 12.5 To make the scheme work there is a need to create high density, high rise family apartment accommodation (apartment blocks of between 6 and 8 storeys in height and houses of between 2 and 4 storeys) on the site and there is no or little comparable market information for this type of development in York. Therefore, the market is likely to be nervous of this type of development. Indeed, family apartments of the type envisaged by the Council on the York Central site may end up being more expensive than other housing options in and around the City. Therefore, people who wish to live at York Central will do so as a life style choice and this will limit sales and further depress developer interest.
- 12.6 Without confidence in the market place, interest in speculative development is likely to be slow. This would suggest to us that the proposed development, even if allocated, will take a considerable period of time to deliver – if at all.
- 12.7 Furthermore, given the historic importance of this skyline in York we are also concerned that a large cluster of tall buildings would have an adverse impact on the skyline and would be found to be unacceptable by Historic England and the Council's own heritage department.
- 12.8 In conclusion, there is currently no developer interest and insufficient evidence to demonstrate that site ST5 is suitable for the type and scale of development proposed or when the site will be genuinely available for development and that the proposed development is achievable in the timescales and quantum set out.

Soundness

- 12.9 We consider the allocation of ST5 to be unsound in that ST5 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 12.10 We do not suggest that allocation known as ST5 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST5 should be 410 units as set out in the Publication Draft (2014). This level of development is more realistic and achievable.

13.0 Objection to the Allocation of ST31

Preferred Options Local Plan (2013)

- 13.1 Within the Preferred Options (2013) version of the local plan the site known as ST31 and was identified by the Council as being located within the Green Belt. An extract of the Preferred Options (2013) proposals map is shown below:



Further Sites Consultation (June 2014)

- 13.2 Within the Site Summary of the Further Sites Consultation (June 2014) the Council indicated that the site had been rejected as it failed criteria 1 which relates to environmental assets such as Green Belt considerations.

Site Selection Paper Addendum (September 2014)

- 13.3 The introduction to this paper indicates that the Council received a large response to the Further Sites Consultation including some proposals for additional sites. In addition, the Council received some proposals to make changes to boundaries of sites proposed in the Further Sites Consultation along with additional evidence to support sites that the Council had previously considered but were not proposed as potential sites in the Preferred Options Consultation or Further Sites Consultation. The introduction indicates that this addendum to the Further Sites Consultation only considers

either new sites submitted for the first time through the Further Sites Consultation or sites where either a revised boundary has been submitted for consideration or where new evidence has been submitted through the Further Sites Consultation. The introduction confirms that the methodology used in this Site Selection Paper Addendum is the same used in the original Site Selection Paper published to support the Preferred Options and the Further Sites Consultation.

13.4 The landscape officer's comments are noted as being: -

"The land provides valuable separation between urban edge and ring road thereby retaining the characteristic setting of the city. This site prevents coalescence between Copmanthorpe and Dringhouses. The further evidence submitted has been reviewed but does not change the value of this land in preventing coalescence."

In the traffic light system, the report assesses this matter as RED – i.e. a fail.

13.5 The comments from the council transport department are as follows:

"Original comments at FSC were that the location of the site means that access on foot to local services is at or beyond the maximum acceptable/attractive/likely; distance to bus services on Tadcaster Road and Flaxman will exceed for most of the site; assessment of potential for new stops to Tadcaster Rd frontage (and service improvements based upon cumulative village impacts) required; viability and attractiveness of non-motor access via Yorkfield Lane needs evidence; again distances to local services would be likely to score low; lack of other sustainable connections to village; allocation likely to be car dependant. These comments still stand as robust detail of access by sustainable modes to local facilities has not been provided. It is stated in the response that "...it's located at the 'edge' of the local service centre..." however for many of these, they exceed reasonable walking distances and dependency on local private car journeys is the anticipated outcome."

Given the above this matter is ranked as an AMBER consideration in the traffic light system.

13.6 Open Space commented as follows: -

"There is a need to address the potential for specific health related issues on site, including railway line and road safety and healthy access to 62 services, and access to open space."

Given the above this matter is ranked as an AMBER consideration in the traffic light system.

13.7 The overall officer assessment is as follows: -

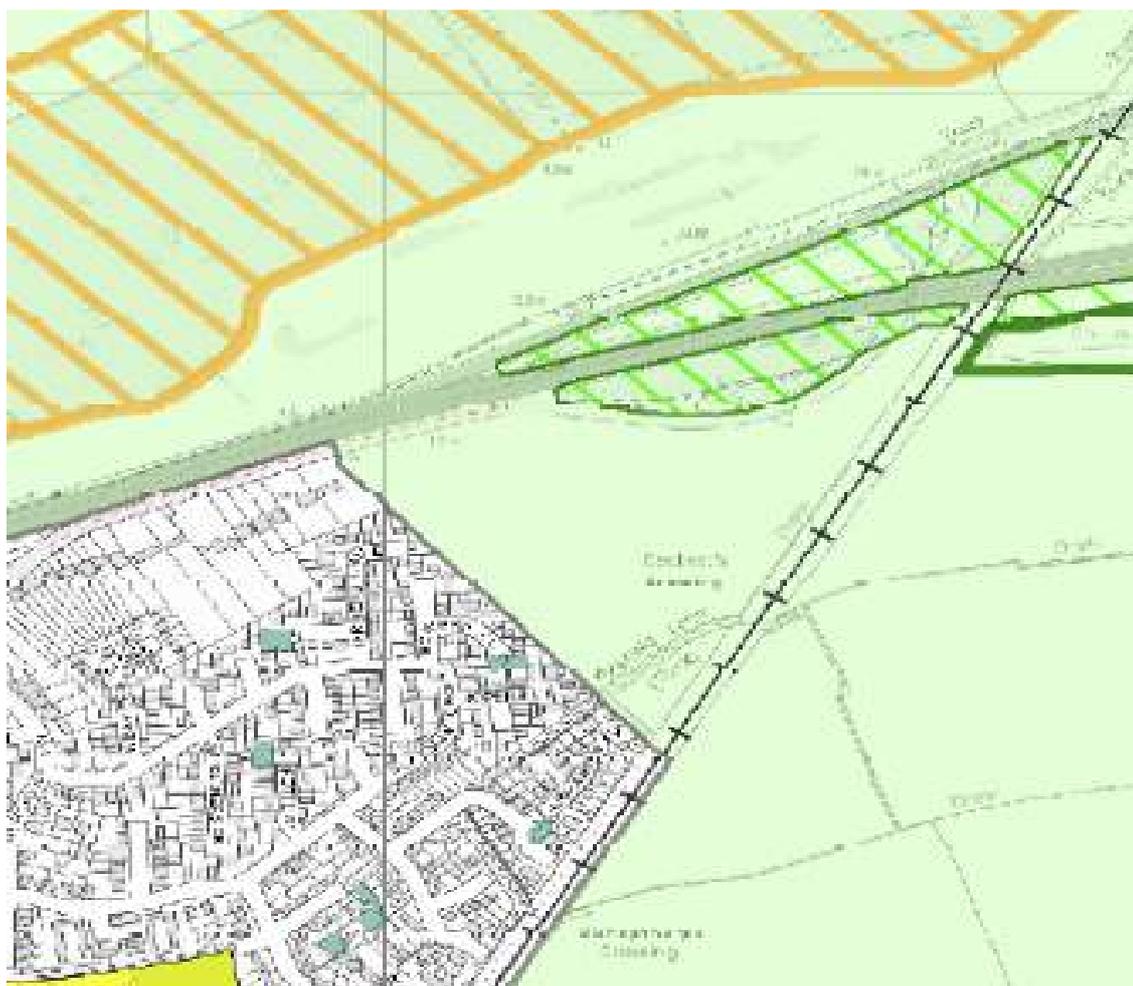
"The site fails criteria 1 of the Site Selection methodology as it falls within an area preventing coalescence (Historic Character and Setting). The submitted evidence does not change this and it is considered that the site provides valuable separation between urban edge and ring road thereby retaining the characteristic setting of the city. This site prevents coalescence between Copmanthorpe and Dringhouses. The site also fails criteria 4 (access to residential services) and despite the relocation of the Park and Ride the A64 still severs the access. The location of the site

means that access on foot to local services is at or beyond the maximum acceptable/attractive/likely distance to bus services on Tadcaster Road and Flaxman Road will exceed for most of the site. Assessment of the potential for new stops to Tadcaster Rd frontage (and service improvements based upon cumulative village impacts) would be required. The viability and attractiveness of non-motor access via Yorkfield Lane needs evidence and again distances to local services would be likely to score low. There is lack of other sustainable connections to village and the site is likely to be car dependant. The further submission does not provide robust detail of access by sustainable modes to local facilities.

- 13.8 The Site Selection Paper Addendum report recommends to **REJECT - NO CHANGE**.
- 13.9 The proposed allocation of the ST31 was therefore categorically rejected by officers and the Council.

Publication Draft (2014)

- 13.10 Within the publication Draft the site known as ST31 was still identified as being located within the Green Belt.



Preferred Sites Consultation (2016)

13.11 The Preferred Sites Consultation proposed to allocate the site as a Strategic Site known as ST31. The Preferred Sites Consultation indicated that the site has an area of 8.1ha and a total capacity of 170 units. The site would incorporate 2.5ha of open space. An extract of the Preferred Sites Consultation (2016) proposals map is shown below:

13.12

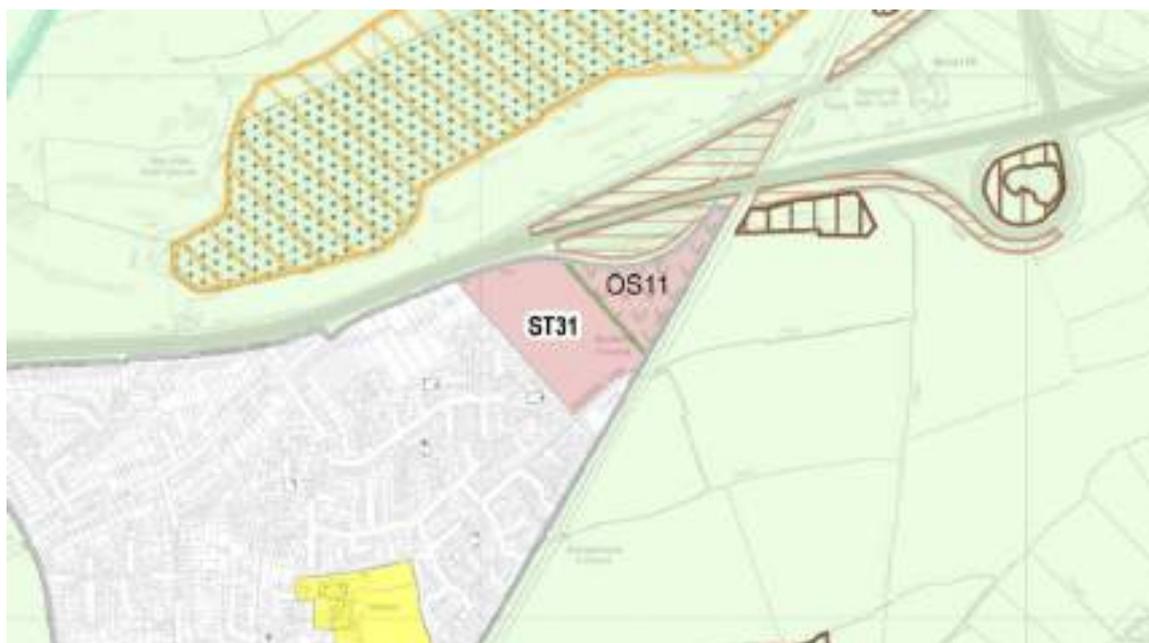


13.13 The Preferred Sites Consultation notes that the site had not been included as a draft housing allocation previously as it is located within an area designated in the 2003 York Green Belt Study (updates 2011 and 2013) as being part of an 'area preventing coalescence' between Bishopthorpe to Copmanthorpe and northwards to the existing edge of the York main built up area. The Preferred Sites Consultation (2016) suggests that the Council have changed their minds about this as they now consider that the site is contained by the East Coast Mainline and Tadcaster Road and the A64. We accept that the site is bounded by these features. However, in the York Green Belt Study it identified the land as forming part of a wedge of land separating out the urban areas of Bishopthorpe and Copmanthorpe as well as York and the function of this land would not change

the development of ST31 would narrow the gap and therefore harm the Green Belt purpose identified in the York Green Belt Study.

The Local Plan Pre-Publication Draft Regulation 18 Consultation

- 13.14 The allocation of site ST31 has been carried through to the Pre-Publication Regulation 18 version of the local plan (albeit with a slightly reduced capacity of 158 dwellings).



Assessment

- 13.15 ST31 lies within an area considered to serve an important Green Belt purpose by the City of York Council in that it lies within an area preventing coalescence. The Council have held this view for a considerable period of time. When the York Green Belt Study was produced the East Coast Mainline, Tadcaster Road and the A64 would have been present and it was concluded that the site should be included in the area of importance for preventing coalescence. Nothing has therefore changed. This proposed allocation is therefore contrary to the Council's own evidence base.
- 13.16 This justification for including the ST31 site as an allocation is simply untrue.
- 13.17 ST31 plainly contributes to the actual separation between the urban edge and the ring road thereby retaining the characteristic setting of the City and prevents coalescence between Copmanthorpe and Dringhouses. In this regard, we wholly agree with the officer's previous assessment and the conclusions relating to ST31. ST31 clearly performs a Green Belt purpose as set out in paragraph 80 of the NPPF and its allocation will cause substantial harm to these purposes.
- 13.18 Furthermore, as a general strategy which we support, the Council had previously sought to locate the majority of new development away from main routes into the City and away from locations

which could impact on the setting of York. Again, when compared to ST12, the development of this site would cause greater harm to this important Green Belt consideration.

- 13.19 When compared to ST12 the development of this site would plainly cause considerably more harm to the purposes of including land within the Green Belt. This view is supported by the Council's own evidence base.
- 13.20 ST31 is also located close to a nationally significant site of nature importance, a site of local importance for nature conservation and a site of importance for nature conservation. There is the potential for the development of ST31 site to harm these sites. When compared to ST12 the development of this site has the potential to cause greater harm to interests of acknowledged importance.
- 13.21 The site is also not well related to the urban area of Copmanthorpe being a considerable distance from services and facilities and furthermore given the proximity of the site to the East Coast Mainline, Tadcaster Road and the A64 there must be considerable doubt that a satisfactory standard of amenity can be achieved. We are particularly concerned that development on this site would not be able to achieve an acceptable standard of amenity with regard to noise levels in rear/private garden areas and air quality. Whilst we are sure that internal noise standards can be achieved this will probably be at the expense of opening windows. The quality of the living environment on this site would be compromised.
- 13.22 Overall ST12 is a far superior site when compared to ST31 and as such we strongly object to the allocation of this site for housing. It has previously been rejected by officers and the Council and it is clear that at the time Officers did not consider that the site was suitable for housing. It failed the site selection methodology. The City of York Council's planning policy position has not changed in between the production of the Publication Draft and the Local Plan consultation documentation nor has the site selection methodology and therefore it is unclear why it this site has now been potentially allocated for housing development particularly when compared to the evident planning merits of ST12.
- 13.23 We fail to understand why sites that had previously passed the Council's rigorous site selection methodology such as ST12 are proposed to be deleted whilst other sites which failed the same methodology, and nothing has changed, are now being included as a preferred housing site.
- 13.24 We strongly object to the inclusion of ST31 and recommend that ST31 should be deleted and ST12 reallocated.

Soundness

- 13.25 We consider the proposed allocation of ST31 is unsound as it will result in a greater level of harm to the purposes of including land within the Green Belt and other material considerations than other comparable sites and as such there can be no exceptional circumstances for the allocation of this site. The allocation of ST31 is not justified and is inconsistent with national policy.

Modification

13.26 We request the deletion of ST31.

14.0 Objection to the Allocation of ST14

Introduction

- 14.1 This allocation constitutes a new standalone settlement, or 'garden village' to the east of Skelton. The site has an indicative capacity of 1,348 dwellings, of which 1200 dwellings are to be constructed over the plan period (to 2032).
- 14.2 This site was previously included within the Publication Draft (2014) as a strategic site with a total site area of 157 hectares and a total site capacity of 2,800 dwellings. This site was revised due to concerns relating to the Green Belt, historic character and setting.
- 14.3 The site is isolated from existing settlements and located within the agreed general extent of the York Green Belt. It is unclear why this site is considered appropriate to be removed from the Green Belt, and not smaller more sustainable sites which sit at the edge of existing settlements and which could deliver housing promptly and sustainably and thereby boosting housing supply in accordance with national policy.
- 14.4 We are not sure how the changes in the size of the allocation has overcome these technical and policy concerns.

Our Concerns

- 14.5 Our principle concern however relates to the delivery of the site and in particular the estimate yield within the plan period.
- 14.6 The Council have indicated in their letter to the Secretary of State in January 2018 and the Local Development Scheme (2017) that the Local Plan will be submitted to the Secretary of State at the end of May and that the plan will be examined between June and August 2018 with the Inspector's report being available towards the end of 2018. The Council have indicated that they hope to adopt the Local Plan in February 2019.
- 14.7 Lichfields, who have produced a well-considered and robust publication on the delivery of large scale housing schemes¹, estimate lead in times for developments. Lead in times relate to matters such as: -
- Securing outline planning permission;
 - Negotiations on S106;
 - The approval of reserved matters;
 - The discharge of conditions;
 - Completion of land purchases
 - Mobilisation; and

¹ Start to Finish – How Quickly do Large-Scale Housing Site Deliver? November 2016

- Infrastructure works.

14.8 Lead in times vary in relation to the stage that a proposal has reached and by the size of the site. The larger the site the more difficult the negotiations and matters that need to be resolved. The following table sets out a general and robust methodology for calculating lead in times.

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

14.9 To date no planning application has been submitted and the development of this site will require significant infrastructure works, particularly to obtain access, and extensive community facilities in order to deliver the proposed development and to make it sustainable.

14.10 ST14 is a large proposal which will generate a significant increase in traffic on the A1237. Capacity enhancements will need to be made to roads and junctions within the vicinity of the site in order to accommodate this development and these works will need to be undertaken in advance of the completion of any units. Providing sufficient access to and mitigating the impacts of the development will require substantial infrastructure to be put in place and this will take time to deliver.

14.11 If you apply the standard methodology adopted by Lichfield's it is possible that a start of development works will occur 4 years from the point of assessment or 3.5 years after the submission of the outline application which is likely to be sometime in the future. For the purpose of this exercise we have assumed 4 years from April 2018. Therefore, a start of works can be assumed as April 2022.

14.12 In a similar fashion Lichfield's estimated delivery rates based on the size of the site. Lichfield's indicate that small sites, less than 100 units, tend to be built by local or regional builders. On sites of less than 250 units only one volume house builder is normally active but on sites up to 500 units there may a second volume house builder and on sites over 500 units there may be a third volume house builder. See the table below.

	0-100 units	100-250 units`	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

- 14.13 We assume that there will be 3 different house builders on ST14. We have therefore assumed a delivery rate of 90 dwellings per annum.
- 14.14 If the lead in time is 4 years the residual Local Plan period will be 10 years. Building at 90 dwellings per annum and assuming a remaining 10 plan period ST14 would deliver 900 dwellings. A shortfall of 300 dwellings in comparison to the Local Plans estimated yield.
- 14.15 There is a need to allocate a wide range and choice of housing sites throughout the District and the allocation of several extremely large sites, notably ST14 and ST15, does little to ensure a robust and longer-term level of housing delivery. In fact, the allocation of these two sites limits the number of outlets and the geographical distribution of sites and as a consequence it hinders housing land supply and delivery rather than boosting it.
- 14.16 As a consequence, it is considered that the Council should reinstate the proposed housing allocation known as ST12 as the Council have already concluded that this Site is available, that the land is suitable for development and that development is achievable.

Soundness

- 14.17 We do not object to the principle of the allocation but we do consider that the estimated yield from ST14 to be overly ambitious so as to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider that the yield assumed for ST14 to be unsound in that ST14 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 14.18 We do not suggest that allocation known as ST14 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST14 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

15.0 Objection to the Allocation of ST15

Introduction

- 15.1 This allocation is, to all intents and purposes, an entirely new settlement located within the open countryside to the west of Elvington. The site has an indicative site capacity of 3,339 dwellings, of which 2,200 dwellings will be constructed over the plan period (to 2032/33).
- 15.2 The site is currently located within the agreed general extent of Green Belt around the City of York. It is unclear why the Local Plan considers it to be appropriate to remove this large site from the Green Belt and not allocate other smaller more sustainable sites which are situated on the edge of existing settlements and which could deliver housing promptly and sustainably and thereby boosting housing supply in accordance with national policy.

Our Concerns

- 15.3 Our principle concern however relates to the delivery of the site and in particular the estimated yield within the plan period.
- 15.4 The Council have indicated in their letter to the Secretary of State in January 2018 and the Local Development Scheme (2017) that the Local Plan will be submitted to the Secretary of State at the end of May and that the plan will be examined between June and August 2018 with the Inspector's report being available towards the end of 2018. The Council have indicated that they hope to adopt the Local Plan in February 2019.
- 15.5 Lichfield, who have produced a well-considered and robust publication on the delivery of large scale housing schemes² estimate lead in times for developments. Lead in times relate to matters such as: -
- i) Securing outline planning permission;
 - ii) Negotiations on S106;
 - iii) The approval of reserved matters;
 - iv) The discharge of conditions;
 - v) Completion of land purchases
 - vi) Mobilisation; and
 - vii) Infrastructure works.
- 15.6 Lead in times vary in relation to the stage that a proposal has reached and by the size of the site. The larger the site the more difficult the negotiations and matters that need to be resolved. The following table sets out a general and robust methodology for calculating lead in times.

² Start to Finish – How Quickly do Large-Scale Housing Site Deliver? November 2016

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

- 15.7 ST15 is a large-scale proposal located in an isolated position within the open countryside and the Green Belt. No planning application has been submitted and the development of this site will require significant infrastructure works, particularly to obtain access, and extensive community facilities in order to deliver the proposed development and to make it sustainable.
- 15.8 If you apply the standard methodology adopted by Lichfield's it is possible that a start of development works will occur 4 years from the point of assessment or 3.5 years after the submission of the outline application which is likely to be sometime in the future. For the purpose of this exercise we have assumed 4 years from April 2018. Therefore, a start of works can be assumed as April 2022.
- 15.9 In a similar fashion Lichfield's estimated delivery rates based on the size of the site. Lichfield's indicate that small sites, less than 100 units, tend to be built by local or regional builders. On sites of less than 250 units only one volume house builder is normally active but on sites up to 500 units there may be a second volume house builder and on sites over 500 units there may be a third volume house builder. See the table below.

	0-100 units	100-250 units`	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

- 15.10 We assume that there will be 3 different house builders on ST15. We have therefore assumed a delivery rate of 90 dwellings per annum.
- 15.11 If the lead in time is 4 years the residual Local Plan period will be 10 years. Building at 90 dwellings per annum and assuming a remaining 10 plan period then ST15 would deliver 900 dwellings. A shortfall of 1300 dwellings in comparison to the Local Plans estimated yield.
- 15.12 There is a need to allocate a wide range and choice of housing sites throughout the District and the allocation of several extremely large sites, notably ST14 and ST15, does little to ensure a robust and longer-term level of housing delivery. In fact, the allocation of these two sites limits the number of outlets and the geographical distribution of sites and as a consequence it hinders housing land supply and delivery rather than boosting it.

- 15.13 As a consequence, it is considered that the Council should reinstate the proposed housing allocation known as ST12 as the Council have already concluded that this Site is available, that the land is suitable for development and that development is achievable.

Soundness

- 15.14 We do not object to the principle of the allocation but we do consider the estimated yield from ST15 to be unrealistic and to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider that the yield assumed for ST15 to be unsound in that ST15 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 15.15 We do not suggest that allocation known as ST15 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST15 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

16.0 Objection to Lack of Safeguarded Land Policy

- 16.1 The NPPF states in paragraph 79 that the *'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence'*. It is clear from the above that a Green Belt should be permanent.
- 16.2 The NPPF does not define the term permanence or how long a Green Belt should remain unaltered. However, it is at least 5 years beyond the end of the plan period but more commonly it is 10 years.
- 16.3 Paragraph 83 of the NPPF indicates that authorities should consider Green Belt boundaries having regard to their intended permanence in the long term so that they can be capable of enduring beyond the plan period. Whilst the term permanence is not defined it is clear that a Green Belt should endure for a period longer than the plan period which, in this case, ends in 2032.
- 16.4 By the time that the plan is adopted it will be at least 2019 leaving a residual plan period of only 13 or 14 years.
- 16.5 In accordance with paragraph 84 of the NPPF, when drawing up or reviewing Green Belt boundaries, local authorities are required to take account of the need to promote sustainable patterns of development.
- 16.6 In order to do this paragraph 85 of the NPPF indicates that local planning authorities should:
- *"Ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
 - *Not include land which it is unnecessary to keep permanently open;*
 - *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;*
 - *Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
 - *Satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
 - *Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent."*
- 16.7 The above means that: -
- To achieve sustainable development a local authority needs to take account of the objectively assessed need for development and provide sufficient land to accommodate this need.
 - The guidance advises that local planning authorities should not include land that does not need to be kept permanently open.
 - It is also apparent from paragraph 85 that when defining a Green Belt, a local authority needs to consider the development needs of the District which are to be met during the plan period

as well as the longer-term development needs of the district. The term “*stretching well beyond the plan period*” is significant. Well beyond implies a period greater than a few years.

- The ‘*where necessary*’ term in paragraph 85 of the NPPF applies, in our view, to situations where there is a need to allow for longer term development. So that this need can be met in due course, land should be safeguarded for the purposes of development and by identifying such land ‘*the Green Belt can be protected from encroachment thus ensuring its boundaries remain permanent.*’

16.8 What is clear from the NPPF is that when defining a Green Belt, the Green Belt should be permanent and endure well beyond the plan period and that a local authority should meet its identified development needs both during the plan period and beyond without needing to undertake an early review of the plan.

16.9 Within the Local Plan no safeguarded land is proposed. The reason given for this is that there are a few Strategic Sites identified within the document that have an anticipated build out time beyond the plan period. However, the number of the strategic sites available to provide for the longer-term development needs of the City is severely limited. Some of the identified sites are small and as allocations there is nothing stopping them being built out during the plan period.

16.10 The table below provides details of the strategic sites that the Council have identified to provide the additional housing capacity after the plan period has finished:

Site	Site Name	Plan period capacity	Overall Capacity	Additional capacity following plan period
ST5	York Central	1500	1700-2500	200- 1000
ST14	Land West of Wigginton Road	1200	1348	148
ST15	Land West of Elvington Lane	2200	3339	1139
ST36	Imphal Barracks, Fulford Road	0	769	769
Total				2306 - 3056

16.11 Only four strategic sites are identified by the Council as delivering residential development at the end of the plan period.

16.12 The City of York Council identify ST5 and ST15 as the two sites which will provide the majority of the additional housing with ST14 contributing a smaller but significant quantity.

16.13 Site ST36 is not proposed to come forward until after the plan period as The Defence Infrastructure Organisation are not intending to dispose of the Site until 2031. There are several potential issues with the delivery of this site relating to historic interest and archaeology which will need to be

investigated in detail to allow the site to come forward and may result in delays to development and/or a reduction in developable area.

- 16.14 This raises some serious concerns. The NPPF requires local planning authorities to maintain a 5-year housing land supply. It is clear from the above that even if the 4 sites identified by the Council were to deliver housing in the period 2032/33 to 2037/38 these 4 sites would not be sufficient to enable the Council to demonstrate a 5-year housing land supply as there are only so many units that can be delivered from any one site. There are simply not enough potential outlets in the supply to achieve a 5-year housing land supply. Further as two thirds of the total supply is in two sites and as we anticipate that these sites will deliver about 90 dwellings per annum it is clear that they will be delivering completions well beyond 2037/38. This further reduces the 5-year housing land supply. Effectively it would mean that before the end date of the plan period the Council would need to undertake a review of the plan to identify additional sites to ensure that the Council could maintain a 5-year housing land supply. If there is no 5-year housing land supply the Green Belt will have to be amended in 2032 or before resulting in the Green Belt not enduring for a minimum of 20 years.
- 16.15 Consequently, the life of the Green Belt around York, from adoption to modification, will be no more than 12 to 13 years and probably less. This short period of time cannot be regarded as comprising a permanent Green Belt around York. Consequently, the approach in the Local Plan of not providing a wide range and choice of safeguarded land sites is contrary to the NPPF.

Soundness

- 16.16 We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites to be contrary to national policy.

Modification

- 16.17 The inclusion of a safeguarded land policy and an appropriate quantum of safeguarded land sites.

17.0 Objection to Lack of Safeguarded Land Allocation

- 17.1 In previous iterations of the Local Plan, the Council have accepted that the sites allocated for development performed little or no Green Belt purposes. ST12 is one of these sites. Paragraph 85 of the NPPF indicates that land should not be kept within the Green Belt which is unnecessary to be kept permanently open. The Council have therefore already accepted that the sites previously allocated for housing development do not need to be kept permanently open.
- 17.2 At the very least, and in the alternative to a housing allocation in the Local Plan, it is clear that the sites that were previously identified as housing allocations should now be allocated as safeguarded land.

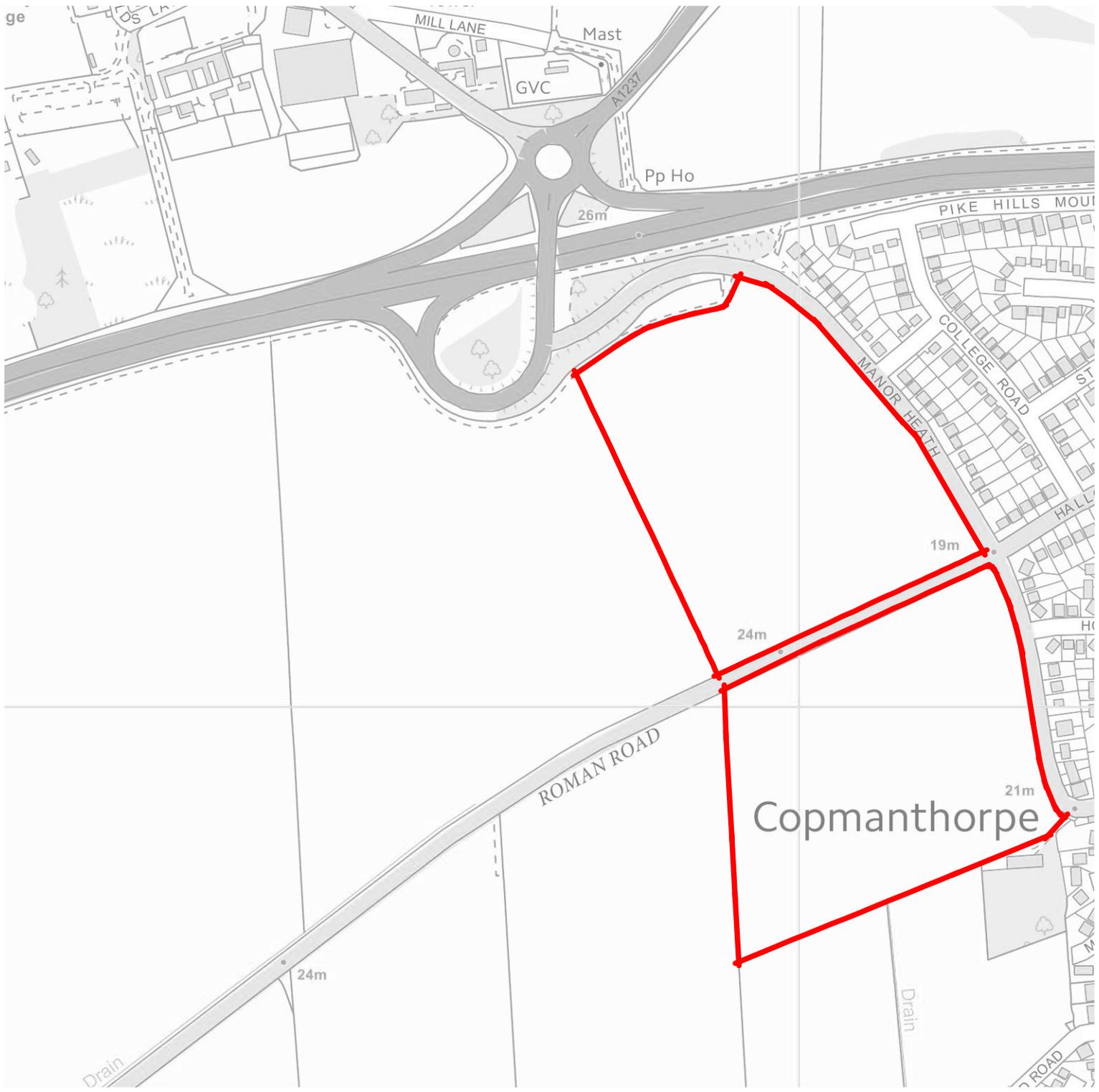
Soundness

- 17.3 We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

Modification

- 17.4 The inclusion of ST12 as a safeguarded land site as an alternative to a housing allocation.

Appendix 1 – Site Location Plan



KEY



Proposed site boundary (14.89 ha)



MANOR HEATH, COPMANTHORPE - LOCATION PLAN



| T 0113 2878200 | www.pegasuspg.co.uk | Drawn By: KW | Team: CAH | Date: AUGUST 2016 | Scale: 1:5000 @ A4 | drwg: P16-0304.003 | Client: Barratt, David Wilson Homes (Yorkshire East) & Linden Homes |

Appendix 2 – Masterplan



KEY

-  Promoted site boundary (14.89 ha)
-  Proposed open green space (14.11 ha)
-  Proposed alignments (0.28 ha)
-  Proposed community space (0.182 ha)
-  Proposed road network
-  Proposed shared surface
-  Proposed private drives
-  Indicative dwellings
-  Feature plots
-  Proposed trees
-  Proposed buffer planting
-  Proposed SUDS
-  Site entrance
-  Potential cycling/pedestrian links



MANOR HEATH, COPMANTHORPE - ILLUSTRATIVE MASTERPLAN



| T 0113 287 8200 | www.pegasuspg.co.uk | Drawn By: KW | Team: CAH | Date: AUGUST 2016 | Scale: 1:2500 @ A3 | DWG: P16-0304.001 | Client: Barratt, David Wilson Homes (Yorkshire East) & Linden Homes |

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS
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Appendix 3 – Letter from Askham Bryan College

ASKHAM BRYAN COLLEGE

September 6, 2016
GD

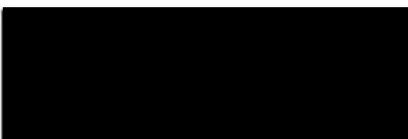
Daniel Starkey MRTPI
Planning Manager
Barratt Homes Yorkshire East & David Wilson Homes Yorkshire East
(trading names of BDW Trading Limited)
6 Alpha Court
Monks Cross Drive
York YO32 9WN

Dear Daniel,
Manor Heath, Copmanthorpe

Askham Bryan College is the country's largest land based Further and Higher Education College and is centred at its York campus. The College has over 3,500 full time students covering a range of land based subject areas and qualifications. It prides itself on being inclusive, educating all ages and abilities and preparing students for jobs in the local region and beyond. Whilst it has invested in its York estate, the demands for further developments in terms of information technology, front line capital and estate improvements are needed to support teaching and equip our students with relevant technological skills for the work market place.

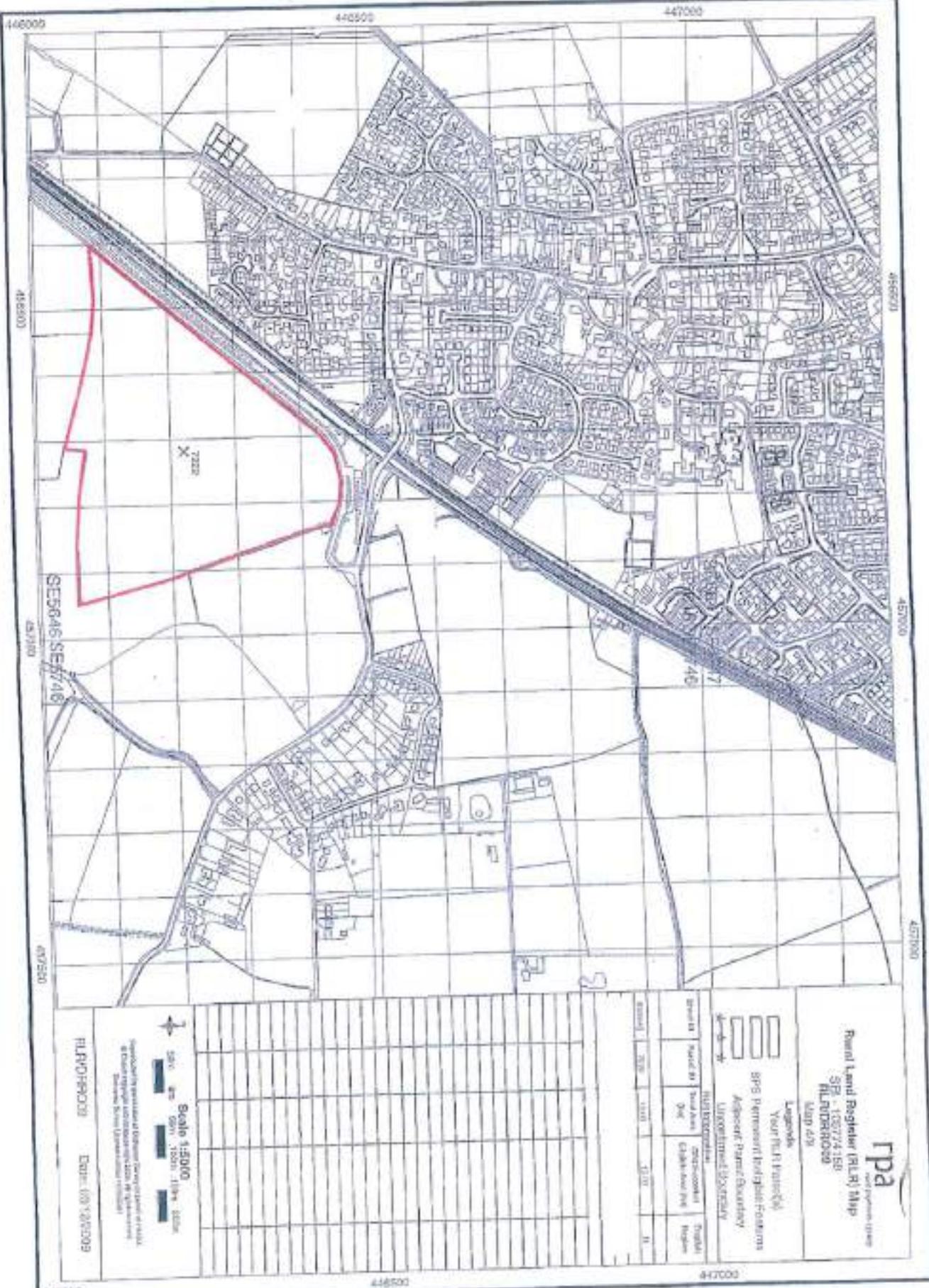
Funds raised from the proposed sale of Manor Heath would be reinvested directly into the York campus and would unquestionably enhance the educational opportunities for young people in the York area and across the North of England. In addition this would also benefit the region's businesses and employers, particularly within agriculture and the food manufacturing sector, and thus the region's economic growth.

Yours sincerely



Gary Downey
Chief Financial Officer

Appendix 4 – A plan showing the location of proposed sports facilities





Rural Land Register (RLR) Map

 SFR - 100724 100

HLR000000

 Map 430

- Legend**
-  Year built boundary
 -  SFR Permanent boundary/enclosure
 -  Adjacent Parcel Boundary
 -  Unconformed Boundary

Symbol	Description	Symbol	Description
	Boundaries		Enclosure
	Plot		Single and P/L
			Trapped Region

Scale 1:5000

 50m 100m 150m 200m

Prepared by Department of Urban Planning and Design, Faculty of Architecture and Design, Universiti Kebangsaan Malaysia

 Projek Rancangan Rujukan (Rujukan)

 Projek Rujukan Rujukan (Rujukan)

HLR000000 **Expire: 09/10/2009**

Appendix 5 – Sustainability Table

	Housing	Health	Education	Economy	Equality	Travel	Climate Change	Biodiversity	Land	Water	Air Quality	Flooding	Heritage	Landscape				
ST12	++	++	-	n/a	+	+	+	0	--	--	0	0	-	-	-	0		
ST13	++	++	+	n/a	+	+	+	0	--	0	0	0	0	0	0	0		
ST14	++	-	-	n/a			+	0	--	--	0	0	-	--	-	--		
ST15	++	--	-	n/a			+	-	-	+	-	--	0	0	-	--	-	--
ST30	++	+	+	n/a	+	+	+	0	--	--	0	0	-	-	-	-	-	
ST31	++	++	-	n/a	+	+	+	-	--	--	0	0	-	0	-	--	--	

Appendix 6 – Housing Density Table

Housing Density Table

Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H1	3.54	283	80	3.54	336	95	+19%	2.87	271	94	-1%	2.87	271	94	0
								0.67	65	97	+2%	0.67	65	97	0
H2A	2.33	98	42	Deleted				Deleted				Deleted			
H2B	0.44	18	41	Deleted				Deleted				Deleted			
H3	2.7	25	9	3.9	81	21	+133%	1.9	72	38	+81%	1.9	72	38	0
H4	2.56	157	60	Deleted				Deleted				Deleted			
H5	2.24	72	32	3.64	137	38	+19%	3.64	162	45	+18%	3.64	162	45	0
H6	1.53	49	32	Deleted				1.53	Specialist Housing use class C3b – supported housing			1.53	Specialist Housing use class C3b – supported housing		
H7	1.72	73	42	1.72	86	50	+19%	1.72	86	50	0	1.72	86	50	0
H8	1.57	50	32	1.57	60	38	+19%	1.57	60	38	0	1.57	60	38	0
H9	1.3	42	32	Deleted				Deleted				Deleted			
H10	0.78	187	240	0.96	Deleted	195	-19%	0.96	187	195	0	0.96	187	195	0
H11	0.78	33	42	Deleted				Deleted				Deleted			
H12	0.77	33	43	Deleted				Deleted				Deleted			
H13	1.30	55	42	Deleted				Deleted				Deleted			
H14	0.55	220	400	Deleted				Deleted				Deleted			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H15	0.48	27	56	Deleted				Deleted				Deleted			
H16	1.76	57	32	Deleted				Deleted				Deleted			
H17	0.80	37	46	Deleted				Deleted				Deleted			
H18	0.39	13	33	Deleted				Deleted				Deleted			
H19	0.36	16	44	Deleted				Deleted				Deleted			
H20	0.33	15	45	0.33	17	52	+16%	0.33	56	170	+8%	0.33	56	170	0
H21	0.29	11	38	0.29	12	41	+8%	Deleted				Deleted			
H22	0.29	13	45	0.29	15	52	+16%	0.29	15	52	0	0.29	15	52	0
H23	0.25	11	44	Deleted				0.25	11	44	-	0.25	11	44	0
H25	0.22	20	90	Deleted				Deleted				Deleted			
H26	4.05	114	28	Deleted				Deleted				Deleted			
H27	4.00	102	25.5	Deleted				Deleted				Deleted			
H28	3.15	88	28	Deleted				Deleted				Deleted			
H29	2.65	74	28	2.65	88	33	+18%	2.65	88	33	0	2.65	88	33	0
H30	2.53	71	28	Deleted				Deleted				Deleted			
H31	2.51	70	28	2.51	84	34	+21%	2.51	76	30	-12%	2.51	76	30	0
H32	2.22	47	21	Deleted				Deleted				Deleted			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H33	1.66	46	28	Deleted				Deleted				Deleted			
H34	1.74	49	28	Deleted				Deleted				Deleted			
H35	1.59	44	28	Deleted				Deleted				Deleted			
H37	3.47	34	10	Deleted				Deleted				Deleted			
H38	0.99	28	28	0.99	33	33	+18%	0.99	33	33	0	0.99	33	33	0
H39	0.92	29	32	0.92	32	35	+9%	0.92	32	35	0	0.92	32	35	0
H40	0.82	26	32	Deleted				Deleted				Deleted			
H43	0.25	8	32	0.25	12	48	+50%	Deleted				Deleted			
H46	4.16	118	28	2.74	104	38	+36%	2.74	104	38	0	2.74	104	38	0
H47	1.11	37	33	Deleted				Deleted				Deleted			
H48	0.42	15	36	Deleted				Deleted				Deleted			
H49	3.89	108	30	Deleted				Deleted				Deleted			
H50	2.92	70	24	Deleted				Deleted				Deleted			
H51	0.23	10	43	0.23	12	52	+21%	Deleted				Deleted			
H52	n/a			0.2	10	50	-	0.2	15	75	+50%	0.2	15	75	0
H53	n/a			0.33	11	33	-	0.33	4	12	-64%	0.33	4	12	0
H54	n/a			1.3	46	35	-	Deleted				Deleted			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H55	n/a			0.2	20	100	-	0.2	20	100	0	0.2	20	100	0
H56	n/a			4	190	48	-	4	70	18	-63%	4	70	18	0
H57	n/a			2.8	93	33	-	<i>Deleted</i>			<i>Deleted</i>				
H58	n/a			n/a				0.7	25	36	-	0.7	25	36	0
H59	n/a			n/a				1.34	45	34	-	1.34	45	34	0
ST1	40.70	1140	28	40.7	1140	28	0	46.3	1,200	26	-7%	46.3	1,200	26	0
ST2	10.43	289	28	10.4	292	28	0	10.4	266	26	-7%	10.4	266	26	0
ST3	7.80	197	25	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST4	7.54	230	30.5	7.54	211	28	-8%	7.54	211	28	0	7.54	211	28	0
ST5	10.55	410	38.9	35	1250	36	-7%	35	845	24	-33%	35	1,700	49	+101%
ST7	113.28	1800	16	34.5	805	23	+44%	34.5	845	24	+4%	34.5	845	24	0
ST8	52.28	1400	27	39.5	875	22	-18%	39.5	968	24	+9%	39.5	968	24	0
ST9	33.48	747	22	35	735	21	-5%	35	735	21	0	35	735	21	0
ST11	13.76	400	29	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST12	20.08	421	21	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST13	5.61	125	22	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST14	157.09	2800	18	55	1348	25	+36%	55	1348	25	0	55	1348	25	0

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
ST15/ST34)	392.58	4680	12	159	3339	21	+75%	159	3339	21	0	159	3339	21	0
ST16	10.23	395	39	2.04	89	44	+156%	2.18	Phase 1: 22	10	+16%	2.18	Phase 1: 22	10	0
ST16	10.23	175	17						Phase 2: 33	15			Phase 2: 33	15	
									Phase 3: 56	26			Phase 3: 56	26	
ST17 (N)	7.16	315	44	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST17 (S)		130	18	6.8	315	46	+5%	2.35	Phase 1: 263	112	+422%	2.35	Phase 1: 263	112	0
							4.7	Phase 2: 600	128	4.7		Phase 2: 600	128		
ST22	34.59	655	19	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST23 (P 2)	21.91	117	5	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST23 (P 3&4)		342	16	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST24	10.32	10	1	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST28	5.09	87	17	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST29	5.75	135	24	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
ST30	5.92	165	28	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST31	n/a			8.1	170	21	-	8.1	158	20	-5%	8.1	158	20	0
ST32	n/a			4.8	305	64	-	2.17	328	151	+136%	2.17	328	151	0
ST33 (H45)	n/a			6	147	25	-	6	147	25	0	6	147	25	0
ST35	n/a			n/a				28.8	578	20	-	28.8	500	17	-14%
ST36	n/a			n/a				18	769	43	-	18	769	43	0

Appendix 7 – Lichefields' Technical Report on Housing Issues

City of York Local Plan Publication Draft

Technical Report on Housing Issues

Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd and Bellway Homes

March 2018

LICHFIELDS

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1.0 Introduction

- 1.1 Lichfields has been commissioned by Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd & Bellway Homes [the Companies] to undertake a review of City of York Council's housing requirement and housing supply that has formed a key part of the evidence base to inform the City of York Local Plan Publication [LPP] Draft Consultation (March 2018).
- 1.2 Specifically, this report updates our September 2017 Technical Report on Housing Issues and provides a critique of the Objective Assessment of Housing Needs [OAHN] set out in the City of York Strategic Housing Market Assessment [SHMA] Assessment Update (September 2017, prepared by GL Hearn) following previous representations on behalf of the Companies on the 2016 SHMA and 2016 SHMA Addendum.
- 1.3 It also provides high level comments on the Council's housing land supply based on the evidence set out in the following documents:
- 1 The City of York Strategic Housing Land Availability Assessment [SHLAA] (September 2017);
 - 2 The City of York Local Plan Publication Draft (March 2018);
 - 3 Half Year Housing Monitoring Update for Monitoring Year 2017/18 (1st April 2017 to 30th September 2017); and,
 - 4 The City of York Windfall Allowance Technical Paper 2017 (SHLAA Annex 5).
- 1.4 Lichfields considers that on the basis of the contents of this report, the City of York Council is not providing sufficient land to meet the housing needs of the City and further sites should be allocated for housing development as part of the emerging Local Plan.
- 1.5 The remainder of this report is set out as follows:
- 1 **Section 2.0** - This section considers the approach which needs to be taken to calculating Objectively Assessed Housing Need [OAHN] and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
 - 2 **Section 3.0** – This section provides an overview of the findings of the 2016 SHMA and 2016 SHMA addendum, a summary of Lichfields response to these documents, and an overview of the findings of the September 2017 SHMA Assessment Update;
 - 3 **Section 4.0** - Provides a critique of the September 2017 SHMA Assessment Update. This Section sets out the extent to which the document fulfils the necessary requirements previously discussed and whether it represents the full, objectively assessed housing need for the City of York. **Appendix 1** sets out Lichfields' assessment of Market Signals in the City of York;
 - 4 **Section 5.0** - Considers the approach which needs to be taken to assessing housing land supply and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
 - 5 **Section 6.0** – Provides an overview of the Council's housing supply evidence;
 - 6 **Section 7.0** – Identifies the relevant housing requirement figures to be used for both the 5-year assessment and the plan period assessment;
 - 7 **Section 8.0** - Assesses the adequacy of the deliverable and developable supply of housing sites to meet the requirement for the plan period and 5-year period. It draws on the information supplied by the Council in the LPP and associated evidence base;
 - 8 **Section 9.0** - Assesses the housing supply against the OAHNs for York identified by the Council and by Lichfields; and,

- 9 **Section 10.0** Summarises the key issues within the Councils evidence base and sets out why it is not compliant with the requirements for an OAHN calculation and housing land supply.

2.0 Approach to Identifying OAHN

Introduction

- 2.1 This section sets out the requirements of the Framework and the Practice Guidance in objectively assessing housing needs. This will provide the benchmark against which the SHMA Assessment Update will be reviewed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of an OAHN calculation in a legal context.

Policy Context

National Planning Policy Framework

- 2.2 The Framework outlines a two-step approach to setting housing requirements in Local Plans. Firstly, to define the full objectively assessed need for development and then secondly, to set this against any adverse impacts or constraints which would mean that need might not be met. This is enshrined in the approach defined in the Framework which sets out the presumption in favour of sustainable development:

“For plan-making this means that:

- *LPAs should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”¹*

- 2.3 The Framework goes on to set out that in order to 'boost significantly' the supply of housing, LPAs should:

“use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the framework...”²

- 2.4 The Framework sets out the approach to defining such evidence which is required to underpin a local housing requirement. It sets out that in evidencing housing needs:

“LPAs should have a clear understanding of housing needs in their area. They should:

- *prepare a SHMA to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:*
 - *meets household and population projections, taking account of migration and demographic change;*

¹ Framework - §14

² Framework - §47

- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community...; and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand... ”³*

2.5 Furthermore, the core planning principles set out in the Framework⁴ indicate that a planned level of housing to meet objectively assessed needs must respond positively to wider opportunities for growth and should take account of market signals, including housing affordability.

Draft National Planning Policy Framework

2.6 The Framework draft text for consultation was published in March 2018. It has an unequivocal emphasis on housing, with the introduction to the consultation proposals clarifying that the country needs radical, lasting reform that will allow more homes to be built, with the intention of reaching 300,000 net additional homes a year. The draft states that to support the Government’s objective of ‘significantly boosting the supply of homes’, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay [§60].

2.7 In particular:

“In determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance – unless there are exceptional circumstances that justify an alternative approach which also reflects current and future demographic trends and market signals. In establishing this figure, any needs that cannot be met within neighbouring areas should also be taken into account”. [§61]

2.8 The draft also makes it clear that when identifying the housing need, policies should also break the need down by size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes) [§62].

2.9 Paragraphs 68 - 78 also set out how Councils should identify and maintain a five years’ worth of housing against their housing requirement.

2.10 In terms of the weight that can be attached to this draft document, it is accepted that only limited weight can be attached to the document at present as it is still out for consultation. In this regard, paragraph 209 to Annex 1 of the draft Framework states that the policies in the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before the date which is 6 months after the final Framework’s publication. *“in these cases the examination will take no account of the new Framework”*.

2.11 However the draft Framework remains a useful indicator of the direction of travel, not least with the approach to be taken to defining housing need, which has already been the subject of an earlier consultation (*‘Planning for the right homes in the right places’*, September 2017), to which MHCLG published a summary of consultation responses and its view on the way forward in March 2018.

³ Framework - §159

⁴ Framework - §17

National Planning Practice Guidance

- 2.12 The Framework is supplemented by the Practice Guidance which provides an overarching framework for considering housing needs, but also acknowledges that:

“There is no one methodological approach or use of a particular dataset(s) that will provide a definitive assessment of development need”⁵.

- 2.13 The Guidance states that household projections published by CLG should provide the starting point estimate of overall housing need⁶.

- 2.14 Although the Practice Guidance notes that demographic trends should be applied as a starting point when assessing the OAHN, it goes on to state that consideration should also be given to the likely change in job numbers. This supports the importance that the Framework⁷ places on the economy and the requirement to *“ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”*. A failure to take account of economic considerations in the determination of the OAHN would be inconsistent with this policy emphasis.

- 2.15 The Inspector at the Fairford Inquiry⁸ recognised the role of economic factors in the assessment of the OAHN for Cotswold District:

“The Council has not provided a figure for OAN which takes account of employment trends. The Council argues that the advice in the PPG does not require local planning authorities to increase their figure for OAN to reflect employment considerations, but only to consider how the location of new housing or infrastructure development could help address the problems arising from such considerations. I disagree. In my view, the PPG requires employment trends to be reflected in the OAN, as they are likely to affect the need for housing. They are not “policy on” considerations but part of the elements that go towards reaching a “policy off” OAN, before the application of policy considerations. There is no evidence that the Council’s figures reflect employment considerations” [IR. §19].

- 2.16 This view reflects the position expressed by the Inspector (and confirmed by the Secretary of State) in the Pulley Lane Inquiries in Droitwich Spa⁹. The Inspector’s report (which was accepted by the SoS) states that:

“The Council’s case that “unvarnished” means arriving at a figure which doesn’t take into account migration or economic considerations is neither consistent with the (Gallagher) judgment, nor is it consistent with planning practice for deriving a figure for objectively assessed need to which constraint policies are then applied. Plainly the Council’s approach is incorrect. Clearly, where the judgement refers to ‘unvarnished’ figures (paragraph 29) it means environmental or other policy constraints. There is nothing in the judgement which suggests that it is not perfectly proper to take into account migration, economic considerations, second homes and vacancies”. [IR. §8.45]

- 2.17 Housing need, as suggested by household projections, should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. Relevant signals may include land prices, house prices, rents, affordability (the ratio between lower quartile house prices and the lower quartile income or earnings can be

⁵ Practice Guidance – ID:2a-005-20140306

⁶ Practice Guidance – ID:2a-015-20140306

⁷ Framework - §158

⁸ Land South of Cirencester Road, Fairford (PINS Ref No: APP/F1610/A/14/2213318) (22 September 2014).

⁹ Land at Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (APP/H1840/A/13/2199085) and Land north of Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (PINS Ref No: APP/H1840/A/13/2199426) (2 July 2014).

used to assess the relative affordability of housing), rate of development and, overcrowding¹⁰:

“Appropriate comparisons of indicators should be made. This includes comparison with longer term trends (both in absolute levels and rates of change) in the: housing market area; similar demographic and economic areas; and nationally. A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.”¹¹

- 2.18 In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be¹².
- 2.19 The Guidance recognises that market signals are affected by a number of economic factors, and plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period¹³.
- 2.20 The Practice Guidance concludes by suggesting that the total need for affordable housing should be identified and converted into annual flows by calculating the total net need (subtracting total available stock from total gross need) and converting total net need into an annual flow.
- 2.21 The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments:

“An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes.”¹⁴

Draft Planning Practice Guidance

- 2.22 Following on from the draft Framework, on 9th March 2018 MHCLG published its draft Planning Practice Guidance for consultation. This provides further detail on 6 main topic areas: viability; housing delivery; local housing need assessments; Neighbourhood Plans; Plan-making and Build-to-rent.
- 2.23 Regarding housing delivery, the draft Practice Guidance sets out how local authorities should identify and maintain a 5-year supply of specific deliverable sites, bringing the Guidance into line with recent Ministerial statements and High Court Judgements. In particular, it clarifies that along with older peoples’ housing, all student accommodation can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market.
- 2.24 Furthermore, LPAs should deal with deficits or shortfalls against planned requirements within the first 5 years of the plan period (i.e. the ‘Sedgefield’ approach to backlog).
- 2.25 In terms of the Local Housing Need Assessment, this takes forward the approach set out in CLG’s September 2017 consultation on *“Planning for the right homes in the Right Places”*. The proposed approach to a standard method for calculating local housing need, including transitional arrangements, is set out and as before, consists of three components. The starting point would continue to be a demographic baseline using the latest CLG household projections

¹⁰ Practice Guidance – ID:2a-019-20140306

¹¹ Practice Guidance – ID:2a-020-20140306

¹² Practice Guidance – ID:2a-020-20140306

¹³ *ibid*

¹⁴ Practice Guidance – ID: 2a-029-20140306

(over a 10-year time horizon), which is then modified to account for market signals (the median price of homes set against median workplace earnings). The modelling proposes that each 1% increase in the ratio of house prices to earnings above 4 results in a ¼% increase in need above projected household growth.

2.26 The uplift is then capped to limit any increase an authority may face when they review their plan:

- a *“for those authorities that have reviewed their plan (including a review of local housing need) or adopted their plan in the last five years, a cap may be applied to their new annual local housing need figure at 40 per cent above the average annual requirement figure currently set out in their plan; or*
- b *for those authorities that have not reviewed their plan (including a review of local housing need) or adopted their plan in the last five years, a cap may be applied to their new annual local housing need figure at 40% above whichever is higher of the projected household growth for their area over the 10 years (using Office for National Statistics’ household projections), or the annual housing requirement figure set out in their most recent plan if one exists.” [page 25]*

2.27 The various stages are set out in Figure 2.1.

Figure 2.1 Proposed methodology for determination of OAHN



Source: Lichfields

2.28 In terms of the ability of LPAs to deviate from this proposed new methodology, this is discouraged unless there are compelling circumstances not to adopt the approach. For example:

“There may be circumstances where it is justifiable to identify need above the need figure identified by the standard method. The need figure generated by the standard method should be considered as the minimum starting point in establishing a need figure for the purposes of plan production. The method relies on past growth trends and therefore does not include specific uplift to account for factors that could affect those trends in the future. Where it is likely that additional growth (above historic trends identified by household

projections) will occur over the plan period, an appropriate uplift may be applied to produce a higher need figure that reflects that anticipated growth. Circumstances where an uplift will be appropriate include, but are not limited to; where growth strategies are in place, strategic level infrastructure improvements are planned, funding is in place to promote and facilitate growth (i.e. Housing Deals, Housing Infrastructure Fund). In these circumstances, the local housing need figure can be reflected as a range, with the lower end of the range being as a minimum the figure calculated using the standard method. Where an alternative approach identifies a need above the local housing need assessment method, the approach will be considered sound, unless there are compelling reasons to indicate otherwise.” [page 26]

2.29 As to whether LPAs can identify a lower level of need, as York City Council is suggesting:

“Plan-making authorities should use the standard method for assessing local housing need unless there are exceptional circumstances to justify an alternative approach. Any deviation which results in a lower housing need figure than the standard approach will be subject to the tests of soundness and will be tested thoroughly by the Planning Inspectorate at examination. The plan-making authority will need to make sure that the evidence base is robust and based on realistic assumptions, and that they have clearly set out how they have demonstrated joint working with other plan-making authorities. In such circumstances, the Planning Inspector will take the number from the standard method as a reference point in considering the alternative method.” page 26]

2.30 Lichfields notes the following with regard to the weight to be can be attached to MHCLG’s proposed new method:

- 1 **Status of the document:** MHCLG’s document is currently out for consultation, has yet to be finalised and may be subject to significant numbers of objections from interested parties;
- 2 **Proposed Transitional Arrangements:** As noted in the draft Framework above, the policies in the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before the date which is 6 months after the final Framework’s publication.

Recent Legal Judgements

2.31 There have been several key recent legal judgments of relevance to the identification of OAHN, and which provide clarity on interpreting the Framework:

- 1 ‘St Albans City and District Council v (1) Hunston Properties Limited and (2) Secretary of State for Communities and Local Government [2013] EWCA Civ 1610’ referred to as “Hunston”;
- 2 ‘(1) Gallagher Homes Limited and (2) Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283’ referred to as “Solihull”;
- 3 ‘Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370’ referred to as “Satnam”; and,
- 4 ‘Kings Lynn and West Norfolk Borough Council v (i) Secretary of State for Communities and Local Government and (ii) Elm Park Holdings [2015] EWHC 1958’ referred to as “Kings Lynn”.

Hunston

- 2.32 “Hunston” [EWCA Civ 1610] goes to the heart of the interpretation of the Framework¹⁵. It relates to an appeal decision in respect of a scheme predominantly comprising housing on a Green Belt site. Its relevance is that it deals with the question of what forms the relevant benchmark for the housing requirement, when policies on the housing requirement are absent, silent or out of date as referred to in the Framework¹⁶.
- 2.33 Hunston establishes that §47 applies to decision-taking as well as plan-making and that where policies for the supply of housing are out of date, objectively assessed needs become the relevant benchmark.
- 2.34 Sir David Keene in his judgment at §25 stated:
- “... I am not persuaded that the inspector was entitled to use a housing requirement figure derived from a revoked plan, even as a proxy for what the local plan process may produce eventually. The words in paragraph 47(1), “as far as is consistent with the policies set out in this Framework” remind one that the Framework is to be read as a whole, but their specific role in that sub-paragraph seems to me to be related to the approach to be adopted in producing the Local Plan. If one looks at what is said in that sub-paragraph, it is advising local planning authorities:*
- “...to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework.”*
- “That qualification contained in the last clause quoted is not qualifying housing needs. It is qualifying the extent to which the Local Plan should go to meet those needs. The needs assessment, objectively arrived at, is not affected in advance of the production of the Local Plan, which will then set the requirement figure.”*
- 2.35 Crucially Hunston determined that it is clear that constraints should not be applied in arriving at an objective assessment of need. Sir David Keene in Hunston goes on to set out that [§§26-27]:
- “... it is not for an inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure. An inspector in that situation is not in a position to carry out such an exercise in a proper fashion, since it is impossible for any rounded assessment similar to the local plan process to be done... It seems to me to have been mistaken to use a figure for housing requirements below the full objectively assessed needs figure until such time as the Local Plan process came up with a constrained figure.”*
- “It follows from this that I agree with the judge below that the inspector erred by adopting such a constrained figure for housing need. It led her to find that there was no shortfall in housing land supply in the district. She should have concluded, using the correct policy approach, that there was such a shortfall. The supply fell below the objectively assessed five year requirement.”*

Solihull

- 2.36 “Solihull” [EWHC 1283] is concerned with the adoption of the Solihull Local Plan and the extent to which it was supported by a figure for objectively assessed housing need. Although related to

¹⁵ Framework - §47

¹⁶ Framework - §14

plan-making, it again deals with the Framework¹⁷ and draws upon, and reiterates, the earlier Hunston judgment.

2.37 The judgment of Hickinbottom J in Solihull sets out a very useful summary of the staged approach to arriving at a housing requirement, providing some useful definitions of the concepts applied in respect of housing needs and requirements [§37]:

*“i) **Household projections:** These are demographic, trend-based projections indicating the likely number and type of future households if the underlying trends and demographic assumptions are realised. They provide useful long-term trajectories, in terms of growth averages throughout the projection period. However, they are not reliable as household growth estimates for particular years: they are subject to the uncertainties inherent in demographic behaviour, and sensitive to factors (such as changing economic and social circumstances) that may affect that behaviour...”*

*“ii) **Full Objective Assessment of Need for Housing:** This is the objectively assessed need for housing in an area, leaving aside policy considerations. It is therefore closely linked to the relevant household projection; but is not necessarily the same. An objective assessment of housing need may result in a different figure from that based on purely demographics if, e.g., the assessor considers that the household projection fails properly to take into account the effects of a major downturn (or upturn) in the economy that will affect future housing needs in an area. Nevertheless, where there are no such factors, objective assessment of need may be – and sometimes is – taken as being the same as the relevant household projection.”*

*“iii) **Housing Requirement:** This is the figure which reflects, not only the assessed need for housing, but also any policy considerations that might require that figure to be manipulated to determine the actual housing target for an area. For example, built development in an area might be constrained by the extent of land which is the subject of policy protection, such as Green Belt or Areas of Outstanding Natural Beauty. Or it might be decided, as a matter of policy, to encourage or discourage particular migration reflected in demographic trends. Once these policy considerations have been applied to the figure for full objectively assessed need for housing in an area, the result is a “policy on” figure for housing requirement. Subject to it being determined by a proper process, the housing requirement figure will be the target against which housing supply will normally be measured.”*

2.38 Whilst this is clear that a housing requirement is a “policy on” figure and that it may be different from the full objectively assessed need, Solihull does reiterate the principles set out in Hunston, namely that where a Local Plan is out of date in respect of a housing requirement (in that there is no Framework-compliant policy for housing provision within the Development Plan) then the housing requirement for decision taking will be an objective assessment of need [§88]:

“I respectfully agree with Sir David Keene (at [4] of Hunston): the drafting of paragraph 47 is less than clear to me, and the interpretative task is therefore far from easy. However, a number of points are now, following Hunston, clear. Two relate to development control decision-taking.

i) “Although the first bullet point of paragraph 47 directly concerns plan-making, it is implicit that a local planning authority must ensure that it meets the full, objectively assessed needs for market and affordable housing in the housing market, as far as consistent with the policies set out in the NPPF, even when considering development

¹⁷ Framework - §14 & §47

control decisions.”

- ii) *“Where there is no Local Plan, then the housing requirement for a local authority for the purposes of paragraph 47 is the full, objectively assessed need.”*

2.39 Solihull also reaffirms the judgment in Hunston that full objectively assessed needs should be arrived at, and utilised, without the application of any constraining factors. At §91 of the judgment the judge sets out:

“... in the context of the first bullet point in paragraph 47, policy matters and other constraining factors qualify, not the full objectively assessed housing needs, but rather the extent to which the authority should meet those needs on the basis of other NPPF policies that may, significantly and demonstrably outweigh the benefits of such housing provision.”

Satnam

2.40 “Satnam” [EWHC 370] highlights the importance of considering affordable housing needs in concluding on full OAHN. The decision found that the adopted OAHN figure within Warrington’s Local Plan was not in compliance with policy in respect of affordable housing because (as set out in §43) the assessed need for affordable housing need was never expressed or included as part of OAHN.

2.41 The decision found that the “*proper exercise*” had not been undertaken, namely:

- “(a) having identified the OAN for affordable housing, that should then be considered in the context of its likely delivery as a proportion of mixed market/affordable housing development; an increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes;”*
- (b) the Local Plan should then meet the OAN for affordable housing, subject only to the constraints referred to in NPPF, paragraphs 14 and 47.”*

2.42 In summary, this judgment establishes that full OAHN has to include an assessment of full affordable housing needs.

Kings Lynn

2.43 Whilst “Satnam” establishes the fact that full OAHN must include affordable housing needs, “Kings Lynn” [EWHC 1958] establishes how full affordable housing needs should be addressed as part of a full OAHN calculation. The judgment identifies that it is the function of a SHMA to address the needs for all types of housing including affordable, but not necessarily to meet these needs in full. The justification of this statement is set out below in §35 to §36 of the judgment.

“At the second stage described by the second sub-bullet point in paragraph 159, the needs for types and tenures of housing should be addressed. That includes the assessment of the need for affordable housing as well as different forms of housing required to meet the needs of all parts of the community. Again, the PPG provides guidance as to how this stage of the assessment should be conducted, including in some detail how the gross unmet need for affordable housing should be calculated. The Framework makes clear these needs should be addressed in determining the FOAN, but neither the Framework nor the PPG suggest that they have to be met in full when determining that FOAN. This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being

developed. It is no doubt for this reason that the PPG observes at paragraph ID 2a-208-20140306 as follows:

"i The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes."

"This consideration of an increase to help deliver the required number of affordable homes, rather than an instruction that the requirement be met in total, is consistent with the policy in paragraph 159 of the Framework requiring that the SHMA "addresses" these needs in determining the FOAN. They should have an important influence increasing the derived FOAN since they are significant factors in providing for housing needs within an area."

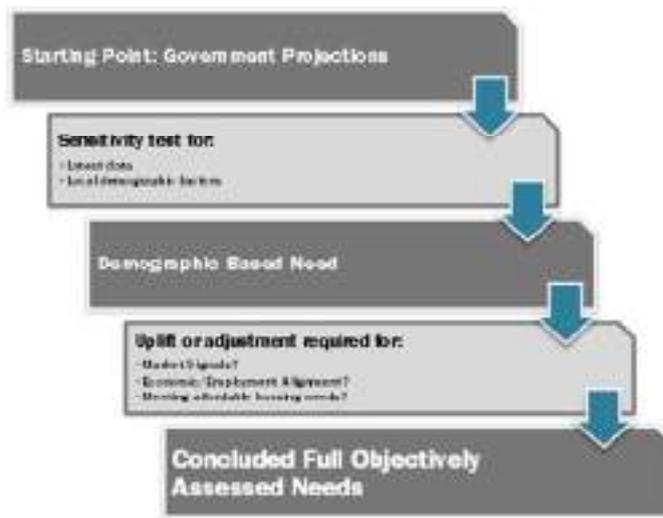
- 2.44 The judgment is clear that the correct method for considering the amount of housing required to meet full affordable housing needs is to consider the quantum of market housing needed to deliver full affordable housing needs (at a given percentage). However, as the judgment sets out, this can lead to a full OAHN figure which is so large that a LPA would have *"little or no prospect of delivering [it] in practice"*. Therefore, it is clear from this judgment that although it may not be reasonable and therefore should not be expected that the OAHN will include affordable housing needs in full, an uplift or similar consideration of how affordable needs can be 'addressed' is necessary as part of the full OAHN calculation. This reflects the Framework¹⁸.

Conclusion

- 2.45 It is against this policy context that the housing need for the City of York must be considered. In practice, applying the Framework and Practice Guidance to arrive at a robust and evidenced OAHN is a staged and logical process. An OAHN must be a level of housing delivery which meets the needs associated with population, employment and household growth, addresses the need for all types of housing including affordable and caters for housing demand.
- 2.46 Furthermore, a planned level of housing to meet OAHN must respond positively to wider opportunities for growth and should take account of market signals, including affordability. This approach has been supported by the recent Legal Judgements summarised above. This approach is summarised in Figure 2.2.

¹⁸ Framework - §158

Figure 2.2 The Framework and Practice Guidance Approach to Objectively Assessing Housing Needs



Source: Lichfields based upon the Framework / Practice Guidance

3.0 City of York Council's OAHN Evidence

Introduction

- 3.1 Before setting out a critique of CYC's housing OAHN evidence base, it is important to recognise that the Council has never had an adopted Local Plan for the City (under the 1971 Act, the 1990 Act or the 2004 Act) and progress on the current draft Local Plan has been, it is not unfair to say, glacial.
- 3.2 The development plan for York comprises two policies¹⁹ and the Key Diagram of the partially revoked Yorkshire and Humber Regional Strategy (2008) [YHRS]. There is no adopted Local Plan for York that forms part of the development plan. Instead, there is a long history of failed attempts to produce an adopted Local Plan.
- 3.3 The Council published the '*York Local Plan - Preferred Options*' document for consultation in summer 2013, followed by a 'Further Sites' consultation for six weeks in summer 2014 which included potential new sites and changes to the boundaries of some of the sites originally identified. Following these consultations, a '*Publication Draft Local Plan and Proposals Map*' was considered by the Local Plan Working Group [LPWG] and by Cabinet in September 2014²⁰. With the intention of progressing a Framework compliant Local Plan, the Cabinet resolved to carry through the LPWG's recommendations and approve the Local Plan Publication Draft for public consultation, subject to amendments circulated at the Cabinet meeting and to instruct officers to report back following the consultation with a recommendation on whether it would be appropriate to submit the Publication Draft for public examination.
- 3.4 However, at the Full Council on 9 October 2014²¹ a resolution was made to halt the public consultation on the Local Plan Publication Draft in order to reassess and accurately reflect objectively assessed housing requirements. The resolution also instructed officers to produce a report on the housing trajectory to be brought back to the next meeting of the LPWG in November 2014 along with the relevant background reports. The intention was for the report to allow the LPWG to agree an accurate analysis of the housing trajectory that is objective, evidence based and deliverable. The analysis was to be used to "*inform housing allocations and a new proposed Local Plan to be brought back to the next LPWG for discussion and recommendation to Cabinet in November.*"
- 3.5 The Council published the following 'further work' on the Local Plan relating to housing needs since the Full Council resolution to halt the Publication Draft Local Plan in 2014:
- 1 In December 2014, the LPWG considered a report on '*Housing Requirements in York*' which was based on two background documents produced by Arup²². The report set out four different housing requirement figures that were considered sound against the evidence base and three options for progressing the work on housing requirements. The LPWG members agreed a housing requirement figure of 926dpa²³;
 - 2 In September 2015 the LPWG considered an update on the '*Objective Assessment of Housing Need*' [OAHN] report produced by Arup²⁴ and a report on '*Economic Growth*'²⁵. The Arup report concluded that the housing 'requirement' should be in the range of 817

¹⁹ Both relating to Green Belt, requiring its inner boundaries to be defined in a plan and confirming that the general extent is about 6 miles out from the City centre

²⁰ Cabinet Meeting Thursday 25 September, 2014 - Minutes

²¹ Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 9th October, 2014

²² Assessment of the Evidence on Housing Requirements in York (Arup, May 2013) & Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update (Arup, September 2014)

²³ Local Plan Working Group 17 December 2014 - Minutes

²⁴ Evidence on Housing Requirements in York: 2015 Update – Arup (August 2015)

²⁵ York Economic Forecasts – Oxford Economics (May 2015)

dwellings per annum [dpa] to 854dpa between 2012 and 2031. The LPWG's recommendations were that the Executive Committee note the Arup OAHN report and endorse further work, including an evaluation of any spatial and delivery implications, on two scenarios for economic growth that would be reported back to the LPWG in due course;

- 3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to undertake a Strategic Housing Market assessment [SHMA]²⁶. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of 841dpa.
- 4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However in June 2016 GL Hearn produced an Addendum²⁷ to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706dpa - 898dpa, and therefore the Council considered that it did not need to move away from the previous 841dpa figure.
- 5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. GL Hearn was asked by City of York Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation [PSC] relating to OAN. The GL Hearn SHMA Addendum Update (May 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the demographic starting point from 783dpa (in the 2016 SHMA) to 867dpa. In their Update, GL Hearn then applied a 10% uplift to the 867dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of 953dpa. However, a cover sheet to GL Hearn's Update, entitled 'Introduction and Context to objective Assessment of Housing Need' was inserted at the front of this document by the Council. This states that 867dpa is the relevant baseline demographic figure for the 15 year period of the plan (2032/33). The Council rejected the 953dpa figure on the basis that GL Hearn's conclusions stating:

"...Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations."

- 3.6 As a result of this approach, the February 2018 City of York Publication Draft now states in Policy SS1: Delivering Sustainable Growth for York, the intention to:

"Deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38."

- 3.7 The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is "*an objectively assessed housing need*" [§3.3].

- 3.8 The remainder of this section provides an overview of the findings of the 2016 SHMA and 2016 SHMA addendum, a summary of Lichfields response to these documents, and an overview of the findings of the September 2017 SHMA Assessment Update.

²⁶GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment

²⁷GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment - Addendum

Overview of the City of York SHMA

- 3.9 The emerging City of York Local Plan is currently underpinned by three key housing need documents:
- 1 City of York Strategic Housing Market Assessment [SHMA], prepared on behalf of CYC by GL Hearn in June 2016;
 - 2 City of York SHMA Addendum, prepared on behalf of CYC by GL Hearn in June 2016; and,
 - 3 City of York September 2017 SHMA Assessment Update prepared on behalf of CYC by GL Hearn.
- 3.10 These documents follow on from previous reports prepared to inform the emerging Local Plan including the *'City of York Council Housing Requirements in York Evidence on Housing Requirements in York: 2015 Update'* (August 2015) prepared by Arup and the *'North Yorkshire Strategic Housing Market Assessment'* (November 2011) prepared by GVA.
- 3.11 A review of these documents and Lichfields' previous submissions on the City of York SHMA (June 2016) and the SHMA Addendum (June 2016) has been provided below in order to provide the context to the issues raised in this Technical Report.

City of York SHMA (June 2016)

- 3.12 GL Hearn states that the SHMA was prepared *'essentially to sensitivity check'* the Arup August 2015 Housing Requirements in York report. However, it departs significantly from the Arup approach and undertakes an entirely new set of modelling using the 2012-based SNPP and 2012-based SNHP for the period 2012-2032. The subsequent Addendum was prepared to understand the implications on the earlier SHMA analysis of the publication of the 2014-based Sub-National Population Projections [SNPP] on 25th May 2016.
- 3.13 The SHMA concludes (Section 2.0) that the HMA which covers the City of York also extends to include Selby. However:
- "While we propose a HMA which links to Selby and York we are not considering housing need across the HMA. Selby has recently produced its own SHMA and this assessment does not seek to replicate it"* [§2.106]
- 3.14 GL Hearn undertook a number of demographic modelling scenarios including the 2012-based SNPP; long term migration trends and 2012-based SNPP adjusted to take into account the (higher) 2014 MYE. GL Hearn concluded that the SNPP *"is a sound demographic projection from a technical perspective"* [page 83], although they attached greater weight to a higher figure of 833 dpa based on a projection which takes into account the 2013 and 2014 Mid-Year Population Estimates [MYE] and rolls forward the SNPP.
- 3.15 The SHMA concluded that one of the most noteworthy findings from the analysis was the relatively small increase in the population aged 15-29 (which includes the vast majority of students):
- "Whilst over the 2001-2014 period this age group increased by 12,600, there is only projected to be a 2,500 increase over the 20-years to 2032. Such a finding is consistent with this age group not being expected to see any notable changes at a national level in the future...At the time of writing York University was not expecting significant increases in the student population, whilst St Johns was only expecting a modest increase. With this knowledge, and the age specific outputs from the SNPP we can have reasonable confidence that the SNPP is a realistic projection."* [§§4.31-4.32]
- 3.16 The projections are set out in Table 3.1.

Table 3.1 Summary of the City of York SHMA (June 2016) Range of Scenarios (2012-2032)

	Change in Households	Dwellings per annum (2012-2032)	Job growth per annum (2012-2032)
2012-based SNPP	15,093	783 dpa	(not provided)
2014-based	18,458	958 dpa	
UPC adjusted	12,676	658 dpa	
10-year migration	13,660	709 dpa	
2012-based SNPP (as updated)	16,056	833 dpa	
OE Baseline	15,019	780 dpa	609
OE Re-profiling			635
OE – higher migration	15,685	814 dpa	868
YHREM	15,356	797 dpa	789

Source: City of York SHMA (June 2016)

- 3.17 The analysis also considered future economic growth performance by accessing forecasts from Oxford Economics [OE] and Experian (via the Yorkshire and the Humber Regional Economic Modelling [YHREM]). The forecasts range from 609 jobs per annum (OE baseline) to 868 (OE higher migration).
- 3.18 The GL Hearn modelling concluded that this would support a level of population growth broadly in line with the 2012-based SNPP generating between 780-814dpa, which it considered to be below the level of need identified from the most recent MYE data:
- “On balance there is no justification for an uplift to housing numbers in the City to support expected growth in employment” [page 87].*
- 3.19 The SHMA proceeds to identify a relatively high level of affordable housing need, of 573dpa, above the 486dpa need identified by GVA in the 2011 SHMA. It states:
- “The analysis undertaken arguably provides some evidence to justify considering an adjustment to the assessed housing need to address the needs of concealed households, and support improvements [sic] household formation for younger households; although any adjustment will also need to take account of any future changes already within the household projections (e.g. in terms of improving household formation). The issue of a need for any uplift is considered alongside the analysis of market signals which follows.” [§6.112]*
- 3.20 However, the SHMA concludes that whilst the affordable housing need represents 69% of the need identified in the demographic-led projections, it is not appropriate to directly compare the need as they are calculated in different ways:
- “The analysis does not suggest that there is any strong evidence of a need to consider housing delivery higher than that suggested by demographic projections to help deliver more affordable homes to meet the affordable housing need.”*
- “However, in combination with the market signals evidence some additional housing might be considered appropriate to help improve access to housing for younger people. A modest uplift would not be expected to generate any significant population growth (over and above that shown by demographic projections) but would contribute to reducing*

concealed households and increasing new household formation. The additional uplift would also provide some additional affordable housing.” [page 115]

- 3.21 GL Hearn’s market signals analysis in the SHMA indicates that there are affordability pressures in the City of York:
- 1 Lower quartile to median income ratio is around 7.89 (compared to 6.45 nationally);
 - 2 House prices are also very high and tripled in the pre-recession decade. Private rental levels in York, at £675pcm, which are higher than comparator areas and nationally (£600pcm in England);
 - 3 Over-occupied dwellings increased by 52% between 2001 and 2011: “which is high relative to that seen at a regional or national level” [§8.34].
 - 4 Housing delivery in York:
“...has missed the target each year since 2007” [§8.38].
- 3.22 In this regard, GL Hearn concludes that:
- “It would therefore be appropriate to consider a modest upward adjustment to the demographic assessment of housing need to improve affordability over time.” [§8.99]*
- 3.23 To consider what level of uplift might be appropriate, GL Hearn sought to assess the degree to which household formation levels had been constrained for younger age groups, and what scale of adjustment to housing provision would be necessary for these to improve. This was derived on the assumption that household formation rates of the 25-34 age group would return to 2001 levels by 2025 (from 2015). This resulted in an increase in the annual housing provision of 8 homes per annum across the City for each of the aforementioned scenarios.
- 3.24 The SHMA confirms that this sensitivity analysis represents “*the market signals adjustment*” [§8.111], although in the light of GL Hearn’s conclusions concerning affordable housing needs (see above), this 8dpa uplift would also appear to be geared towards improving access to housing for younger people in the City.
- 3.25 The SHMA therefore concludes that applying an 8dpa uplift to the 833dpa preferred demographic scenario results in an overall housing OAHN of 841dpa over the 2012-2032 period.

SHMA Addendum (June 2016)

- 3.26 The Addendum revisits parts of the earlier City of York SHMA analysis following the publication of the 2014-based SNPP by ONS on 25th May 2016. The report found that the latest projections suggest a higher level of population growth, at levels around 28% higher than in the 2012-based SNPP.
- 3.27 GL Hearn’s analysis states that the difference between the 2014-based SNPP and the 2012-based SNPP “*is around 4,000 people, with around the same number being an additional increase in the 15-29 age group (4,200 of the difference)*” [§1.10].
- 3.28 GL Hearn considers that the growth in the younger age group is likely to reflect the strong growth in the student population in the City between 2008 and 2014 as a result of a new campus opening (the University of York expanded by 3,500 students over the period). The Update quotes an ONS response to CYC during the consultation to the latest projections, which suggests that some locally specific issues (such as the recorded outflow of male students from the city of York) may be under-estimated and should be treated with care.
- 3.29 This is in contrast to GL Hearn’s previous conclusions on the 2012-based SNPP (as set out in the earlier 2016 SHMA), where they considered that the 2012-based SNPP was a realistic projection because it forecast limited growth in the 15-29 age group going forward.

- 3.30 GL Hearn revisited the modelling using a revised long term migration trend and the 2014-based SNPP (Table 3.2).

Table 3.2 Summary of the city of York SHMA Addendum (June 2016) Range of Scenarios (2012-2032)

	2012-based SNHP Headship Rates		+ uplift to the 25-34 age group headship rates
	Change in Households	Dwellings per Annum	
2012-based SNPP	15,093	783	792
2012-based SNPP (updated)	16,056	833	841
2014-based SNPP	17,134	889	898
10-year Migration Trend	13,457	698	706

Source: City of York SHMA Addendum (June 2016)

- 3.31 Using the latest available data and including a “*market signals adjustment*” [§1.32] of 8dpa as contained in the SHMA “*and recognising concerns around the impact of historic student growth, this addendum identifies an overall housing need of up to 898dpa*”. [§1.20].
- 3.32 An update to the affordable housing need model increases the ‘*bottom line estimate of affordable housing need*’ from 573dpa to 627dpa.
- 3.33 The Addendum draws the following conclusions on OAHN:

“There are concerns relating to historic growth within the student population and how this translates into the SNPP projections. This looks to be a particular concern in relation to the 2014-based SNPP where there is a relatively strong growth in some student age groups when compared with the 2012-based version (which looks to be sound for those particular age groups). Some consideration could be given to longer term dynamics although this does need to recognise that the evidence suggests some shift in migration patterns over the more recent years – a 10 year migration trend using the latest available evidence calculates a need for 706dpa, although as noted this will not fully reflect some of the more recent trends. This projection is therefore not considered to be an appropriate starting point for which to assess housing need although it can be used to help identify the bottom end of a reasonable range.

“Given that the full SHMA document identifies an OAN for 841dpa which sits comfortably within this range set out in this addendum (706dpa – 898dpa) it is suggested that the Council do not need to move away from this number on the basis of the newly available evidence – particularly given the potential concerns about the impact of student growth in the 2014-based SNPP and also longer term trends not reflecting the most recent trends.” [§§1.33-1.34].

Lichfields Previous SHMA Representations

- 3.34 A review of the June 2016 Strategic Housing Market Assessment [SHMA], and the subsequent SHMA Addendum (June 2016) was submitted by Lichfields (then branded as Nathaniel Lichfield & Partners) on behalf of the Companies in September 2016 in response to the City of York Local Plan – Preferred Sites Consultation.
- 3.35 This review provided objective evidence on the local need and demand for housing in the City of York and its Housing Market Area [HMA]. It established the scale of need for housing in the

City of York based upon a range of housing, economic and demographic factors, trends and forecasts, based on the application of Lichfields' HEaDROOM framework.

3.36 More specifically it:

- 1 Considered the approach which needs to be taken to calculating OAHN and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
- 2 Provided a critique of the 841 dwellings per annum [dpa] identified as the City of York's OAHN in the June 2016 Strategic Housing Market Assessment [SHMA] for the City, and the subsequent SHMA Addendum which recommended a broader OAHN range of 706dpa to 898dpa and considered whether they represent the full, objectively assessed housing need for the City of York;
- 3 Set out the approach taken by Lichfields to define a new OAHN for the City of York, using the latest demographic evidence and economic forecasts and affordable housing needs;
- 4 Provided an analysis of market signals in the City;
- 5 Identified a revised OAHN for the City of York, based on Lichfields' PopGroup modelling; and,
- 6 Summarised the key issues within the SHMA and subsequent Addendum and sets out why it is not compliant with the requirements for an OAHN calculation.

3.37 The review concluded that the SHMA documents make a number of assumptions and judgements which Lichfields considered to be flawed, or which do not properly respond to the requirements of policy and guidance. As a result, the recommended OAHN was not robust and was inadequate to meet need and demand within the HMA.

3.38 The review noted that there were a number of significant deficiencies in the City of York SHMA and Addendum which means that the 841dpa OAHN figure currently being pursued by CYC is not soundly based. In particular:

- 1 The demographic modelling downplayed the robustness of the 2014-based SNPP which were not supported by the evidence in other aspects of the document;
- 2 As a result, the Council's 841dpa OAHN figure was actually below the demographic starting point in the latest 2014-based SNHP of 853hpa even before any adjustments were made;
- 3 Adjustments to headship rates had been conflated with the uplift for market signals. The SHMA did not apply a separate uplift for market signals, but instead made an adjustment to the demographic modelling based on changes to headship rates which should be part of a normal adjustment to the demographic starting point before market signals are considered. As a result, there was no adjustment for market signals at all despite the significant and severe market signal indicators apparent across the City of York;
- 4 A 'black-box' approach had been taken to the economic-led modelling, with key evidence relating to how the job projections had been factored into any PopGroup model being unpublished; and,
- 5 No explicit consideration or uplift applied in respect of delivering more homes to meet the needs of households in affordable housing need. This was despite the SHMA and Addendum indicating a level of affordable housing need (of 573dpa and 627dpa respectively) which would only be met well in excess of the concluded OAHN.

3.39 In combination, the judgements and assumptions applied within the SHMA sought to dampen the level of OAHN across the City of York. Fundamentally, it was considered that the OAHN(s) identified in the SHMA and Addendum failed to properly address market signals, economic or affordable housing needs, as envisaged by the Framework and Practice Guidance as clarified by High Court and Court of Appeal judgements.

- 3.40 Lichfields undertook its own analysis of housing need for the City of York. Based on the latest demographic data, and through the use of the industry standard PopGroup demographic modelling tool, it was Lichfields' view that the OAHN for York was at least 1,125dpa, although there was a very strong case to meet affordable housing needs in full, in which case the OAHN would equate to 1,255dpa (rounded).
- 3.41 If long term migration trends were to continue into the future, this would justify a higher OAHN of 1,420dpa, although due to uncertainties regarding the level of international net migration into York it was considered that less weight should be attached to this figure.
- 3.42 This allowed for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework²⁸ by significantly boosting the supply of housing. It would also reflect the Framework²⁹, which seeks to ensure the planning system does everything it can to support sustainable development.

September 2017 SHMA Assessment Update

- 3.43 The stated purpose of GL Hearn's Assessment Update is to review the housing need in York taking into account of the latest demographic information. In particular, it reviews the impact of the 2014-based SNHP and the 2015 Mid-Year Estimates (both published June 2016).
- 3.44 The Assessment Update also reviews the latest evidence on market signals within the City. The report states that this is not a full trend-based analysis but rather a snapshot of the latest evidence to be read in conjunction with the full SHMA document. As such, the report does not revisit the affordable housing need for the City, nor does it update analysis on the mix of housing required or the needs for specific groups.
- 3.45 The report [§2.2] finds that over the 2012-32 period, the 2014-based SNPP projects an increase in population of around 31,400 people (15.7%) in York. This is somewhat higher than the 2012-based SNPP (12.2%) and also higher than the main 2016 SHMA projection (which factored in population growth of 13.7%).
- 3.46 The report [§2.11] states that the official population projections (once they are rebased to include the latest 2015 MYE) indicate a level of population growth which is higher than any recent historic period or any trend based forecast of growth. It should therefore be seen as a positive step to consider these as the preferred population growth starting point.
- 3.47 The analysis [§2.17] finds that by applying the headship rates within the 2014-based SNHP the level of housing need would be for 867dpa – this is c.4% higher than the figure (833dpa) derived in the 2016 SHMA for the main demographic based projection.

Table 3.3 Projected Household Growth 2012-32 - Range of demographic based scenarios

	Change in households	Dwellings (per annum)
2014-based SNPP	17,120	867
2014-based SNPP (+MYE)	17,096	866

Source: SHMA Assessment Update (September 2017)

- 3.48 The report [§2.19] notes that within the SHMA, analysis was also undertaken (as part of the

²⁸ Framework - §47

²⁹ Framework - §19

market signals analysis) to recognise a modest level of suppressed household formation – this essentially took the form of returning the household formation/headship rates of the 25-34 age group back to the levels seen in 2001 (which is when they started to drop). With an uplift to the household formation rates of the 25-34 age group, the housing need (when linked to 2014-based projections when updated) increases to 873dpa. When the mid-year estimates are factored in, the housing need decreases slightly to 871dpa.

Table 3.4 Projected Household Growth 2012-32 - Range of demographic based scenarios (with uplift to headship rates for 25-34 age group)

	Change in households	Dwellings (per annum)
2014-based SNPP	17,232	873
2014-based SNPP (+MYE)	17,209	871

Source: SHMA Assessment Update (September 2017)

3.49 The SHMA Assessment Update [§5.3-5.4] states:

“Furthermore there is also the clear desire of the Government to boost housing delivery, and therefore setting an OAN that is below the most recent official projections while justifiable might be difficult to support.”

“There is however an apparent continued suppression of household formation rates within younger age groups within the official projections. In order to respond to this we have increased the household formation rates in this age group to the levels seen in 2001. The housing need (when linked to 2014-based projections) increases to 873 dwellings per annum. When the mid-year estimates are included the housing need decreases to 871dpa. This should be seen as the demographic conclusions of this report”.

3.50 GL Hearn therefore clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this ‘demographic conclusion’ of 871dpa does not appear to have been carried forward by GL Hearn through to the next steps of calculating the resultant housing need, as summarised below.

3.51 With regard to market signals and affordable housing the Assessment Update [§3.19] notes that:

“On balance, the market signals are quite strong and there is a notable affordable housing need. Combined these would merit some response within the derived OAN. This is a departure from the previous SHMA and the Addendum which did not make any market signals or affordable housing adjustment.”

3.52 The report considers a single adjustment to address both of these issues on the basis that they are intrinsically linked. The Assessment Update [§3.28] states:

“Given the balance of judgement it would appear that a 10% adjustment could be justified in York on the basis of the previously established affordable housing need the updated market signals evidence.”

3.53 With regard to this matter the Assessment Update [§5.6-5.7] draws the following conclusions:

“In response to both market signals and affordable housing need we have advocated a 10% uplift to the OAN. In line with the PPG this was set against the official starting point of 867dpa. The resultant housing need would therefore be 953dpa for the 2012-32

period.”

“The level of housing need identified is someway higher than the previous SHMA reflecting the increased starting point but also the inclusion of a market signals uplift. This OAN would meet the demographic growth in the City as well as meet the needs of the local economy”.

- 3.54 Lichfields agrees with making an adjustment for demographic and household formation rates to get to 871dpa. However, it is illogical to then revert back to the unadjusted projections of 867dpa and then apply the adjustment for market signals and affordable housing to this lower, discredited figure.
- 3.55 Moving on, GL Hearn models a series of economic growth forecasts. In this regard, they conclude that the level of housing associated with the economic growth projections are lower than the 867/871dpa demographic need, the Assessment Update considers that there is no justification for an uplift to housing numbers in the City to support the expected growth in employment.
- 3.56 As such, the report concludes that by applying a 10% uplift to the demographic starting point of 867dpa results in an OAHN of 953dpa for York City for the 2012-2032 period. However, as noted above, the Council has inserted an ‘Introduction and Context to Objective Assessment of Housing Need’ to the front of the Assessment Update which contests the need for any adjustment to the 2014-based SNHP figure.
- 3.57 It notes that Members of the Council’s Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867dpa.

4.0 Critique of the SHMA Update

Introduction

- 4.1 The Companies have serious concerns and wish to raise strong objections to the way in which the Council has chosen to identify an OAHN of 867dpa and the subsequent identification of this need as the housing requirement in Policy SS1 of the LPP. As noted above, the ‘Introduction and Context to Objective Assessment of Housing Need’ (inserted by the Council at the front of the SHMA Update Assessment) states [page 2]:

“Members of the Council’s Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867 dwellings per annum, based on the latest revised sub national population and household projections published by the Office for National Statistics and the Department of Communities and Local Government, be accepted.”

“Executive also resolved that the recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn’s conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.”

- 4.2 This is effectively a ‘policy-on’ intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that OAHN is ‘policy off’ and does not take into account supply pressures. The judgment of Hickinbottom J in Solihull sets out the definition of OAHN [§37]:

“Full Objective Assessment of Need for Housing: This is the objectively assessed need for housing in an area, leaving aside policy considerations (Lichfields emphasis). It is therefore closely linked to the relevant household projection; but is not necessarily the same. An objective assessment of housing need may result in a different figure from that based on purely demographics if, e.g., the assessor considers that the household projection fails properly to take into account the effects of a major downturn (or upturn) in the economy that will affect future housing needs in an area. Nevertheless, where there are no such factors, objective assessment of need may be – and sometimes is – taken as being the same as the relevant household projection.”

- 4.3 With regard to this matter, the SHMA Assessment Update [§§5.8-5.9] clearly states:

“The official projections should be seen a starting point only and housing delivery at this level (867dpa) would only meet the demographic growth of the City. It would not however address the City’s affordability issues.”

“Without the 10% uplift for market signals/affordable housing need the City’s younger population would fail to form properly. This would result in greater numbers residing with parents or friends or in share accommodations such as HMOs.”

- 4.4 GL Hearn is therefore clear that the 867dpa figure is not an appropriate OAHN. On one level, it is the incorrect demographic starting point in any case, which according to GL Hearn’s work is 871dpa following suitable adjustments to the 2014-based SNHP to incorporate the 2015 MYE and accelerated household formation rates. On the second level, there is an array of evidence, which we examine in further detail below, that York City is one of the least affordable local authority areas in Northern England. A market signals uplift of 10% is the very least that would

be appropriate, and indeed we provide evidence that suggests that an even higher uplift, of 20% should actually be applied.

- 4.5 It is therefore not acceptable for the Council to ignore its own housing expert's advice. The Council's approach to identifying an OAHN of 867dpa, as set out in the front section of the SHMA Assessment Update, is policy-on driven and is therefore contrary to the guidance provided by the Courts. The calculation of OAHN should be based on the normal 'policy-off' methodology.
- 4.6 Notwithstanding these points, the remainder of this section provides a detailed critique of GL Hearn's SHMA Assessment Update.

Starting Point and Demographic-led Needs

Population Change

- 4.7 The Practice Guidance³⁰ sets out that in assessing demographic-led housing needs, the CLG Household Projections form the overall starting point for the estimate of housing need, but these may require adjustments to reflect future changes and local demographic factors which are not captured within the projections, given projections are trend based. In addition, it states that account should also be taken of ONS' latest Mid-Year Estimates [MYEs]³¹.
- 4.8 The SHMA Assessment Update applies the 2014-based SNPP which projects an increase in population of around 31,400 people (15.7%) in York. This is higher than the 2012-based SNPP (12.2%) and also higher than the main SHMA projection (which had population growth of 13.7%). It also considers longer term migration trend using the latest available evidence from the 2014-SNPP and the 2015 Mid-Year Estimate.
- 4.9 The SHMA Assessment Update considers housing need based on the (then) latest CLG 2014-based household projections over the period 2012 to 2032.
- 4.10 The Companies agree with the overall principle of taking the 2014-based SNPP as the demographic starting point and rebasing population growth off the latest Mid-Year Population Estimates.
- 4.11 However, it is important to note that the household projections upon which York's OAHN is based relate to C3 uses only, and not C2. Specifically, and of particular relevance to the City of York, CLG's household projections do not include an allowance for students who might be expected to reside in Halls of Residence (termed, along with people living in nursing homes, military barracks and prisons, as the 'Institutional population').
- 4.12 As summarised by CLG in its 2014-based household projections Methodological Report (July 2016), the household projections are based on the projected household population rather than the total population. The difference between the two is the population in communal establishments, also termed the 'institutional' population. This population comprises all people not living in private households and specifically excludes students living in halls of residence:
- "The institutional population is subtracted from the total resident population projections by age, sex and marital status to leave the private household population, split by sex, age and marital status in the years required for household projections."* [page 12]
- 4.13 This is important for the City of York, because it means that if the household projections are used as the basis for calculating the OAHN (which GL Hearn's methodology does), it specifically excludes a substantial proportion of specialised student accommodation needs.

³⁰ Practice Guidance - ID 2a-015-20140306

³¹ Practice Guidance - ID 2a-017-20140306

Household Formation Rates

4.14 The Practice Guidance³² indicates that in respect of household projections:

“The household projections are trend based, i.e. they provide the household levels and structures that would result if the assumptions based on previous demographic trends in the population and rates of household formation were to be realised in practice...”

“...The household projection-based estimate of housing need may require adjustment to reflect factors affecting local demographic and household formation which are not captured in past trends...rates may have been suppressed historically by under-supply and worsening affordability of housing...”

4.15 The SHMA Assessment Update notes that there is no material difference 2014-based SNHP headship rates and the household formation rates from the 2012-based version.

4.16 The SHMA [§2.19] accepts that there has been a level of suppressed household formation arising from the 25-34 age group and in relation to this matter states [§§5.3-5.4]:

“Furthermore there is also the clear desire of the Government to boost housing delivery, and therefore setting an OAN that is below the most recent official projections while justifiable might be difficult to support.”

“There is however an apparent continued suppression of household formation rates within younger age groups within the official projections. In order to respond to this we have increased the household formation rates in this age group to the levels seen in 2001. The housing need (when linked to 2014-based projections) increases to 873 dwellings per annum. When the mid-year estimates are included the housing need decreases to 871 dpa. This should be seen as the demographic conclusions of this report.”

4.17 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. We agree with this. However this adjusted demographic figure of 871dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below.

4.18 Lichfields agrees with making an adjustment for demographic and household formation rates. However, it is illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when an adjusted demographic need of 871dpa has been identified.

Market Signals

4.19 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:

“Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.” [S17]

4.20 The Practice Guidance³³ requires that the housing need figure as derived by the household

³² Practice Guidance - ID 2a-015-20140306

³³ Practice Guidance - ID 2a-019-20140306

projections be adjusted to take into account market signals. It indicates that comparisons should be made against the national average, the housing market area and other similar areas, in terms of both absolute levels and rates of change. Worsening trends in any market signal would justify an uplift on the demographic-led needs. In addition, the Practice Guidance³⁴ highlights the need to look at longer terms trends and the potentially volatility in some indicators.

4.21 The Practice Guidance also sets out that:

“...plan-makers should not attempt to estimate the precise impact of an increase...rather they should increase planning supply by an amount that, on reasonable assumptions...could be expected to improve affordability...”³⁵.

4.22 This clearly distinguishes between the demographic-led need for housing (generated by population and household growth) and the market signals uplift which is primarily a supply response over and above the level of demographic need to help address negatively performing market signals, such as worsening affordability.

4.23 The SHMA Assessment Update (Section 3) examines a range of market signals as set out in the Practice Guidance, comparing the City of York to Ryedale, Hambleton, Yorkshire and the Humber region and England. It states that the update is a targeted update to the market signals section looking using recently published data, not a full update, as many of the datasets used have not been updated since publication of the SHMA. Attached at Appendix 1 is Lichfields’ own assessment of market signals in City of York which has been used for comparison purposes.

4.24 The findings of the SHMA Assessment Update can be summarised (with Lichfields’ commentary included) as follows:

- 1 **Land Prices** – No analysis has been presented, as was the position on the 2016 SHMA. As noted in our market signals assessment in Appendix 1, CLG land value estimates suggest a figure of £2,469,000 per hectare, well above the equivalent figure for England (excluding London) of £1,958,000.
- 2 **House Prices** – The 2016 SHMA outlined significant house price growth in the HMA between 2011 and 2007. By Q4 2014 house prices in York had reached £195,000 and by Q2 2016 this had increased to £225,000. The Assessment Update notes that, based on 2016 data, the average (median) house price in York was £215,000, compared to £148,000 across the Yorkshire and Humber region. Our market signals analysis in Appendix 1 suggests that the average (median) house price in York in 2016 was £220,000 compared to £199,995 for the North Yorkshire region. It is particularly important to note that over the previous 17 years (1999-2016), median house prices have increased by 244% (or £156,000) in York, compared to 204% nationally and 199% across North Yorkshire as a whole.

As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York’s median house prices have effectively tripled in 17 years, from £64,000 in 1999 to £220,000 in 2016, and have risen at a much faster rate than comparable national and sub-regional figures, suggests that the local market is experiencing considerable levels of stress.

- 3 **Rents** – The Assessment Update [§3.8] notes that the most recent data shows that England has grown to £650 (+8%), while York has seen median rental prices increase to £700 (+4%). In contrast rents in the region only grew by 1% to £500 per month. The Assessment Update [§3.9] finds that the most recent data shows a strong upward trend in the number of rental transactions in York although they have been falling over the last six months. In York rental transactions are currently 73% higher than in September 2011, showing a

³⁴ Practice Guidance - ID 2a-020-20140306

³⁵ ibid

continued return to the longer term trend than seen in the previous SHMA. By comparison, in Yorkshire and the Humber rental volumes are still slightly above (6%) past figures. Nationally, over this period there has been a slight downward trend.

Our market signals analysis in Appendix 1 shows that Median rents in York are £725 per month, with median rents ranging from £595 per month for a 1 bed flat, to £1,500 per month for a 4+ bed house. All of these figures are significantly higher than the national average, with overall average rents comprising £675 across England, and £585 for North Yorkshire. Rental levels are therefore 7.4% higher than comparable national figures. High and increasing private sector rents in an area can be a further signal of stress in the housing market.

- 4 **Affordability** – The Assessment Update [§3.10] acknowledges the affordability issues faced within the HMA with the Median Ratio being 8.3 times earnings in 2015 (compared to 7.6 nationally), whilst the Lower Quartile [LQ] ratio is 8.9 times earnings (compared to 7.0 nationally). However, it does not discuss this stark indicator of supply/demand imbalance, preferring to note instead that much of the growth in (un)affordability took place prior to 2005, with limited changes to affordability in the past decade[§3.11].

Lichfields' market signals analysis in Appendix 1 shows that although the ratio fell substantially from a peak of 8.14 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than North Yorkshire as a whole. This suggests that levels of affordability are declining in York at a pace which is not the case for the rest of the sub-region (and indeed, for the country as a whole). In 2016, the median house price in York City was approximately 9.0-times the LQ workplace-based income, compared to 7.8 for North Yorkshire and 7.2 nationally.

Our analysis shows the over the past 19 years, the ratio of lower quartile house prices to lower quartile earnings in York has been consistently above the national average, with the gap widening over time. Indeed, the rate of increase is worrying – between 2002 and 2016, the affordability ratio increased by 39%, significantly above the comparable growth rate for North Yorkshire (+27%) and England (+37%).

The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

- 5 **Rates of Development** – the Practice Guidance is clear that historic rates of development should be benchmarked against the planned level of supply over a meaningful period. The Assessment Update [§3.13] examines housing completions data for York dating back to 2004/05 and sets these against the annual housing target from 2004/05 to 2015/16. With the exception of the last year, housing delivery in York has missed the target each year since 2007. Overall delivery targets for these years was missed by 20% which equals 2,051 units below the target level. GL Hearn notes [§3.14] that under-delivery may have led to household formation (particularly of younger households) being constrained and states that this point is picked up in the report which uses a demographic projection based analysis to establish the level of housing need moving forward.

The Assessment Update [§3.15] considers that this past under-delivery is not a discrete part of the analysis but is one of the various market signals which indicate a need to increase provision from that determined in a baseline demographic projection. It notes that that this market signal will require upward adjustment through consideration of migration and household formation rates rather than just a blanket increase based on the level of 'shortfall'.

It is clear from the Council's own evidence that the City has consistently under-delivered housing, with a failure to deliver anything more than 525 dwellings in any single year between 2007 and 2015. The policy benchmarks suggest that the level of past under-

delivery is 1,793 dwellings over the past 12 years. Furthermore, the Council's already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures. For example, CYC's 2012/13 Annual Monitoring Report states that 482 (net) dwellings were completed in 2012/13, but this figure includes 124 student cluster flats. The 6 months completions data set out in CYC's Housing Monitoring Update (Table 3, October 2017) suggested that the Council was continuing to rely on student housing completions to boost its housing numbers, with 637 of the total 1,036 net completions during the first half of the 2017/18 monitoring year comprising privately managed off-campus student accommodation.

- 6 **Overcrowding** - No analysis has been presented. Our market signals analysis in Appendix 1 shows overcrowding against the occupancy rating in York is not severe, with 7.10% of households living in a dwelling that is too small for their household size and composition. This compares to 8.7% nationally. However, it represents a significant increase of 2 percentage points on the 5.1% recorded in York in 2001, which is above the national trend (which had increased by 1.6 percentage points from 7.1% in 2011). From our analysis we also note that when compared against neighbouring Yorkshire districts, York is the worst performing district regarding the rate of change in overcrowded households.

4.25 In response to both market signals and affordable housing need, the Assessment Update advocates a 10% uplift to the OAN [§3.31].

4.26 Lichfields agrees that based on the market signals analysis there are clear housing market pressures, particularly regarding affordability within the HMA. The Practice Guidance³⁶ is clear that any market signals uplift should be added to the demographic-led *needs* as an additional *supply* response which could help improve affordability, and further goes on to clarify that:

"...plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions...could be expected to improve affordability..." (Lichfields emphasis)

4.27 The Practice Guidance³⁷ is also clear that:

"...the more significant the affordability constraints...and the stronger the other indicators of high demand... the larger the improvement in affordability needed and, therefore the larger the additional supply response should be."

4.28 Whilst it is not clear cut from the Practice Guidance how an upwards adjustment should be calculated, some recent Local Plan Inspector's findings have provided an indication as to what might be an appropriate uplift. The Inspector's Report into the Eastleigh Borough Local Plan (11th February 2015)³⁸ provide interpretation of the Practice Guidance in terms of a reasonable uplift on demographic-led needs in light of market signals:

"It is very difficult to judge the appropriate scale of such an uplift. I consider a cautious approach is reasonable bearing in mind that any practical benefit is likely to be very limited because Eastleigh is only a part of a much larger HMA. Exploration of an uplift of, say, 10% would be compatible with the "modest" pressure of market signals recognised in the SHMA itself." [§§40-41].

4.29 The Eastleigh Inspector ultimately concluded that a modest uplift of 10% is a reasonable proxy for quantifying an increase from purely demographic based needs to take account of 'modest' negatively performing market signals. Furthermore, Inspectors have used figures of up to 20% for 'more than modest' market signal indicators, notably in the case of Canterbury, where the

³⁶ Practice Guidance - ID:2a-020-20140306

³⁷ Practice Guidance - ID:2a-020-20140306

³⁸ http://www.eastleigh.gov.uk/pdf/ppi_Inspectorsreport12Feb15.pdf

Inspector concluded that:

“Taking these factors in the round it seems to me that 803dpa would achieve an uplift that took reasonable account of market signals, economic factors, a return to higher rates of household formation and affordable housing needs.”³⁹

4.30 From the indicators set out by Lichfields in Appendix 1, as shown in Table 4.1, and from the commentary and analysis undertaken by GL Hearn, we consider that the current levels of market stress should be considered more severe than the ‘modest’ uplift the SHMA suggests. An application of other approaches (discussed above) would suggest an uplift of 20% could be appropriate for the City of York.

4.31 Drawing together the individual market signals above begins to build a picture of the current housing market in and around York; the extent to which demand for housing is not being met; and, the adverse outcomes that are occurring because of this. The performance of York against County and national comparators for each market signal is summarised in Table 4.1. When quantified, York has performed worse in market signals relating to both absolute levels and rates of change against North Yorkshire and England in 13 out of 28 measures.

Table 4.1 Summary of York Market Signals against North Yorkshire and England

Market Signal	North Yorkshire		England	
	Absolute Figure	Rate of Change	Absolute Figure	Rate of Change
House Prices	Worse	Worse	Better	Worse
Affordability Ratios	Worse	Worse	Worse	Worse
Private Rents	Worse	Worse	Worse	Better
Past Development	~	~	~	~
Homelessness (Households in Temporary Accommodation)	Better	Better	Better	Better
Homelessness (Households in Priority Need)	Better	Better	Better	Better
Overcrowding (Overcrowded Households)	Worse	Worse	Better	Worse
Overcrowding (Concealed Families)	Same	Same	Better	Better

Source: Lichfields Analysis

Footnote: Worse = performing worse against the average
 Better = performing the same or better against the average
 ~ = data not available

4.32 It is clear that the City is currently facing very significant challenges in terms of house prices and private rental values and under delivery, causing affordability difficulties. The GL Hearn analysis is an improvement from the 2016 SHMA and clearly is an improvement from the Council’s approach to identifying an OAHN of 867dpa, but even so, is inadequate to address the current housing crisis. For the aforementioned reasons a 20% uplift is preferable.

4.33 Whilst it can only be applied limited weight at the current time, Lichfields also note that the CLG methodology, based on the median workplace based affordability ratio, would suggest an uplift of 27% for market signals.

4.34 GL Hearn also conflates market signals and affordable housing in the 10% uplift, which is a fundamental misreading of the Practice Guidance, and should be addressed separately (see below for affordable housing commentary).

³⁹Canterbury District Council Local Plan Examination August 2015, Inspector’s Letter and Note on main outcomes of Stage 1 Hearings, paragraph 26.

Economic Growth

- 4.35 With regards to considering the need to uplift a housing figure to take account of the economic potential of the local authority, the Framework sets out the following:
- “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.” [S19]*
- 4.36 The SHMA Assessment Update presents no alternative to the work in the June 2016 SHMA. It states [S4.3] that the housing need required to meet the economic growth is lower than the demographic need. Furthermore evidence of more recent forecasts suggests that the economic growth will be even lower than anticipated. Therefore GL Hearn considers that on balance, there is unlikely to be any justification for an uplift to housing numbers in the City to support expected growth in employment. The Update states that the uplift for market signals would see the likelihood for an economic uplift reduce.
- 4.37 Lichfields considers that this approach fails to address the concerns raised in our previous submissions on behalf of the Companies to the Preferred Sites Consultation. Included in those submissions was ‘Technical Report 1’ which noted that June 2016 SHMA presents a suppressed picture of likely economic growth, drawing upon economic forecasts produced in 2014, which are outdated. The submission noted that we could only provide a limited analysis on the robustness of GL Hearn’s assessment of the implications of the job forecasts as they had not set out their assumptions in detail, and we reserved the right to review these assumptions if/when they were provided by GL Hearn.
- 4.38 Given that the SHMA Assessment Update provides no further information on this matter it has not been possible for Lichfields to make any further analysis at this stage. On this basis, the concerns raised on behalf of the Companies in Technical Report 1 still stand, particularly as the LPP Policy SS1 identifies a specific target to provide sufficient land to accommodate an annual provision of around 650 new jobs to support sustainable economic growth.

Affordable Housing Needs

- 4.39 In line with the Framework⁴⁰, LPAs should:
- “...use their evidence based to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing...”*
- “...prepare a SHMA which...addresses the need for all types of housing, including affordable.”*
- 4.40 The Practice Guidance⁴¹ sets out a staged approach to identifying affordable housing needs, and states that affordable housing need should be:
- “...considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments...an increase in the total housing figures included in the plan should be considered where it could help deliver the required number of affordable homes.”*
- 4.41 As set out in Section 2.0, two High Court Judgements go to the heart of addressing affordable housing within the identification of OAHN. ‘Satnam’ establishes that affordable housing needs are a component part of OAHN, indicating that the ‘proper exercise’ is to identify the full

⁴⁰ Framework - Paragraphs 47 and 159

⁴¹ Practice Guidance - ID: 2a-022-20140306 to 2a-029-20140306

affordable housing needs and then ensure that this is considered in the context of its likely delivery as a proportion of mixed market/affordable housing development. ‘Kings Lynn’ builds on ‘Satnam’, identifying that affordable housing needs “*should have an important influence increasing the derived OAHN since they are significant factors in providing for housing needs within an area.*” [§36] This is clear that affordable housing needs are a substantive and highly material driver of any conclusion on full OAHN.

4.42 The SHMA Assessment Update states that it does not review affordable housing need but the situation is unlikely to have changed significantly from the 2016 SHMA. The 2016 SHMA identified a net affordable housing need of 573 homes per annum or 12,033 dwellings over the 2012-2033 period. This suggests a worsening situation when compared with the previous figure of 486 affordable homes per annum needed in the previous 2011 SHMA, produced by GVA.

4.43 The SHMA Assessment Update [§3.3] suggests that large parts of this need are either existing households (who do not generate need for additional dwellings overall) or newly forming households (who are already included within the demographic modelling).

4.44 It further states [§§3.17-3.18] that:

“The City of York Council currently have an affordable housing policy of up to 30%. The SHMA identified a net affordable housing need of 573 dwellings. Based on this level of need and the current policy the City would require to deliver 1,910 dwellings per annum. To put this in context the City has only delivered more than 1000 homes once since 2004-5. Using a lower policy target would result in an even higher need.”

“While there is clearly an affordable housing issue in the City many of the households in need are already in housing (just housing that is not suitable for some reason such as overcrowding) and therefore do not generate a need for additional dwellings”.

4.45 The provision of the net affordable housing need identified is likely to be unrealistic given past dwelling completions in City of York. With regard to this matter the SHMA Assessment Update states [§3.28]:

“Given the balance of judgement it would appear that a 10% adjustment could be justified in York on the basis of the previously established affordable housing need the updated market signals evidence.”

4.46 In taking this approach, GL Hearn is effectively conflating the uplift resulting from affordable housing need with uplift resulting from market signals analysis. These are two separate steps in the Practice Guidance and should not be combined in this manner.

4.47 Lichfields has not analysed in detail the figures forming the assessment of affordable housing needs, due in part to limitations on access to the underlying data; instead, Lichfields has focused on how this need has informed the OAHN conclusion.

Addressing Affordable Housing Needs

4.48 Having identified the affordable housing needs, the Practice Guidance requires an assessment of its likely delivery to consider whether there is a need to uplift or adjust the OAHN and planned housing supply in order to address affordable housing needs. This is what the ‘Satnam’ judgment calls the ‘proper exercise’ and is undertaken by the 2016 SHMA within Figure 30. This concludes that to meet affordable housing need in full the City of York would need to deliver 573dpa. At a delivery rate of 30% of overall housing, this means that the City would need to deliver 1,910dpa to address affordable housing needs in full.

4.49 Taking into account affordable need within the calculation of OAHN does not necessarily involve a mechanistic uplift, or an indication that such identified needs must be met in full. It

has to be a scenario which, on a reasonable basis, could be expected to occur. This is set out in the Kings Lynn judgment which concluded:

"...This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being developed." [§35]

This is also consistent with the Practice Guidance⁴² which sets out the assessment of need "does not require local councils to consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur."

- 4.50 However, in line with the High Court Judgments, this still needs to be an uplift of consequence, insofar as it can reasonably be expected to occur. This will inevitably need to involve judgement, based on relevant evidence, as to the extent to which any scale of uplift could be reasonably expected to occur.
- 4.51 The SHMA ultimately does not use the identified acute affordable housing needs in a way in which it has "an important influence in increasing the derived F[ull] OAN" as per the Kings Lynn judgment.
- 4.52 The Local Plan Expert Group [LPEG], in its Report to the Secretary of State for Communities and Local Government in March 2016, recommended various changes to the Practice Guidance with the remit of considering how local plan-making could be made more efficient and effective. Although very limited weight can be given to the LPEG approach given that it is not policy or endorsed by Government, it is at least helpful in seeking to understand the general 'direction of travel' of defining OAHN and what an appropriate response might be to define the influence of market signals and affordable housing needs. LPEG recommended changes to the preparation of SHMAs and determination of OAHN.
- 4.53 With regard to affordable housing need in the preparation of SHMAs and determination of OAHN it proposed that where the total number of homes that would be necessary to meet affordable housing need is greater than the adjusted demographic-led OAHN, then this figure (953dpa) should be uplifted by a further 10%. The 10% uplift was intended to provide a streamline approach that removes judgement and debate from the process of setting OAHN (as opposed to what might be the most accurate under current Practice Guidance).
- 4.54 Given the significant affordable housing need identified in City of York Lichfields considers that this 10% uplift would be appropriate in this instance and should be applied to the OAHN.

MHCLG Standardised Approach to OAHN

- 4.55 As noted in Section 2, MHCLG has recently published for consultation the draft Planning Practice Guidance, which sets out the standard method for calculating local housing need, including transitional arrangements first set out in "Planning for the right homes in the Right Places" ..
- 4.56 Whilst relatively limited weight can be attached to this document at present given its consultation status, for the City of York, if adopted as MHCLG proposes, the approach would mean that the OAHN over the period 2016-2026 is 1,070 dpa.
- 4.57 This is based on an annual average level of household growth of 844 dpa between 2016 and 2026, uplifted by a very substantial 27% to address the fact that the latest median workplace-based affordability ratio is 8.3.

⁴² Practice Guidance - ID:2a-003-20140306

Conclusions on the City of York's Housing Need

- 4.58 The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is fundamentally flawed. This is a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the FOAN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.
- 4.59 There are a number of significant deficiencies in the SHMA Assessment Update which means that even the higher 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
- 1 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this demographic conclusion of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below. Lichfields agree with making an adjustment for demographic and household formation rates. However, it is illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - 2 The Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - 3 Given the significant affordable housing need identified in City of York Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN.
- 4.60 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 1 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates amongst younger age cohorts takes the demographic starting point to 871 dpa.
 - 2 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, for the reasons set out above, Lichfields considers that a greater uplift of 20% would be more appropriate in this instance. When applied to the 871 dpa re-based demographic starting point, this would indicate a need for 1,045 dpa.
- The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the Blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;
- The scale of affordable housing needs, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045 dpa set out above. It is considered that to meet affordable housing needs in full (573 dpa), the OAHN range should be adjusted to 1,910 dpa @30% of overall delivery. It is, however, recognised that this level

of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

This is **7.5% higher** than the MHCLG proposed standardised methodology figure of 1,070 dpa.

- 4.61 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework by significantly boosting the supply of housing. It would also reflect the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.
- 4.62 It is emphasised again that CLG's household projections explicitly exclude the housing needs of students living in halls of residence. GL Hearn has used the latest CLG 2014-based household projections to underpin its housing OAN for York. The market signals adjustment it makes does not address the separate specialised housing needs of students, which would be additional to the target identified.

5.0 **Approach to Assessing Housing Land Supply**

Introduction

- 5.1 This section sets out the requirements of the Framework and the Practice Guidance in establishing the supply of housing land to meet the housing needs of an area. This will provide the benchmark against which the SHLAA and emerging Local Plan will be assessed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of a housing supply calculation in a legal context.

Policy Context

National Planning Policy Framework

- 5.2 The Framework outlines a two-step approach to setting housing requirements in Local Plans. Firstly, to define the full objectively assessed need for development and then secondly, to set this against any adverse impacts or constraints which would mean that need might not be met. This is enshrined in the approach defined in the Framework⁴³ which sets out the presumption in favour of sustainable development.

- 5.3 The Framework⁴⁴ stresses the intention of the Government to significantly boost the supply of housing. As a consequence, the focus of national policy is to ensure the delivery of housing and, in that context, the Framework requires LPAs to:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

*identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15..."*⁴⁵

- 5.4 There is therefore a need for the Council to identify both a 5-year supply and a longer-term supply as part of the preparation of the Local Plan.

- 5.5 For the purpose of the supply assessment, the Framework advises that only deliverable sites should be included within the first 5-years. To be considered deliverable:

"...sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing

⁴³ Framework - §14

⁴⁴ Framework - §47

⁴⁵ Framework - §47

plans.”⁴⁶

- 5.6 The Framework states that for the period 5-15 years developable sites may be included, which are sites that are:

“...in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”⁴⁷

- 5.7 The Framework sets out the approach to defining such evidence which is required to underpin a local housing supply. It sets out that in evidencing housing supply:

“LPAs should have a clear understanding of housing needs in their area. They should:

...

“...prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.”⁴⁸

National Planning Practice Guidance

- 5.8 The Practice Guidance⁴⁹ provides further guidance on how an assessment of the housing supply is to be undertaken. It urges LPAs to assess the suitability, availability and achievability of sites, including whether the site is economically viable, to determine whether a site can be considered deliverable over the plan period.

- 5.9 In this context the Practice Guidance makes it clear that a site will be considered available when:

“...there is confidence that there are no legal or ownership problems, such as unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners. This will often mean that the land is controlled by a developer or landowner who has expressed an intention to develop, or the landowner has expressed an intention to sell. Because persons do not need to have an interest in the land to make planning applications, the existence of a planning permission does not necessarily mean that the site is available. Where potential problems have been identified, then an assessment will need to be made as to how and when they can realistically be overcome. Consideration should also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.”⁵⁰

- 5.10 The Practice Guidance indicates that a site is considered achievable for development where:

“...there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the developer to complete and let or sell the development over a certain period.”⁵¹

- 5.11 The LPA, when preparing a Local Plan, is urged to use the information on suitability, availability, achievability and constraints to assess the timescale within which each site is capable of development. The Practice Guidance suggests that this may include indicative lead-in times and build-out rates for the development of different scales of sites. On the largest sites

⁴⁶ Framework – Footnote 11

⁴⁷ Framework – Footnote 12

⁴⁸ Framework - §159

⁴⁹ Practice Guidance – ID:3-018-20140306

⁵⁰ Practice Guidance – ID:3-020-20140306

⁵¹ Practice Guidance – ID:3-021-20140306

allowance should be made for several developers to be involved. The Practice Guidance⁵² makes it clear that the advice of developers and local agents will be important in assessing lead-in times and build-out rates by year.

- 5.12 The Practice Guidance⁵³ accepts that a windfall allowance may be justified if a local planning authority has compelling evidence as set out in the Framework. In addition, it states that:

*“Local planning authorities have the ability to identify broad locations in years 6-15, which could include a windfall allowance based on a geographical area (using the same criteria as set out in paragraph 48 of the National Planning Policy Framework).”*⁵⁴

- 5.13 The Practice Guidance requires LPAs to collate this above information and present it in an indicative trajectory which:

*“...should set out how much housing and the amount of economic development that can be provided, and at what point in the future. An overall risk assessment should be made as to whether sites will come forward as anticipated.”*⁵⁵

- 5.14 In relation to the assessment of whether sites are deliverable within the first 5-years the Practice Guidance⁵⁶ indicates that deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5-years. It goes on to state:

*“...planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.”*⁵⁷

Recent Legal Judgments

- 5.15 The High Court decision in the case of Exeter City Council and Secretary of State⁵⁸ is relevant to York as it considers the appropriateness of including student accommodation in the calculation of the housing supply in accordance with the Framework. Exeter is a University City similar to York and included student accommodation within their housing land supply.

- 5.16 The Inspector who determined the appeal⁵⁹ considered the inclusion of student accommodation in the 5-year supply based on the Practice Guidance which states:

*“All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market. Notwithstanding, local authorities should take steps to avoid double counting.”*⁶⁰

⁵² Practice Guidance – ID:3-023-20140306

⁵³ Framework - §48

⁵⁴ Practice Guidance – ID:3-024-20140306

⁵⁵ Practice Guidance – ID:3-025-20140306

⁵⁶ Practice Guidance – ID:3-031-20140306

⁵⁷ Practice Guidance – ID:3-031-20140306

⁵⁸ Exeter City Council v Secretary of State for Communities and Local Government [2015] EWHC 1663 (Admin)

⁵⁹ Land at Home Farm, Church Hill, Pinhoe – Insp. Decision 29.10.14 [Ref: APP/Y1110/A/14/2215771]

⁶⁰ Practice Guidance – ID:3-036-20140306

5.17 The Inspector, in her decision letter, stated:

“The Council submit that the provision of student accommodation releases housing that would otherwise be occupied by students and thereby indirectly releases accommodation within the housing market. For this reason it believes that all student accommodation should be included within the housing delivery and housing land supply figures. This view is not consistent with the PPG because it is not based on any assessment of the extent to which the provision of student accommodation has released general market housing.”

5.18 She went on:

“Where student population is relatively stable, and the number of general market dwellings occupied by students declines as a consequence of the provision of student accommodation, I consider the inclusion of such accommodation as part of the housing supply would be consistent with the guidance within the PPG. However, within Exeter, due to the considerable increase in the number of students relative to the provision of purpose-built student accommodation, there has not been a reduction in the number of general market dwellings occupied by students. On the contrary, there has been a significant increase...”⁶¹

5.19 The High Court agreed that the Council did not set out any specific evidence to justify that the development of student accommodation would release housing to the market elsewhere. It stated that:

“...it simply relied upon paragraph 3.38 of the PPG in support of its proposition that, irrespective of the extent (if any) that student accommodation was included in the housing requirement figure adopted.”⁶²

5.20 As a consequence, the High Court stated that the Appeal Inspector:

“... was correct not to accede to the Council’s submission that all student accommodation supplied should or could be set off against the housing requirement. She was correct not to be persuaded by the Developers’ contention that she could not under any circumstances take into account student accommodation. She was correct to look at the facts of this case and determine whether, on the evidence before her, there was any basis for taking any of the new student accommodation into account ... she properly accepted (in paragraph 47) that, although there was currently no evidence to show that the provision of student accommodation has released housing into the general market in Exeter, the situation may in the future change if (e.g.) the delivery of student accommodation significantly exceeded the increase in student population.”⁶³

Conclusion

5.21 It is against this policy context that the proposed housing supply should be considered. In practice, applying the Framework and Practice Guidance to achieve a robust supply that will meet the needs of the community is an evidence based process which should use transparent and justifiable assumptions on lead-in times, delivery rates and density. In addition, it should be clear that the sites are available and achievable over the plan period.

5.22 In the case of York, there are inherent dangers in including student housing in the supply if there is no evidence that there has been a reduction in the number of general market dwellings

⁶¹ Land at Home Farm, Church Hill, Pinhoe – Insp. Decision 29.10.14 [Ref: APP/Y1110/A/14/2215771] - §44 & §47

⁶² Exeter City Council v Secretary of State for Communities and Local Government [2015] EWHC 1663 (Admin) - §37

⁶³ Ibid - §44

occupied by students as a direct result of the provision of purpose-built student accommodation.

6.0 Council's Housing Supply Evidence

Introduction

6.1 Detailed representations on the Council's housing land supply evidence were submitted on behalf of the Companies to the City of York Local Plan - Preferred Sites Consultation (in 'Technical Report 2: Housing Supply'). These representations concluded the following:

- 1 The Council had not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence had therefore been produced to demonstrate the Council's housing supply position.
- 2 The assessment of the balance between the housing requirement and supply demonstrated that there was a significant shortfall for both the plan period and 5-year period. In these circumstances, the emerging plan was not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 3 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that would deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

These concerns have not been addressed and reference is accordingly made below in Lichfields' assessment of the Council's latest evidence.

6.2 Before considering the adequacy of the Council's supply, it is important to consider the nature and extent of the Council's evidence base in relation to the supply. Evidence on the Council's supply is contained in a number of different places:

- 1 The City of York Strategic Housing Land Availability Assessment [SHLAA] (September 2017);
- 2 The City of York Local Plan Publication Draft (March 2018);
- 3 Half Year Housing Monitoring Update for Monitoring Year 2017/18 (1st April 2017 and 30th September 2017); and,
- 4 The City of York Windfall Allowance Technical Paper 2017 (SHLAA Annex 5).

Housing Completions

6.3 The Council has provided detailed site by site delivery figures for the past five monitoring years (2012/13 to 2016/17). In addition, the Council's annual completion figures since 2007/08 are contained in the September 2017 Half Year Housing Monitoring Update.

6.4 The Council has included student specific accommodation within their completions figures and their forward supply figures. Based on recent High Court decisions it is clear that robust evidence must be provided to justify the inclusion of student accommodation in the housing supply, specifically that the accommodation will release housing into the general market.

6.5 York Council has not provided any evidence to demonstrate that the provision of additional student accommodation would result in the release of housing into the market as required by national policy. Furthermore, the Council's June 2016 SHMA outlines that the York St John University is, over the next five years, seeking to "*grow our student numbers from 6,400 to 7,300*"⁶⁴. This reflects an aim to achieve growth in student numbers of 14.1% by 2020.

⁶⁴ City of York, June 2016 Strategic Housing Market Assessment, §10.71

- 6.6 Based on national policy, the recent High Court decision coupled with the expected growth in student numbers in York, it is considered that it is inappropriate to include student accommodation within the Council's supply. This is because there is no justification regarding how it will result in the release of current housing into the general housing market.
- 6.7 In this context, the Council has included the delivery of 124 units in monitoring year 2012/13 from the site at 6-18 Hull Road. However, a total of 97 of the units are not self-contained and share communal/living areas. As such, these bedspaces cannot contribute towards the Council's housing completion figures as there is no evidence that they have released housing to the general market. That said, we have included the delivery of 27 units from this site as they are self-contained studio apartments which could be sold on the open market at some stage in the future.
- 6.8 The Council has also included the delivery of 91 units in the monitoring year 2016/17 for the site at Hallfield Road. The majority of the units on this scheme are not self-contained and share communal/living areas. As such, these bedspaces cannot also contribute towards the Council's housing completion figures as there is no evidence that they have released housing to the general market. However approximately 9% of these units are studio apartments which could be sold on the open market at some stage in the future, so we have included 8 units from this scheme on this basis.
- 6.9 Table 6.1 sets out the Council's past completion figure and provides a cumulative running total since 2012/13. It also sets out Lichfields' assumed completions figures and provides a running total.

Table 6.1 Housing Completions

Year	Council Position		Lichfields' Position	
	Comp.	Cum +/-	Comp.	Cum +/-
2012/13	482	482	385	385
2013/14	345	827	345	730
2014/15	507	1,334	507	1,237
2015/16	1,121	2,455	1,121	2,358
2016/17	977	3,432	894	3,252
Totals	3,432		3,252	

Source: City of York Council

2017 SHLAA

- 6.10 The Framework⁶⁵ sets out that local planning authorities should prepare a SHLAA to establish assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period. Furthermore, the Practice Guidance⁶⁶ outlines that the assessment of land availability is an important step in the preparation of Local Plans. The provision of an up to date SHLAA approach ensures that all land is assessed together as part of plan preparation to identify which sites or broad locations are the most suitable and deliverable for a particular use.
- 6.11 The Council has published its City of York Strategic Housing Land Availability Assessment

⁶⁵ Framework - §159⁶⁶ Practice Guidance - ID: 12-018-20140306

September 2017. This document supersedes previous versions of the SHLAA to present the sites assessed for their development potential to form part of the evidence base for York's Local Plan. The 2017 SHLAA accompanied the Local Plan Pre Publication [LPPP] Draft, setting out the methodology for site selection in the plan, and detail of which sites have been allocated.

Site Selection

- 6.12 The 2017 SHLAA outlines the previous consultation undertaken by City of York Council in relation to site identification and consultation/engagement. It states [§2.3.1] that a two stage suitability process was undertaken in order to sieve out the potential sites most suitable for development:
- 1 Stage 1: Sustainable Location Assessment which uses the shapers set out in the emerging Spatial Strategy to assess potential site suitability. The SHLAA states that the methodology was also informed by work on the Sustainability Appraisal.
 - 2 Stage 2: Technical Officer Group which considers more site specific suitability of sites which successfully passed Stage 1 and determined whether they should progress as development sites. The SHLAA states that any sites which were wholly or partly removed from the site selection process following the Stage 1 analysis will be given the opportunity to respond to the assessment with supporting evidence.
- 6.13 Further details on the scoring process and methodology used are provided in Annex 3 of the SHLAA. As the site selection and criteria assessment process was developed in 2013, the SHLAA indicates that subsequent guidance on Impact Risk Zones for SSSIs, Flood Risk and Agricultural Land Value has been taken into consideration. It also explains the basis on which the availability and deliverability of sites has been determined.
- 6.14 The SHLAA [§§2.5.1-2.5.2] outlines how the availability of sites has been determined. It states:
- “The majority of sites assessed were received through the Call for Sites process or subsequent Local Plan consultations. Through this process we asked that landowner details were provided to us to ensure that we could confirm availability and that the site had a willing landowner. We also asked for details of whether the site had been promoted commercially or by an agent as well as when the site would be become available for development. Since 2012, the availability of sites has been reconfirmed through consultation.”*
- “For the allocated sites set out in the Section 3.3, availability of the site has been confirmed and the timescales reflect our understanding of when the site will be brought forward in the plan period”.*
- 6.15 The SHLAA [Section 2.6] sets out a series of archetypes which have been used to determine the scale of potential development on sites less than 5ha (non-strategic sites). It notes that for Strategic Sites (over 5 ha) a bespoke approach is taken to reflect the site characteristics and detailed work undertaken.

Housing Supply

- 6.16 A summary of housing completions and permissions for the period April 2016 to March 2017 is provided.
- 6.17 The SHLAA identifies a windfall allowance of 169 dwellings per annum and states that windfalls will be included from year 4 of the trajectory. Included at Annex 5 of the SHLAA is City of York Local Plan Windfall Allowance Technical Paper (2017) which explains how the windfall figure has been derived.
- 6.18 The SHLAA does not provide any detailed calculation to demonstrate how a 5-year housing land

supply is achieved. This is wholly unacceptable and does not demonstrate the deliverable 5 year housing land supply as required by national guidance.

City of York Local Plan Publication Draft [LPP]

- 6.19 The Council published its LPP in February 2018 for public consultation. Policy H1 identifies the sites which have been allocated to meet the housing requirement set out in Policy SS1 over the plan period 2017/18 to 2032/33 (867dpa).
- 6.20 Table 5.1 in the LPP identifies the sites which have been allocated in the LPP and provides the estimated dwelling yield and estimated phasing for these sites (i.e. Short Term: Years 1-5, Medium Term: Years 1 -10 etc.). For those sites where the phasing extends beyond years 1-5, the anticipated delivery of the sites in each 5 year phase is not confirmed.
- 6.21 The LPP (Figure 5.1 and Table 5.2) provides housing trajectories for the period April 2017 to March 2033 (16 years) against the identified housing target of 867dpa. The LPP [5.6] states that the trajectory shows there is an adequate supply to meet the objectively assessed need throughout the plan period. However, there is a lack of detailed evidence on the supply to demonstrate this position.
- 6.22 Lichfields notes that the period March 2017 to April 2018 has been identified as Year '0', rather than Year '1', which would be the usual approach. Years 0 to 4 (rather than Years 1 to 5) is therefore the period against which the Framework requirement of achieving a 5-year supply would be assessed.
- 6.23 The information provided in the trajectories is high level. They do not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total completion figure for all sites each year without detailed reasoning on the methodology for deriving this figure. In addition, there is a lack of evidence in the SHLAA on lead-in times and delivery rate assumptions for the Council's unimplemented permissions and draft allocations.
- 6.24 With regard to providing a rolling 5 year supply of deliverable sites the LPP [5.9] states:

"The Council accepts that there has been persistent under delivery of housing as defined in the NPPF and consequently has included enough land in the early years of the trajectory to ensure there is a 20% buffer in the 5 year supply. This land has been brought forward from later in the plan period. Progress on meeting delivery targets will be assessed through the authority monitoring report and the 20% buffer will be rolled forward within the 5 year supply until such time as the under delivery has been satisfactorily addressed. This does not mean that overall more land has been allocated in the plan, what it does mean is that the development trajectory (see Figure 5.1) ensures that in the early years of the plan additional land is available to address previous under delivery".

However, as with the SHLAA, the LPP does not provide any detailed calculation to demonstrate how the 5-year housing land supply is achieved.

- 6.25 With regard to site yield and delivery, the LPP [5.12] notes that the yield for each of the strategic sites has been established through working with site promoters to produce an individual assessment of the yield for each site. For non-strategic sites the LPP refers to the yield archetypes identified in the SHLAA [2.6.2].
- 6.26 With regard to the delivery and phasing of allocated sites the LPP [5.13-5.14] states:

"Each allocated site has been assessed for its likelihood of being delivered to ensure that we are satisfied that each site is likely to come forward for development during the plan period, although ultimately this can be dependent upon external factors such as finance

availability for house builders, mortgage availability for purchasers and the aspirations of landowners. In all cases there have been discussions with the land owner about their current plans. We have at this stage placed each allocated site within a timescale of short (1-5 years), medium (6-10 years), long term (11-15 years) or life time of the plan (1-21 years). The timescale of each site is an indication of when we think the site is likely to come forward and reflects the timescale put forward by the landowner or developer in the discussions referred to above, the requirement to develop the most sustainable sites within a settlement first and viability”.

“The phasing of sites is important for the successful delivery of the plan’s priorities and sites should only come forward in different phases if they would not prejudice the delivery of other allocated sites. For example where the construction of essential infrastructure is linked to the delivery of a package of sites, these sites will need to be brought forward in an orderly fashion to ensure the infrastructure is in place to mitigate the impacts of development”.

- 6.27 As with the SHLAA, there is a lack of evidence in the LPP on lead-in times and delivery rate assumptions for the Council’s unimplemented permissions and draft allocations. This is a flawed approach which does not meet the requirements of national guidance.

Conclusion

- 6.28 The Council has compiled and recently published housing completions figures for the past ten monitoring years as well as published detailed site by site completion figures for the past 5 years. However, the Council’s housing land supply figures do not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total delivery figure for each site without detailed reasoning on the methodology for deriving this figure.
- 6.29 Insufficient information has also been provided on the assumptions used to derive the Council’s proposed delivery in the LPP and associated evidence base documents. There is a distinct lack of evidence on lead-in times and delivery rate assumptions for the Council’s unimplemented permissions and draft allocations.
- 6.30 Furthermore, the Council includes several student sites in its future supply, which is inappropriate, as there is no justification regarding how these developments will result in the release of housing into the general housing market as required by the Practice Guidance. In particular, no robust evidence has been provided to clearly demonstrate that there has been a reduction in the number of general market dwellings occupied by students as a direct result of the provision of purpose-built student accommodation. As a result, the Council’s land supply figures risk being severely distorted.

7.0 Housing Requirement

Introduction

- 7.1 The Framework⁶⁷ and Practice Guidance require LPAs to demonstrate a developable 5-year supply and a deliverable supply for the period 5-15 years. This requires an understanding of the relevant housing requirements for each of these time periods.
- 7.2 This Technical Report sets out a critique of the Council's OAHN and the need to increase the target to meet the needs of the local community. This section briefly sets out the relevant figures to be used for both the 5-year assessment and the plan period assessment.

Plan Period Housing Requirement

- 7.3 The Council's SHMA Assessment Update seeks to provide the evidence to justify the housing requirement for the City of York Local Plan. It sets the Plan period as 2012-2032.
- 7.4 This Technical Report sets out the flaws in the SHMA Assessment Update and the Council's approach in rejecting the 953 dpa figure recommended in the SHMA Assessment Update. It requests that the OAHN is recalculated using an appropriate methodology. Lichfields considers that the Council's SHMA makes a number of flawed assumptions and judgements and does not properly respond to the requirements of policy and guidance. As a result, the proposed OAHN set out in the SHMA is not robust and is inadequate in meeting the need and demand for housing.
- 7.5 Even so, the Council has resolved to reject the OAHN of 953 dpa set out in the SHMA update and adopt a figure of 867 dpa, based on the latest revised SNHP published by ONS and MHCLG with no adjustment for market signals or affordable housing. By way of contrast, MHCLG's standard methodology produces an OAHN figure of 1,070 dpa, significantly higher than adopted by the Council which again demonstrates the inappropriateness of the Council's approach.
- 7.6 As noted in Section 4, Lichfields considers that the OAHN for York is **at least 1,150 dpa**. To be robust however, for the purposes of this report, we have also used GL Hearn's 953 dpa OAHN figure to calculate the City's 5YHLS.

5-Year Housing Requirement

Annual Requirement

- 7.7 When calculating the 5-Year Housing Requirement the annual average requirement should be used. As there is disagreement over the appropriate OAHN with the Council preferring a housing requirement of 867 dpa rather than their own housing evidence which suggests a need for 953 dpa figure in the SHMA Update, with Lichfields recommending a yet higher figure (1,150 dpa). All three are used in this assessment.
- 7.8 We would note that whichever figure is used, it does not include the specific needs of students living in halls of residence, which would be additional as these are explicitly excluded from the CLG's household projections.

⁶⁷ Framework - §47

Under Supply

- 7.9 The Practice Guidance⁶⁸ indicates that LPAs should aim to deal with any under supply within the first 5-years of the plan period where possible. Table 7.1 sets out the net completions recorded by the Council since 1st April 2007 compared to the now withdrawn RS for Yorkshire and the Humber requirement which the Council has been using in the absence of an adopted Local Plan. Table 7.1 shows the failure of York to deliver housing to meet the needs of the community.

Table 7.1 Housing Completions 2007/08 - 2016/17

Year	Target	Comp.	+/-	Cum +/-
2007/08	650	523	-127	-127
2008/09	850	451	-399	-526
2009/10	850	507	-343	-869
2010/11	850	514	-336	-1,205
2011/12	850	321	-529	-1,734
2012/13	850	482	-368	-2,102
2013/14	850	345	-505	-2,607
2014/15	850	507	-343	-2,950
2015/16	850	1,121	+271	-2,679
2016/17	850	977	+127	-2,552
Totals	8,300	5,748	-2,552	

Source: York Housing Monitor Update for Monitoring Year 2016/17

- 7.10 The Council has produced a Half-Year Monitoring Update for 2017/18 (1st April 2017 to 30th September 2017). This indicates that net completions over this period have totalled 1,036 dwellings.
- 7.11 However, as details of the full monitoring year 2017/18 are not yet available it is not possible to include this latest dataset in the analysis.
- 7.12 Table 7.2 sets out the net completions recorded by the Council since 1st April 2012 compared to the Council's requirement and the Lichfield's target. In this context it should be noted that the Lichfield completions exclude the student accommodation (180 units) previously included in the Council's delivery figures for the reasons set out in Section 6.0. The table shows the failure of York to deliver sufficient housing to meet the emerging OAHN.

⁶⁸ Practice Guidance - ID:3-035-20140306

Table 7.2 Housing Completions

Year	Council Position				SHMA OAHN				Lichfield Position			
	Target	Comp.	+/-	Cum +/-	Target	Comp.	+/-	Cum +/-	Target	Comp.	+/-	Cum +/-
2012/13	867	482	-385	-385	953	482	-471	-471	1,150	385	-765	-765
2013/14	867	345	-522	-907	953	345	-608	-1,079	1,150	345	-805	-1,570
2014/15	867	507	-360	-1,267	953	507	-446	-1,525	1,150	507	-643	-2,213
2015/16	867	1,121	+254	-1,013	953	1,121	168	-1,357	1,150	1,121	-29	-2,242
2016/17	867	977	+110	-903	953	977	24	-1,333	1,150	894	-256	-2,498
Totals	4,335	3,432	-903		4,765	3,432	-1,333		5,750	3,252	-2,498	

Source: York Housing Monitoring Update for the Year 2016/17 / Lichfields analysis

Application of the Buffer

- 7.13 Judgements on the appropriate Framework buffer (i.e. 5% or 20%) to apply turns on whether there is a record of “*persistent under delivery*”.
- 7.14 In this case, the Council has under-delivered in 8 of the past ten years when compared to the previous housing target and the emerging Local Plan (see Tables 7.1 & 7.2). A ten year period is considered to represent an entire economic cycle and an appropriate period for considering past delivery. This results in a substantial shortfall which needs to be quickly rectified. It is therefore appropriate to apply a 20% buffer to help address the significant delivery failings. This approach aligns with the Framework⁶⁹ objective to “*boost significantly*” the supply of housing and ensure that objectively assessed housing needs are met.
- 7.15 In respect of applying the buffer, it should be applied to both the forward requirement and the under supply. This approach accords with the Framework, which suggests that the buffer should be added to the total requirement which would, inevitably, include any under delivery from earlier years. In this regard, the purpose of the buffer is to increase the supply of land; it does not change the number of houses required to be built within that period. Put simply, the buffer is not, and it does not become, part of the requirement; it is purely a given excess of land over the land supply necessary to permit the identified need for housing to be delivered.
- 7.16 There have been a number of appeal decisions supporting this approach. In particular, the appeal in Droitwich Spa⁷⁰ where the Inspector indicated that the buffer should be applied to the forward requirement and under supply. He stated:
- “It is also clear that the 20% buffer should be applied to the entire 5-year requirement (including the historic shortfall). The Council could not point to any provision in policy or previous decisions which supports the contention that the 20% should not apply to the historic shortfall...”* [§8.46]
- The Secretary of State supported this approach in his decision letter.⁷¹
- 7.17 Table 7.3 sets out respective positions in relation to the 5-year requirement.

⁶⁹ Framework - §47

⁷⁰ Land at Newland Road and Primslad Way, Droitwich Spa (SoS Decision 02.07.14 – Ref: APP/H1840/A/13/2199085)

⁷¹ *ibid* – DL §14

Table 7.3 5-Year Housing Requirement

	Council		SHMA OAHN		Lichfields	
	Calc.	Total	Calc.	Total	Calc.	Total
Policy Requirement (2017-2022)	867 dpa x 5	4,335	953 dpa x 5	4,765	1,150 dpa x 5	5,750
Under Supply (2012-2017)	4,335 – 3,432	903	4,765 – 3,432	1,333	5,750 – 3,252	2,498
Buffer at 20%	$(4,335 + 903) \times 0.2$	1,048	$(4,765 + 1,333) \times 0.2$	1,220	$(5,750 + 2,498) \times 0.2$	1,650
Total Requirement		6,286		7,318		9,898
Annual Requirement	6,286 / 5	1,257	7,318 / 5	1,464	9,898 / 5	1,980

Source: Lichfields

7.18 On this basis, the 5-year requirement ranges from **6,286** to **9,898** dwellings.

Conclusion

7.19 The SHMA Update sets out an OAHN for York of 953 dpa; however, the Council has ignored this figure and adopted 867dpa for the plan period. Lichfields considers that an OAHN of 1,150 dpa is more appropriate. Even this figure explicitly excludes the needs of students living in purpose-built halls of residence.

7.20 The appropriate plan period is for this assessment is 2012-2032. We have set out the Council's past completion data and consider that a 20% buffer is required due to the persistent under delivery of housing in the City over the past 10 years.

7.21 When using the Council's OAHN and factoring in backlog and an appropriate buffer it is concluded that the annual housing requirement over the next 5-years is 6,286 (1,257 dpa), rising to 7,318 (1,464 dpa) using the SHMA's OAHN. Using Lichfields' OAHN figure would result in an annual requirement of 9,898 (1,980 dpa) over the next 5-years.

8.0 Housing Land Supply

Introduction

8.1 This section assesses the adequacy of the deliverable and developable supply of housing sites to meet the requirement for the plan period and 5-year period. It draws on the information supplied by the Council in the LPP and associated evidence base.

8.2 Before considering the individual components of the supply some initial points on the assumptions made by the Council on deliverability, particularly in relation to lead-in times and delivery rates. In this context it is important to be cautious in relation to the likelihood of sites delivering and the scale of that delivery. This is because the purpose of the assessment is to provide a realistic view of whether there is sufficient land available to meet the community's need for housing. If those needs are to be met a cautious approach must be taken.

Delivery Assumptions

Lead in Times

8.3 From the information released to date by York City Council it is impossible to decipher the Council's assumed lead in times for the proposed housing allocations outlined in the LPP.

8.4 Whilst housebuilders aim to proceed with development on site as quickly as possible, lead-in times should not underestimate inherent delays in the planning process (e.g. the approval of reserved matter and discharge of planning conditions) as well as the time taken to implement development (e.g. complete land purchase, prepare detailed design for infrastructure, mobilise the statutory utilities and commence development).

8.5 Another fundamental element in calculating appropriate lead-in times is the size and scale of the site. As a generality, smaller sites can commence the delivery of units before larger sites. Larger sites often have more complex issues that need to be addressed and require significantly greater infrastructure development which must be delivered in advance of the completion of units.

8.6 Table 8.1 sets out our general methodology in terms of lead-in times. We have split the methodology by site size and stage in the planning process.

Table 8.1 Lead-in Times

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

Source: Lichfields

8.7 We provide a detailed breakdown in Table 8.2 to Table 8.5 of the lead-in times and the factors that have been taken into account. The tables, breakdown the lead in times for a typical site of up to 250 units. Obviously, the larger site categories would take long to come forward as given the additional complexities in relation to negotiate S.106 contributions, discharge conditions

and put in place the necessary on-site infrastructure.

- 8.8 We have incorporated a period between the grant of outline planning permission and the formulation of the scheme to allow for market assessments and board approvals. Finally, if the outline permission has been secured by a land promoter or a landowner the site would need to be marketed during this period. This period has not been included but would add between 6 months to 9 months to the delivery.
- 8.9 On the sites with no current planning application, the timetable assumes there is a willing developer/landowner who wishes to commence the preparation of an application immediately. However, this is not always the case and a draft allocation in a Local Plan does not necessarily mean the process of securing planning permission is commenced immediately.

Table 8.2 Full Planning Permission - Lead-in Times (Site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Full Permission						
Discharge of Pre-Commencement Conditions	3	2				5
Site Commencement				3	6	9
Overall Time to 1st Completion						14*

Source: Lichfields

Notes: * rounded down to 12 months for the purposes of calculating a delivery trajectory.

Not included time within the timetable for market assessment and board approval as it is assumed this has been completed

Table 8.3 Outline Planning Permission - lead-in Times (Site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Outline Permission						
Reserved Matters and Discharge of Pre-Commencement Conditions	6	4				10
Site Commencement				3	6	9
Overall Time to 1st Completion						19*

Source: Lichfields

Notes: * rounded down to 12 months for the purposes of calculating a delivery trajectory.

Not included time within the timetable for market assessment and board approval as it is assumed this has been completed

Table 8.4 Application Pending Outline Permission - Lead-in Times (Site up to 250 units)

Key Stages	Prep. of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Outline Application		4	3			7
Market Assessment						3
& Board Approval	6	4				10
Reserved Matters and/or Discharge of Pre-Commencement Conditions				3	6	9
Overall Time to 1st Completion						29*

Source: Lichfields

Notes: * rounded to 30 months for the purposes of calculating a delivery trajectory.

Table 8.5 No Planning Application - Lead-in Times (site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Application	6	4	3			13
Market Assessment						
& Board Approval						3
Reserved Matters and/or Discharge of Pre-Commencement Conditions	6	4				10
Site Commencement				3	6	9
Overall Time to 1st Completion						35*

Source: Lichfields

Notes: * rounded to 36 months for the purposes of calculating a delivery trajectory.

- 8.10 The lead-in times set out in these tables are likely to be an underestimate based on the recent report by Barratt Homes and Chamberlin Walker.⁷² The report notes that:

“New data for 2017 presented in this report, from Barbour ABI, indicates that ‘post-planning permission’ development timescales (C+D) have increased markedly: on sites of 20 homes or more it now takes at least 4.0 years on average from the grant of detailed planning permission to site completion, compared to the earlier LGA estimates of 1.7 to 3.2 years.”

In these circumstances the Council must set out clearly the lead-in times that are assumed and demonstrate that they are sound and robust. This is clearly not the case with the current evidence base.

Delivery Rates

- 8.11 Whilst housebuilders aim to deliver development on site as quickly as possible, in a similar fashion to the lead-in times outlined above, the annual delivery rate on sites will depend on a number of factors including overall site capacity. In our experience, sites with a capacity of less than 250 units are built out by one housebuilder using one outlet. As such, a reasonable average

⁷² The Role of Land Pipelines in the UK Housebuilding Process (September 2017) Barratt Homes & Chamberlin Walker

annual delivery rate in York is 40 dpa for sites with a capacity of less than 250 units. However, on sites of less than 100 units we have assumed a lower delivery rate of 25 dpa as these sites will generally be delivered by smaller housebuilders.

8.12 Generally, in York on sites with a capacity of between 250 units and 500 units there is often a second developer (or national housebuilders use a second outlet) delivering units simultaneously. As such, annual delivery rates increase but not exponentially to the number of housebuilders or delivery outlets. In our experience in the current market, sites with 2 outlets deliver approximately 65 dpa.

8.13 Finally, on large-scale sites with a capacity of more than 500 units, there are often up to three housebuilders or outlets operating simultaneously. As before, this does not increase delivery exponentially but it can be expected that three outlets operating simultaneously on a large scale would deliver approximately 90 dpa.

Table 8.6 Annual Delivery Rates

	0-100 units	100-250 units	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

Source: Lichfields

8.14 Lichfields considers that it would be appropriate to apply the delivery rates identified above. The quantum of delivery of units on a site can be affected by a significant number of factors including local market conditions, general economic conditions, proximity to competing site, housing market area, type and quality of unit and the size of the development. There will be a number of sites in York that will experience higher annual delivery rather than the averages outlined above but there will also be a number of who deliver below the average also. It is therefore important not to adopt an average delivery rate which may only be achieved by a small minority of the strategic sites.

Density Assumptions

8.15 The 2017 SHLAA (page 20) sets out the density assumptions for each residential archetype.

8.16 It is considered that, the proposed densities are overly ambitious and will not be achieved on average on sites throughout York. For example, from our experience, it is not anticipated an average density of 50dph on sites of 1ha+ with a gross to net ratio of 95% can be achieved. Meeting open space requirements alone will preclude this ratio. There will be a very limited number of examples where this density has been achieved but a more appropriate and conservative figure should be pursued in the absence of firm details from a developer. The gross to net ratio at most should be 85%, although this can reduce to less than 60% for larger developments with significant infrastructure requirements.

8.17 Secondly, it is considered that a density of 40dph on suburban sites is highly aspirational and is unlikely to be achieved across a significant number of sites. This density is characterised by housing for the smaller households and thus not suitable for family accommodation. Our housebuilder clients and local intelligence has reaffirmed our concerns with the proposed average densities. Unless there is specific evidence to the contrary the default density on suburban sites should be 35 dph.

8.18 The Council has not provided sufficient information to back up their assumptions and we consider that these development densities should be revised downwards to ensure that the capacity of sites is not artificially inflated. Assumptions on development densities in the

absence of specific developer information should air on the side of caution and we consider that the details in the 2017 SHLAA are at variance with this principle.

Components of the Housing Supply

- 8.19 The components of the Council's supply are set out in the LPP. The LPP does not set out a delivery trajectory for each site and only sets out the expected delivery from each site over the plan period.
- 8.20 The information provided in the trajectory in the LPP is high level. It does not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total completion figure for all sites each year without detailed reasoning on the methodology for deriving this figure.
- 8.21 As set out above, the Council includes several student sites in its future supply which is inappropriate as no robust evidence has been provided to demonstrate that there has been a reduction in the number of general market dwellings occupied by students as a direct result of the provision of purpose-built student accommodation. As a result, including student accommodation in the supply is flawed and risks severely distorting the figures.

Sites with Planning Permission

- 8.22 It is now a standard approach that sites with planning permission should be included in the supply (unless there is a good reason to exclude them) whereas sites without planning permission should be excluded (unless there is a good reason to include them). This interpretation is entirely logical as the absence of a planning permission is a clear impediment to development, which is contrary to the test that land should be available now.
- 8.23 The LPP [§5.3] indicates that, as at 11th April 2017, there were extant planning permissions for 3,578 homes which will contribute towards meeting the overall housing requirement in the Plan. However, the Council has not identified these sites nor has it provided a delivery trajectory for each site to demonstrate how each of these sites contributes to delivery over the Plan period or to the 5-Year housing land supply. In the absence of this information it is not possible to ascertain whether these sites should be included in the supply. Lichfields therefore reserves the right to provide further comment on this matter as and when more detailed information is made available.

Allocations

- 8.24 Table 5.1 of the LPP identifies the housing and strategic sites which are proposed for allocation. It provides an estimated dwelling yield and estimated phasing for these sites (i.e. Short Term: Years 1-5, Medium Term: Years 1-10 etc.). For those sites where the phasing extends beyond years 1-5, the anticipated delivery of the sites in each 5 year phase is not confirmed.
- 8.25 The Council has not provided a detailed delivery trajectory for each of the Potential Strategic Housing Allocations and Potential General Housing Allocations. The Council has simply provided a figure for the total dwellings to be provided for the plan period without any justification or clarification on the assumptions used to derive the delivery figure. Lichfields therefore reserves the right to provide further comment on this matter as and when more detailed information is made available.
- 8.26 The estimated phasing in LPP Table 5.1 indicates that a number of large strategic sites are to commence delivery in Year 1. With regard to this matter, Lichfields would like to express a degree of caution in relation to resourcing issues at the Council. The Council are assuming that a significant number of large planning applications will be submitted and determined concurrently in a relatively short space of time. It is not clear if the Council has fully considered

the resourcing issues associated with dealing with all these application at the same time. In our experience, the Council's Department may not have sufficient capacity to deal with a number of major applications at the same time.

- 8.27 Based on the information provided, Lichfields also consider there are a number of sites where the delivery of development has been substantially overestimated by the Council, including the examples below.

Sites ST14 Land to West of Wigginton Road & ST15 Land to West of Elvington Lane

- 8.28 The estimated phasing in LPP Table 5.1 indicates that sites ST14 (Land to West of Wigginton Road) and ST15 (Land to West of Elvington Lane) will begin to deliver in Year 1 (2018/19). Lichfields consider this anticipated early delivery to be unrealistic for a number of reasons:
- 1 The sites are located within the Green Belt and no application is likely to be permitted until the Local Plan is adopted.
 - 2 A clear strategy is needed to deliver the sites during the plan period. Both are in multiple ownerships and the siting of each allocation without access to a public highway introduces an added level of complexity in negotiation and agreement between the parties involved.
 - 3 In view of their size and complexity much work will be needed to develop masterplans and establish viability of the developments to be progressed through the planning system.
 - 4 Detailed masterplans will be required to secure an appropriate form of development and ensure a phased delivery of the on-site services and facilities.
 - 5 Given the scale and location of the developments the schemes will need to be subject to full environmental assessment, especially to consider the likely impact on landscape, ecology and transportation and historic character of the City.
 - 6 The sites are isolated and there is no existing infrastructure capable of accommodating the proposed level of development. Both sites do not have frontage to a public highway with capacity that would allow even the smallest amount of development to commence. Their development will require major off-site highway improvements and new highway access roads and junctions. Other utilities will need to be procured and delivered in advance of any construction works on the site. This will inhibit the early delivery of the developments.
 - 7 The proposed sites are not obviously sustainable in that they are not easily accessible to existing social and community facilities or located close to existing public transport routes. Considerable effort will need to be made to ensure the allocations do not become satellite, dormitory communities wholly reliant on private transport for every journey away from the home.
- 8.29 The proposed delivery of units in Year 1 (2018/19) is ambitious and unrealistic given the extensive infrastructure requirements which will need to be put in place in advance of any development taking place. In addition, in view of the application of restrictive Green Belt policy it is inevitable that once the Local Plan is adopted the City of York Council will receive many planning applications for both large and smaller developments. Processing these applications will inevitably cause added delay, especially to the major, complex, housing allocations.
- 8.30 We consider that the identification of a portfolio of small site allocations (e.g. up to 250 dwellings) would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.

Windfalls

- 8.31 The Council claims that 169dpa will be delivered on windfall sites from Year 3 of the trajectory (2020/21) and provides justification for their windfall allowance in its Windfall Allowance Technical Paper (2017).

- 8.32 The Framework⁷³ sets out the local planning authorities may make allowance for windfall sites in the 5-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. Furthermore, any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends.
- 8.33 Lichfields accept that windfalls should be included in the overall housing delivery trajectory but only consider that they are appropriate outwith the first 5-year period. The inclusion of a significant windfall figure in earlier years increases the likelihood of artificially inflating the housing delivery figures in year 3 and double counting sites with permission. It does not account for any potential delays to the build out sites with extant consent. As such, the windfall allowance should be amended to only make an allowance from Year 5 (2022/23) onwards.
- 8.34 The Council consider that an annual windfall of 169dpa is appropriate to take account of potential delivery on sites of <0.2ha and completions on change of use and conversion sites.
- 8.35 However, the figure of 169 dwellings has only been achieved four times over the past 10 years and only twice since the base date of the new plan period (2012). This is during a period when the application of a very tight inner Green Belt boundary has precluded urban edge development at a time of ever increasing housing demand. In such circumstances it would have been an ideal period for windfall development to increase; but it did not. There is therefore no justification for such a high allowance.
- 8.36 In relation to the delivery on sites of <0.2ha, Lichfields consider that the proposed windfall allowance is too high because tightly defined settlement boundaries in York and surrounding settlements means there is a finite supply of sites which can come forward. This supply has been curtailed by the change in definition of previously developed land (June 2010) to remove garden sites. In addition, the Council started to request small sites to make contributions towards affordable housing provision and required rural sites with a capacity of more than 15 units to provide on-site affordable housing. This has made the provision of units on small sites less attractive to the market. Since the policy change and the introduction of affordable housing contributions the quantum of completions on windfall sites in York has plummeted. As a consequence, the future supply from this source should only consider the average completion rate since 2009/10 of 33dpa.
- 8.37 In relation to the delivery from conversions, the average completion figure in the past three years is largely dependent on recent changes to permitted development rights. As a consequence, it is considered that after an initial surge the conversion rate will revert back to the long term average. It is likely that the optimum conversion sites will be completed in the short term and the less sustainable and attractive office developments in York will not be converted. As such the average conversion rate from 2007/08 to 2013/14 of 64dpa should be used.
- 8.38 Based on the above assessment it is considered that the proposed windfall allowance should be reduced from 169dpa to 100dpa (rounded up from 97) which represents a far more realistic windfall allowance over the plan period. The incorporation of this figure would ensure that the Council's trajectory is not artificially inflated, can be realistically achieved and would only be incorporated into the delivery trajectory at Year 5 (2022/23) to ensure no double counting.
- 8.39 It is considered that the Council's information does not adequately justify a windfall allowance of 169dpa and does not provide sufficient certainty that this figure will be achieved over the plan period. We reserve the right to revise our position on windfalls if the Council prepares and releases further justification.

⁷³ The Framework, §48

Conclusion

- 8.40 Lichfields has undertaken an analysis of the Council's evidence base documents and consider that the evidence provided by the Council is not sufficient to demonstrate that the dwelling requirement over the plan period and a 5-Year supply will be achieved. It is also considered that some of the proposed delivery rates on sites are unfounded and unrealistic.

9.0 **Balance of the Requirement and Supply**

Introduction

9.1 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position, as required by the Framework. In these circumstances, it can only be assumed that the Council considers that it can demonstrate an adequate housing supply in the initial 5-year period and over the plan period. However, no evidence has been produced to demonstrate this position.

9.2 As a consequence, this section sets out an assessment of the housing supply against the three OAHNs for York (set out in Section 4).

5-Year Supply

Adequacy of Supply

9.3 The five year supply has been assessed against the Council's LPP housing target of 867 dpa; the SHMA Update's OAHN of 953 dpa; and Lichfields OAHN (1,150 dpa). The requirement is then compared to the Council's supply figures. The assessments in both cases make provision for the backlog and 20% buffer for persistent under delivery as calculated in Section 7. The calculation of Lichfields' position excludes any windfall allowance for the reasons we have set out in this Technical Report. As the Council has not provided adequate evidence to show how committed, allocated sites, student housing etc. factor into the housing supply, it has not been possible to fully assess the supply position and make further amendments. However, on the basis of our comments above, it is likely that this would reduce the housing supply considerably. Table 9.1 sets out the relative positions.

Table 9.1 5-Year Housing Land Supply Position using the Council's and Lichfields' OAHNs

Housing Requirement (2017-2022)		York Assumed Position		SHMA OAHN		Lichfields' Position	
Local Plan OAHN (dpa)			867		953		1,150
5 Year Requirement	2017-2022		4,335		4,765		5,750
Backlog	2012-2017	903		1,333		2,498	
Framework Buffer	20%	1,048		1,220		1,650	
Sub Total		1,951	1,951	2,553	2,553	4,148	4,148
5-year Requirement	2017-2022		6,286		7,318		9,898
Annual 5-year requirement			1,257		1,464		1,980
Housing Supply (2017-2022)							
Projected Housing Completions including Windfall Allowance from Year 3 (windfall allowance excluded from Lichfields' Position)			5,902		5,902		5,769
Total Supply	2017-22		5,902		5,902		5,769
Difference (Undersupply expressed as a minus)			-384		-1,416		-4,129
5-Year Supply Expressed as Years of Residual Annual Requirement			4.70		4.03		2.91

Source: Lichfields Analysis

- 9.4 The table demonstrates that even when comparing the likely delivery within the 5-year period to the Council's OAHN, there is not an adequate supply of housing land. Based on the Council's approach, there is only a supply of 4.70 years (with an undersupply of 384 dwellings), falling to 4.03 years if the higher SHMA OAHN is applied. If the Lichfields OAHN is used there is a supply of 2.91 years and a shortfall of 4,129 dwellings.
- 9.5 In addition, for the reasons we have raised in the previous section, the Council's 5-year supply figure of 5,902 dwellings is considered to be optimistic and all of this supply is unlikely to come forward over the 5-year period, which would further exacerbate the supply shortfall. Furthermore, including student accommodation in the supply without clearly evidencing how this would release housing onto the market elsewhere is not in accordance with the Practice Guidance or recent High Court judgements, and risks severely distorting the Council's land supply figures as a consequence.

Implications of the 5-Year Supply Position

- 9.6 The Council has a significant shortage of housing land in the first 5-years. This is a significant issue for the Council which means the plan is not 'sound' in its current form. It is therefore imperative that additional sites are allocated for housing to tackle this issue. These should be sites without any immediate constraints that can be delivered quickly once the plan is adopted.

The Plan Period Supply

- 9.7 There is also a significant shortfall of housing over the Plan period, when assessed against the Lichfields OAHN of 1,150 dpa and the 2,498 dwelling shortfall in delivery for the period 2012 to 2017 identified in Table 7.2 (a total figure of 20,898 dwellings over the Plan period 2012 to 2033). LPP Table 5.2 indicates a supply of 18,839 dwellings which is equivalent to a shortfall of 2,059 dwellings over this period.

Conclusion

- 9.8 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence has therefore been produced to demonstrate the Council's housing supply position.
- 9.9 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall for 5-year period. For the plan period, there is also a significant shortfall when assessed against the Lichfields assessment of the OAHN.
- 9.10 In these circumstances, the emerging plan is not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 9.11 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.
- 9.12 It should be noted that the above assessment is reliant upon the information provided in the LPP and associated evidence base documents. Lichfields therefore reserves the right to update the above evidence as and when further information becomes available, particularly regarding student housing needs.

10.0 Summary

Context

- 10.1 The Framework sets out that LPAs should use their evidence base to ensure they meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework.
- 10.2 The SHMA Assessment Update makes a number of assumptions and judgements which Lichfields considers to be flawed, or which do not properly respond to the requirements of policy and guidance. As a result, the concluded OAHN is not robust and is inadequate to meet need and demand within the HMA.

Conclusions on the City of York's Housing Need

- 10.3 The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is considered to be fundamentally flawed. This is effectively a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the OAHN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.
- 10.4 There are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
- 1 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this demographic-led figure of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below. Lichfields agree with making an adjustment for demographic and household formation rates. However, it would be illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - 2 Overall, the Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - 3 Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.
- 10.5 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 1 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates

amongst younger age cohorts takes the demographic starting point to 871dpa.

- 2 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, for the reasons set out above, Lichfields considers that a greater uplift of 20% would be more appropriate in this instance. When applied to the 871dpa re-based demographic starting point, this would indicate a need for 1,045dpa.

The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the Blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;

- 3 The scale of **affordable housing needs**, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045dpa set out above. It is considered that to meet affordable housing needs in full (573dpa), the OAHN range should be adjusted to 1,910dpa @30% of overall delivery. It is, however, recognised that this level of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

This is 7.5% higher than the MHCLG proposed standardised methodology figure of 1,070 dpa.

- 10.6 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework [§47] by significantly boosting the supply of housing. It would also reflect the Framework [§19], which seeks to ensure the planning system does everything it can to support sustainable development. We would note that these figures do not include the need for specialised student accommodation, which would be additional.

Conclusions on Housing Land Supply

- 10.7 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence has therefore been produced to demonstrate the Council's housing supply position.
- 10.8 Furthermore, including student accommodation in the supply without clearly evidencing how this would release housing onto the market elsewhere does not accord with the Practice Guidance or recent High Court judgements, and risks severely distorting the Council's land supply figures as a consequence
- 10.9 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall for the 5-year period. For the plan period, there is also a significant shortfall when assessed against the Lichfields assessment of the OAHN. Based on the Council's approach, there is only a supply of 4.70 years (with an undersupply of 384 dwellings), falling to 4.03 years if the higher SHMA OAHN is applied. If the Lichfields OAHN is used there is a supply of 2.91 years and a shortfall of 4,129 dwellings.
- 10.10 In these circumstances, the emerging plan is not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 10.11 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

- 10.12 **It should be noted that the above assessment is reliant upon the information provided in the LPP and associated evidence base documents. Lichfields therefore reserves that right to update the above evidence as and when further information becomes available.**

Appendix 1: Lichfields Market Signals Assessment

Appendix 1

Our ref 50642/03/MW/CR
Date 19th March 2018

Subject Lichfields Market Signals Assessment

1.0 Market Signals

Introduction

- 1.1 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:
- “Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.” [§17]*
- 1.2 The Practice Guidance requires market signals to be assessed against comparator locations . The analysis in the following sections focuses on comparing the City of York and other Local Authorities and England to benchmark their performance against trends both across the wider region and nationally.
- 1.3 The Guidance sets out six key market signals¹:
- 1 land prices;
 - 2 house prices;
 - 3 rents;
 - 4 affordability;
 - 5 rate of development; and,
 - 6 overcrowding.
- 1.4 It goes on to indicate that appropriate comparison of these should be made with upward adjustment made where such market signals indicate an imbalance in supply and demand, and the need to increase housing supply to meet demand and tackle affordability issues:
- “This includes comparison with longer term trends (both in absolute levels and rates of change) in the housing market area; similar demographic and economic areas; and nationally. Divergence under any of these circumstances will require upwards adjustment to planned housing numbers compared to ones based solely on household projections”.*
- “In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in*

¹ 2a-019-20140306

affordability needed and, therefore, the larger the additional supply response should be.”²

- 1.5 The Practice Guidance sets out a clear and logical ‘test’ for the circumstances in which objectively assessed needs (including meeting housing demand) will be in excess of demographic-led projections. In the context of the Framework and the Practice Guidance, the housing market signals have been reviewed to assess the extent to which they indicate a supply and demand imbalance in the City of York and other comparable local authorities and therefore indicate that an upwards adjustment should be made over the demographic-led baseline already identified.

Housing Market Indicators

- 1.6 In the context of The Framework and the Practice Guidance, each of the housing market signals have been reviewed to assess the extent to which they indicate an imbalance between supply and demand in the City of York.

Land Prices

- 1.7 CLG has published a document entitled ‘*Land value estimates for policy appraisal*’ (February 2015) which contains post permission residential land value estimates, per hectare for each Local Authority. For York this figure is £2,469,000 per hectare, well above the equivalent figure for England (excluding London) of £1,958,000.

House Prices

- 1.8 The Practice Guidance³ identifies that longer term changes in house prices may indicate an imbalance between the demand for and supply of housing. Although it suggests using mix-adjusted prices and/or House Price Indices, these are not available at local authority level on a consistent basis, and therefore for considering market signals in York, price paid data is the most reasonable indicator.
- 1.9 Land Registry price paid data displays the median prices in York, alongside North Yorkshire and England as of 2016 (Table 1.1). These median prices illustrate lower prices in York compared to national rates, but higher prices than in the surrounding sub-region.

Table 1.1 Median Dwelling price, York (2016)

	Median Dwelling Price 2016
York	£220,000
North Yorkshire	£199,995
England	£224,995

Source: ONS Price Paid Data

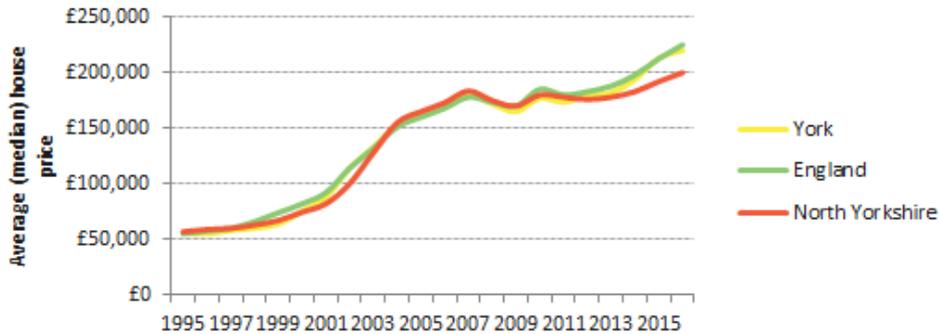
- 1.10 CLG publishes series data on median house prices based on the same Land Registry price paid data series. This currently runs from 1996 to 2016. This longitudinal analysis is illustrated in Figure 1.1, which indicates that the City of York has seen virtually identical levels of house price growth to the national average since 1999. The figure remains slightly below the England

² 2a-020-20140306

³ 2a-019-20140306

average at present, but is above the North Yorkshire median.

Figure 1.1 Median House Prices



Source: ONS Price Paid Data

- 1.11 In 2016 median house prices in York were just 2% lower than the national average, whilst the City ranked as being the 166th most expensive place to live in England (out of 326 districts).
- 1.12 It is particularly important to note that over the previous 17 years (1999-2016), median house prices have increased by 244% (or £156,000) in York, compared to 204% nationally and 199% across North Yorkshire as a whole.
- 1.13 As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York's median house prices have effectively tripled in 17 years, from £64,000 in 1999 to £220,000 in 2016, and have risen at a much faster rate than comparable national and sub-regional figures, suggests that the local market is experiencing considerable levels of stress.

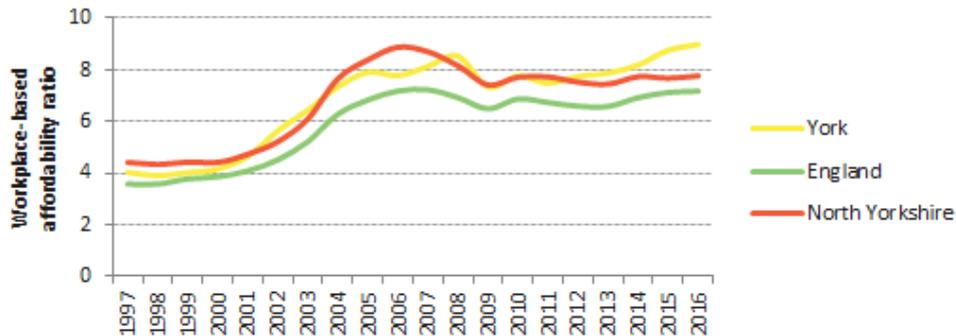
Affordability

- 1.14 The CLG's former SHMA Practice Guidance defines affordability as a '*measure of whether housing may be afforded by certain groups of households*'⁴. A household can be considered able to afford to buy a home if it costs 3.5 times the gross household income for a single earner household or 2.9 times the gross household income for dual-income households. Where possible, allowance should be made for access to capital that could be used towards the cost of home ownership [page 42].
- 1.15 The Practice Guidance concludes that assessing affordability involves comparing costs against a household's ability to pay, with the relevant indicator being the ratio between lower quartile house prices and lower quartile [LQ] earnings.
- 1.16 Using CLG affordability ratios, Figure 1.2 illustrates that although the ratio fell substantially from a peak of 8.14 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than North Yorkshire as a whole. This suggests that levels of affordability are declining in York at a pace which is not the case for the rest of the sub-region (and indeed, for the country as a whole). In 2016, the median house price

⁴ Annex G

in York City was approximately 9.0-times the LQ (workplace-based) income, compared to 7.8 for North Yorkshire and 7.2 nationally.

Figure 1.2 Ratio of house price to lower quartile earnings



Source: ONS Affordability Data

- 1.17 It can be seen in Figure 1.2 that over the past 19 years, the ratio of lower quartile house prices to lower quartile earnings in York has been consistently above the national average, with the gap widening over time. Indeed, the rate of increase is worrying – between 2002 and 2016, the affordability ratio increased by 39%, significantly above the comparable growth rate for North Yorkshire (+27%) and England (+37%). Indeed, across the whole of northern England, only Manchester City has experienced a higher rate of increase in its affordability ratio than York.
- 1.18 The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

Rents

- 1.19 On a similar basis, high and increasing private sector rents in an area can be a further signal of stress in the housing market. Median rents in York are £725 per month, with median rents ranging from £595 per month for a 1 bed flat, to £1,500 per month for a 4+ bed house. All of these figures are significantly higher than the national average, with overall average rents comprising £675 across England, and £585 for North Yorkshire. Rental levels are therefore 7.4% higher than comparable national figures (Figure 1.3).

Figure 1.3 Median Monthly Rents



Source: VOA Private Rental Market Statistics

Rate of Development / Under delivery

1.20 The rate of development is intended to be a supply-side indicator of previous delivery. The Practice Guidance states that:

“...if the historic rate of development shows that actual supply falls below planned supply, future supply should be increased to reflect the likelihood of under-delivery of a plan”⁵

1.21 York has never had an adopted Local Plan, hence the only relevant previous ‘planned supply’ figure is the target within the former Yorkshire and the Humber RS up to 2012. Thereafter, we have compared delivery against the household projections and its preferred OAHN range, as set out in Table 1.2.

Table 1.2 Rate of net housing delivery in York against possible policy benchmarks, 2004/05-2015/16

Year	Net Housing Completions	Council's OAHN (867 dpa)	
		'Need'*	+/-
2004/05	1,160	640	+520
2005/06	906	640	+266
2006/07	798	640	+158
2007/08	523	640	-117
2008/09	451	850	-399
2009/10	507	850	-343
2010/11	514	850	-336
2011/12	321	850	-529
2012/13	482	867	-385
2013/14	345	867	-522
2014/15	507	867	-360
2015/16	1,121	867	+254
2016/17	977	867	110
Total	8,612	10,295	-1,683

Source: ARUP (August 2015): Evidence on housing Requirements in York: 2015 Update, Table 4 and City of York Half Year Housing Monitoring Update for Monitoring Year 2017/181

*RSS assumed average 640 dpa 2005/05-2007/08; 850 dpa 2008/09 -2011/12

⁵Section 2a-019-20140306

- 1.22 It is clear from the Council's own evidence that the City has consistently under-delivered housing, with a failure to deliver anything more than 525 dwellings in any single year between 2007 and 2015. The policy benchmarks suggest that the level of past under-delivery is 1,683 dwellings over the past 13 years.
- 1.23 Furthermore, the Council's already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures. For example, CYC's 2012/13 Annual Monitoring Report states that 482 (net) dwellings were completed in 2012/13, but this figure includes 124 student cluster flats. The 6 months completions data set out in CYC's Housing Monitoring Update (Table 3, October 2017) suggested that the Council was continuing to rely on student housing completions to boost its housing numbers, with 637 of the total 1,036 net completions during the first half of the 2017/18 monitoring year comprising privately managed off-campus student accommodation.

Overcrowding and Homelessness

- 1.24 Indicators on overcrowding, sharing households and homelessness demonstrate un-met need for housing within an area. The Practice Guidance suggests that long-term increases in the number of such households may be a signal that planned housing requirements need to be increased.
- 1.25 The Guidance states that indicators on:
- "...overcrowding, concealed and sharing households, homelessness and the number in temporary accommodation demonstrate unmet need for housing. Longer term increases in the number of such households may be a signal to consider increasing planned housing numbers..."*⁶
- 1.26 The Census measures overcrowding based on a standard formula, which measures the relationships between members of a households (as well as the number of people in that household) to determine the number of rooms they require. A rating of -1 or less indicates a household has one fewer room than required, +1 or more indicates a household has one or more rooms than needed. At the national level, affordability issues in recent years, as well as a shortfall in housing supply, have meant that people are either willing to accept sub-optimal living conditions (e.g. living in a smaller home to manage costs) or are forced into accepting such housing outcomes (e.g. are priced out of the market and have to share with friends/family).
- 1.27 Table 1.3 illustrates that overcrowding against the occupancy rating in York is not severe, with 7.10% of households living in a dwelling that is too small for their household size and composition. This compares to 8.7% nationally. However, it represents a significant increase of 2 percentage points on the 5.1% recorded in York in 2001, which is above the national trend (which had increased by 1.6 percentage points from 7.1% in 2011).

⁶ Section 2a-019-20140306

Table 1.3 Overcrowding: Household Room Occupancy Rating

	2001			2011		
	Total Households	-1 room occupancy or less	-1 room occupancy or less (%)	Total Households	-1 room occupancy or less	-1 room occupancy or less (%)
York	76,926	3,887	5.1%	83,552	5,930	7.1%
England	20,451,427	1,457,512	7.1%	22,063,368	1,928,596	8.7%

Source: Census 2001 / Census 2011

Note: The definition of the Census 'bedroom standard' is slightly different from the 'occupancy rating' that informs the Government's Under-Occupancy Charges, i.e. the Census states that 'two persons of the same sex aged between 10 and 20' can occupy one bedroom, whilst the Under Occupancy Charge changes this to 'any two children of the same sex aged under 16'. It is possible that if the Government's policy continues into the long term, then changes will be made to the categorisation of the Census's Occupancy Rating to bring the two datasets into line.

1.28 The Census also recorded the number of concealed families (i.e. where there is more than one family present in a household). Nationally, this rose significantly between 2001 and 2011, at least in part due to the impact of the recession on younger households' ability to afford their own home. This meant that many younger people, including families, remained in the family home for longer than might have been expected in the past, either through choice (to save money) or through necessity.

1.29 At the time of the 2011 Census, 1.9% of all families in England were concealed; this represented 275,954 families. This is a rise compared to 2001 when 1.2% of families were concealed. In York, a lower percentage of families were concealed (1.1%) than nationally (1.9%). However, this represents a higher proportional rise, of almost two thirds, from the 2001 figure. This is presented in Table 1.4.

Table 1.4 Concealed Families in York, Yorkshire and Humber and England 2001-2011

	Concealed Families		Change (percentage points)	Change in %
	2001	2011		
York	330 (0.7%)	586 (1.1%)	+0.43	+65.7%
Yorkshire and the Humber	15,890 (1.1%)	25,410 (1.7%)	+0.57	+51.1%
England	161,254 (1.2%)	275,954 (1.9%)	+0.69	+59.2%

Source: Census 2011/2011

1.30 The levels of overcrowding and concealed households in York are moderate when compared with the national and regional averages but have increased at a higher rate (albeit from a lower base). While the level of overcrowding and number of concealed households is not so significant as to conclude that there is severe market pressure, it nevertheless highlights inadequacy reducing flexibility in the housing market.

1.31 The levels of overcrowding are likely to be a symptom associated with restricted incomes in York, with people either willing to accept sub-optimal living conditions (e.g. living in smaller houses to manage costs) or forced into accepting such housing outcomes (e.g. are priced out and have to share with friends/family). In such circumstances, overcrowding and concealed households may be indicative of insufficient supply to meet demand.

- 1.32 Table 1.5 indicates that York has a comparatively low number of homeless people in priority need, of just 97 (or 1.1 per 1,000 households), which is less than half the national rate. The fall in homelessness levels in the City has also been much more pronounced than elsewhere in England over the past ten years, although broadly comparable to Yorkshire and the Humber as a whole.

Table 1.5 Number accepted as being homeless and in priority need 2006/07-2016/17

	Homeless and in Priority Need		% Change	Absolute Change
	2006/07	2016/17		
York	213 (2.70 / 1,000 H'holds)	97 (1.1 / 1,000 H'holds)	-54%	-1.60 / 1,000 H'holds
Yorkshire and the Humber	8,220 (3.87 / 1,000 H'holds)	3,670 (1.60 / 1,000 H'holds)	-55%	-2.27 / 1,000 H'holds
England	73,360 (3.48 / 1,000 H'holds)	59,110 (2.54 / 1,000 H'holds)	-19%	-0.94 / 1,000 H'holds

Source: CLG Live Table 784: Local authorities' action under the homelessness provisions of the Housing Acts (P1e returns)

Synthesis of Market Signals

- 1.33 Drawing together the individual market signals above begins to build a picture of the current housing market in and around York; the extent to which demand for housing is not being met; and the adverse outcomes that are occurring because of this.
- 1.34 The performance of York against County and national comparators for each market signal is summarised in Table 1.6. When quantified, York has performed worse in market signals relating to both absolute levels and rates of change against North Yorkshire and England in 13 out of 28 measures.
- 1.35 It is clear that the City is currently facing very significant challenges in terms of house prices and private rental values causing affordability difficulties.

Table 1.6 Summary of York Market Signals against North Yorkshire and England

Market Signal	North Yorkshire		England	
	Absolute Figure	Rate of Change	Absolute Figure	Rate of Change
House Prices	Worse	Worse	Better	Worse
Affordability Ratios	Worse	Worse	Worse	Worse
Private Rents	Worse	Worse	Worse	Better
Past Development	~	~	~	~
Homelessness (Households in Temporary Accommodation)	Better	Better	Better	Better
Homelessness (Households in Priority Need)	Better	Better	Better	Better
Overcrowding (Overcrowded Households)	Worse	Worse	Better	Worse
Overcrowding (Concealed Families)	Same	Same	Better	Better

Source: Lichfields Analysis

Footnote: Worse = performing worse against the average
 Better = performing the same or better against the average
 ~ = data not available

- 1.36 To draw meaningful conclusions on the extent to which these market indicators show housing market stress within the City of York and a level of supply that is not meeting demand, the Practice Guidance suggests that comparisons of absolute levels and rates of change in such indicators should be made with comparator areas and nationally. For this reason, York has been compared and ranked against other local authority areas, and England as a whole.
- 1.37 These comparator areas have been chosen on the following basis:
- 1 Other nearby areas within the wider Yorkshire and the Humber Region:
 - a East Riding
 - b Hambleton
 - c Harrogate
 - d Hull
 - e Leeds
 - f Ryedale
 - g Selby
 - h Wakefield
 - 2 The Practice Guidance also states that market signals must be compared with authorities which are not necessarily close geographically, but which share characteristics in terms of economic and demographic factors. These authorities have been chosen by examining the ‘OAC Supergroup Area Classification Map’, produced by the ONS in 2015, which groups each local authority into various socio-economic classifications. York, as a ‘Coast and Heritage’ authority, has been compared with other communities similarly classified within this ranking and which share similar socio-economic characteristics:
 - a Bath and North East Somerset
 - b Canterbury
 - c Cheltenham
 - d Colchester
 - e Lancaster
 - f Scarborough
 - g Taunton Deane
 - h Worcester
- 1.38 England has been used as the final comparator for both sets of tables. A comparison across the range of housing market signals within the authorities identified above is presented in Table 1.7 and Table 1.8. A higher ranking in these tables suggests a worse, or comparatively poorer-performing, housing market for that indicator.

Table 1.7 York Market Signals Comparator Table [Neighbouring Authorities]

		House Prices (to year ending December)			Resident-based Affordability			Workplace-based Affordability			Rents		
Rank		2016	Change (£) 1999-2016	Change (%) 1999-2016	2016	Change (absolute) 2002-2016	Change (%) 2002-2016	2016	Change (absolute) 2002-2016	Change (%)	Sep 2017	Change (absolute) June 2011-Sep 2017	Change (%) June 2011-Sep 2017
Worsening housing market outcomes	1	Harrogate	Harrogate	York	Ryedale	Ryedale	gston upon Hull, Cit	Ryedale	Ryedale	gston upon Hull, Cit	York	England	England
	2	England	York	Harrogate	Harrogate	Harrogate	ast Riding of Yorkshi	Harrogate	York	Ryedale	Harrogate	Leeds	Leeds
	3	Hambleton	England	Ryedale	York	York	Wakefield	York	gston upon Hull, Cit	York	England	Harrogate	gston upon Hull, City of
	4	York	Hambleton	Selby	Hambleton	ast Riding of Yorkshi	England	Hambleton	England	ast Riding of Yorkshi	Leeds	gston upon Hull, Cit	Harrogate
	5	Ryedale	Ryedale	England	England	England	Ryedale	Selby	ast Riding of Yorkshi	England	Hambleton	York	Ryedale
	6	Selby	Selby	Hambleton	Selby	gston upon Hull, Cit	York	England	Harrogate	Wakefield	Ryedale	Ryedale	Selby
	7	Leeds	ast Riding of Yorkshi	gston upon Hull, Cit	ast Riding of Yorkshi	Selby	Harrogate	Selby	ast Riding of Yorkshi	Selby	Selby	Selby	York
	8	ast Riding of Yorkshi	Leeds	ast Riding of Yorkshi	Leeds	Wakefield	Leeds	Leeds	Hambleton	Leeds	Wakefield	ast Riding of Yorkshi	ast Riding of Yorkshi
	9	Wakefield	Wakefield	Leeds	Wakefield	Leeds	Selby	Wakefield	Wakefield	Harrogate	ast Riding of Yorkshi	Hambleton	Hambleton
	10	gston upon Hull, Cit	gston upon Hull, Cit	Wakefield	gston upon Hull, Cit	Hambleton	Hambleton	gston upon Hull, Cit	Leeds	Hambleton	gston upon Hull, Cit	Wakefield	Wakefield
		ONS Price Paid Data			ONS Affordability Data			ONS Affordability Data			VOA Private Rental Market Statistics		
Rank		2011	Change (% points)	Change (number)	2011	Change (% points)	Change (number)	~			~		
Worsening housing market outcomes	1	Leeds	York	England	England	gston upon Hull, Cit	England						
	2	England	England	Leeds	Leeds	England	Leeds						
	3	gston upon Hull, Cit	gston upon Hull, Cit	gston upon Hull, Cit	gston upon Hull, Cit	Selby	gston upon Hull, City of						
	4	York	Leeds	York	Wakefield	Leeds	Wakefield						
	5	Wakefield	Harrogate	ast Riding of Yorkshi	Selby	Wakefield	ast Riding of Yorkshi						
	6	Harrogate	Selby	Wakefield	York	York	York						
	7	Selby	ast Riding of Yorkshi	Harrogate	Hambleton	Hambleton	Selby						
	8	ast Riding of Yorkshi	Wakefield	Selby	ast Riding of Yorkshi	ast Riding of Yorkshi	Harrogate						
	9	Ryedale	Hambleton	Hambleton	Harrogate	Harrogate	Hambleton						
	10	Hambleton	Ryedale	Ryedale	Ryedale	Ryedale	Ryedale						
		Census			Census								
Better housing													

Table 1.8 York Market Signals Comparator Table ['Coast and Heritage' Authority Comparisons]

Rank	House Prices (to year ending December)			Resident-based Affordability			Workplace-based Affordability			Rents		
	2016	Change (£) 1999-2016	Change (%) 1999-2016	2016	Change (absolute) 2002-2016	Change (%) 2002-2016	2016	Change (absolute) 2002-2016	Change (%)	Sep 2017	Change (absolute) June 2011-Sep 2017	Change (%) June 2011-Sep 2017
1	and North East Som	and North East Som	Canterbury	and North East Som	and North East Som	Lancaster	Canterbury	Canterbury	York	and North East Som	Lancaster	Lancaster
2	Canterbury	Canterbury	York	Canterbury	Canterbury	and North East Som	and North East Som	York	England	Canterbury	and North East Som	and North East Somerset
3	Cheltenham	Colchester	Colchester	York	York	England	York	and North East Som	Lancaster	York	England	England
4	Colchester	Cheltenham	and North East Som	Colchester	Colchester	Canterbury	Cheltenham	England	Canterbury	Colchester	Colchester	Colchester
5	England	York	England	Taunton Deane	England	York	Cheltenham	Cheltenham	Cheltenham	Cheltenham	Worcester	Worcester
6	York	England	Lancaster	Worcester	Lancaster	Colchester	Taunton Deane	Lancaster	and North East Som	England	Cheltenham	Scarborough
7	Taunton Deane	Taunton Deane	Cheltenham	Cheltenham	Scarborough	Scarborough	Worcester	Worcester	Worcester	Taunton Deane	Scarborough	Cheltenham
8	Worcester	Worcester	Taunton Deane	England	Worcester	Worcester	England	Colchester	Scarborough	Worcester	Canterbury	Taunton Deane
9	Lancaster	Lancaster	Scarborough	Scarborough	Taunton Deane	Taunton Deane	Scarborough	Scarborough	Colchester	Lancaster	York	Canterbury
10	Scarborough	Scarborough	Worcester	Lancaster	Cheltenham	Cheltenham	Lancaster	Taunton Deane	Taunton Deane	Scarborough	Taunton Deane	York
11												
12												
13												
14												
	ONS Price Paid Data			ONS Affordability Data			ONS Affordability Data			VOA Private Rental Market Statistics		

Rank	Overcrowded households			Concealed families			~			~		
	2011	Change (% points)	Change (number)	2011	Change (% points)	Change (number)						
1	England	York	England	England	England	England						
2	Cheltenham	Colchester	York	Worcester	Canterbury	York						
3	Canterbury	Cheltenham	Colchester	Canterbury	York	Canterbury						
4	Colchester	England	and North East Som	Scarborough	Taunton Deane	Colchester						
5	York	Worcester	Canterbury	Lancaster	Scarborough	and North East Somerset						
6	and North East Som	and North East Som	Cheltenham	Taunton Deane	Worcester	Taunton Deane						
7	Worcester	Taunton Deane	Worcester	York	Colchester	Scarborough						
8	Scarborough	Canterbury	Taunton Deane	and North East Som	Lancaster	Lancaster						
9	Taunton Deane	Scarborough	Scarborough	Cheltenham	and North East Som	Worcester						
10	Lancaster	Lancaster	Lancaster	Colchester	Cheltenham	Cheltenham						
11												
12												
13												
14												
	Census			Census								

- 1.39 It is clear from this analysis that the housing market in the City of York is increasingly dysfunctional, with a very steep level of house price growth in recent years leading to significant affordability challenges generating adverse outcomes for residents who need to access the housing market. The comparative analysis suggests that when compared against neighbouring Yorkshire districts, York has experienced the highest rate of house price growth over the period 1999 to 2016, at levels significantly above the national average at a rate higher than the national level of growth. Only Harrogate and Hambleton have higher house prices, whilst only Harrogate and Ryedale have higher affordability ratios.
- 1.40 Median rental levels are also the highest of all the comparator Yorkshire authorities and the City has the highest rate of change of overcrowded households.
- 1.41 The performance of York's housing market relative to comparable authorities further afield (Table 1.8) which share similar socio-economic characteristics also suggests that the local housing market is under stress, with York amongst the very worst performing districts regarding rates of change in house prices, absolute and relative changes in affordability, median rents, and the rate of change in overcrowded households and concealed families.
- 1.42 The Practice Guidance, as well as providing general economic principles, points towards such factors as indicating that additional supply, over and above that solely needed by demographic change, may need to be delivered in order to address affordability and to reverse adverse housing market trends within the HMA.

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From: Claire Linley [Claire.Linley@dppukltd.com]
Sent: 04 April 2018 12:20
To: localplan@york.gov.uk
Cc: Mark Lane; Jennifer Winyard (Linden Homes) (Jennifer.Winyard@gallifordtry.co.uk)
Subject: York Local Plan Reps - Site 882
Attachments: Site 882 Askham Lane Report and Appendices.pdf; Site 882 Forms.pdf

Good afternoon,

Please find attached our representations on behalf of Linden Homes Strategic Land in relation to the City of York Local Plan Publication Draft Regulation 19 Consultation. This submission relates to the site known as land at Askham Lane, Acomb and land south of Foxwood Lane, Acomb (Site 882).

Please can you confirm receipt.

Kind regards,

Claire Linley BA (hons) DIPTP MRTPI
Principal Planner

M 07870 997 841

T 0113 350 9865

www.dppukltd.com



City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

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Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

882

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The lack of the allocation of a sustainable parcel of land which is well related to the urban area of the City of York is unsound. Further, the Local Plan is not 'sound' as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance. On the basis of the above we consider that the Local Plan is unsound and will not be effective and therefore not deliver sustainable development in accordance with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

To address the above Site 882, which is a sustainable site and its development will not result in any sufficient harm, should be reallocated for housing development.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.¹

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.³

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on [01904 554145](tel:01904554145)

Signature 

Date **04.04.18**

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

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Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

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We consider that Policy H2 and the associated assumed yields applied to various allocations are unsound and not justified and will not ensure effective delivery of the housing requirement and is therefore inconsistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We suggest that that net development density is reduced and that greater flexibility is included in the policy to allow for balanced developments to be created.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

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Part C - How we will use your Personal Information

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Date

04.04.18

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

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Do I need to attend the Public Examination?

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

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Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph
no.

Policy
Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that Policy H3 is unsound as it will not be effective, it is not justified, and is not consistent with national policy.

See attached report for full comments.

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After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We suggest the policy should be modified to provide greater flexibility to allow for balanced developments to be created. In this regard we would suggest amending the policy to read "Proposals for residential development should assist in balancing the housing market, unless material considerations indicate otherwise, by including a mix of types of housing that respond to and reflects the diverse mix of need across the city and the character of the locality."

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

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Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
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Do I need to attend the Public Examination?

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

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Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

Lack of Safeguarded Land Allocation

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

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The inclusion of Site 882 as a safeguarded land site as an alternative to a housing allocation.

See attached report for full comments.

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4.(3) Please justify your answer to question 4.(1) and 4.(2)

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What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

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Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded site to contrary to national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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The inclusion of a safeguarded land policy and an appropriate quantum of safeguarded land sites.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

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Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

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Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

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What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

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Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes

No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Local Plan is not 'sound' as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



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The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much-needed investment in new housing to meet the community's needs.

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First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
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Postcode		LS1 2ES
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4. (1) Do you consider the document is Legally compliant?

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No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

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Yes No

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Paragraph no.

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The Local Plan does not provide sufficient housing land to meet needs of the housing market area and those sites allocated will not deliver the units identified and as the Site does not perform a Green Belt purpose it should not be included in the Green Belt. On the basis of the above we consider that the Local Plan is unsound, it is not justified and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

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Site 882 should be removed from the Green Belt.

See attached report for full comments.

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Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
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Do I need to attend the Public Examination?

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST5

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider the allocation of ST5 to be unsound in that ST5 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We do not suggest that the allocation known as ST5 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST5 should be 410 units as set out in the Publication Draft (2014). This level of development is more realistic and achievable.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

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To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

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Storing your information and contacting you in the future:

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Retention of Information

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Signature

Date

04.04.18

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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ID reference:

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Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

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Do I have to use the response form?

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

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Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST14

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We do not object to the principle of the allocation but we do consider the estimated yield from ST14 to be overly ambitious so as to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider the yield assumed for ST14 to be unsound in that ST14 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

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After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We do not suggest that the allocation known as ST14 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST14 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

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Date **04.04.18**

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

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3. To which document does your response relate? (Please tick one)

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Yes

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4.(2) Do you consider that the document complies with the Duty to Cooperate?

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Yes No

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5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST15

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We do not object to the principle of the allocation but we do consider the estimated yield from ST15 to be unrealistic and to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider the yield assumed for ST15 to be unsound in that ST15 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

See attached report for full comments.

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We do not suggest that allocation known as ST15 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST15 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

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Signature



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RESPONSE TO YORK LOCAL PLAN PUBLICATION DRAFT

LINDEN HOMES STRATEGIC LAND

**SITE 882 - ASKHAM LANE, ACOMB AND
LAND SOUTH OF FOXWOOD LANE,
ACOMB**

RESPONSE TO YORK LOCAL PLAN PUBLICATION DRAFT

On behalf of: Linden Homes Strategic Land

In respect of: Site 882 - Askham Lane, Acomb and Land south of
Foxwood Lane, Acomb

Date: April 2018

Reference: CL/ML/2414le/R003cl

Author: Claire Linley

DPP Planning
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Executive Summary

The Developer **objects** to the lack of a housing allocation on the Site or in the alternative a safeguarded land allocation. The Developer also **objects** to the suggested housing requirement and to the lack of a safeguarded land policy. In the alternative to a housing allocation the Developer **objects** to the lack of a safeguarded land allocation. The Developer also **objects** to the density assumptions applied to allocated sites, particularly in rural villages, and the assumed delivery from ST15, ST14 and ST5.

We have shown that the Site is available and suitable for development and that development is achievable.

We have shown that the exclusion of the Site from the Green Belt would not harm any of the purposes of including land within the Green Belt.

We have shown that the Site is sustainably located and its development would accord with the NPPF.

We have shown that that the Site can accommodate at least 537 houses and that the development would be viable.

We have shown that the Council OAHN is deficient and underestimates the level of need. This is exacerbated by the Council's assessment of housing supply particularly their over estimation of the delivery from certain sites, particular ST5 and ST14, ST15.

The Council have also increased the delivery from individual sites by increasing the density assumptions. This is inappropriate particularly in rural settlements.

We have shown that there is a need to allocate additional land for housing development.

To make the plan sound we recommend the following amendments and modifications are made to the Local Plan: -

- There are a number of significant deficiencies in the City of York SHMA and Addendum which means that the 841 dwellings per annum OAHN figure currently being pursued by the Council is not soundly based. We suggest that the OAHN should be 1150 dwellings per annum.
- The Council needs to provide a justified trajectory of the proposed housing sites and it needs to reassess the assumed delivery from certain sites particularly ST5, ST14 and ST15;
- A wider range and choice of sites need to be allocated for residential development;
- Safeguarded land policy and allocations should be incorporated within the Local Plan;
- Appropriate development densities should be assumed and justified particularly from village and rural sites;
- The Council should allocate the land to both the east and west of Askham Lane, Acomb and to the south of Foxwood Lane, Acomb for residential development; and
- In the alternative, it should be allocated as safeguarded land.

1.0 Introduction

- 1.1 We are submitting this representation on behalf of our client, Linden Homes Strategic Land (“the Developer”), in respect of various issues contained in the City of York Local Plan Publication Draft Regulation 19 Consultation (“the Local Plan”) and in particular their interests in relation to land at Askham Lane, Acomb and land south of Foxwood Lane, Acomb (Site 882) (“the Site”)
- 1.2 The Developer has options in respect of the Site. The land that is in the control of the Developer is shown on the plan attached at **Appendix 1**.
- 1.3 The Local Plan does not allocate the Site for housing and instead it is located within the Green Belt. The Developer **objects** to the proposed allocation of the Site as Green Belt and is seeking its allocation for residential development or in the alternative as safeguarded land.
- 1.4 On behalf of the Developer we have now had the opportunity to read the document and its associated evidence base and we have made a number of comments.

2.0 The Test of Soundness

2.1 Paragraph 182 of the NPPF indicates that a Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “**sound**” namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

3.0 The Site

- 3.1 The settlement of Acomb is located approximately 3km to the west of the centre of York. Acomb contains a range of facilities and services.
- 3.2 The Site comprises of approximately 28ha of land which is split by Askham Lane. Askham Lane connects Acomb to the north to the A1237 to the south.
- 3.3 The Site is presently in agricultural use and can be split into two, a western section and an eastern section. The eastern section is smaller and comprises of one agricultural field which is bound to the west Askham Lane and to the east by the field boundary beyond which is the residential properties along The Gallops and Osprey Close. The northern and southern boundaries of the eastern section of the Site are formed by hedgerows beyond which is further agricultural field.
- 3.4 The western section is larger and consists of two agricultural fields. The western boundary of the site is formed by the A1237 and the eastern boundary by Askham Lane. The western section of the northern boundary is formed by an unnamed drainage ditch and the eastern section by the residential curtilages of the properties located along Westfield Place. The southern boundary to the Site is formed by a number of trees. There are a number of isolated trees and hedgerows located within the northern section of the Site.
- 3.5 In the wider context, the Site is bounded to the north and east by the existing urban area of the City of York; to the west by the A1237 and to the south by open land before reaching Moor Lane. Moor Lane forms a clear boundary between the urban area of the City of York and the Green Belt.

4.0 Suitability of the Site

The Development Proposals

- 4.1 A master plan has been produced for the Site. The masterplan is attached at **Appendix 2**.
- 4.2 The masterplan shows access being taken from Askham Lane. The larger section of the Site to the west will have two access points whereas the smaller section of the Site to the east will only have one access point.
- 4.3 6 pedestrian/cycle accesses are indicated on the masterplan which would provide access to Askham Lane and Foxwood Lane with links also proposed to the playing fields to the north and Osprey Close, leading to the residential area to the east.
- 4.4 Surface SUDs attenuation ponds are provided to the north and east of the Site and open spaces are provided on high ground located to the west of Askham Lane and to the west of The Gallops.
- 4.5 A landscaped buffer strip is proposed along the line of the A1237.
- 4.6 The potential quantity of the development of each section of land has been estimated based on an assumed density of 30 dwellings per hectare. The estimated areas to accommodate development within each section of land are identified on the masterplan as A, B and C and are as follows: -
- A 4.7 ha (11.61 Acres)
 - B 9.53 ha (23.54 Acres)
 - C 3.66 ha (9.05 Acres)
- 4.7 This density would result in the following number of houses on each section of land: -
- A 141 units
 - B 286 units
 - C 110 units
- 4.8 The potential for residential development has been considered and based on an assumed housing density of 30 dwellings per hectare it is envisaged that 537 houses could be accommodated within the Site.

Assessment

- 4.9 The NPPF indicates that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Given the above the Site is assessed against these considerations below.

Availability

- 4.10 The availability of the Site is assessed in terms of its ownership and whether all owners are known and in support of development on the Site. The Site is in the control of Linden Homes. The Site is therefore **AVAILABLE** for residential development.

Suitability

- 4.11 The National Planning Policy Framework sets out a presumption in favour of sustainable development and encourages local planning authorities to focus new development in locations which are or can be made sustainable.
- 4.12 The key elements to assess are as follows: -
- Relationship to the Urban Area;
 - Access to Local Transport and Services;
 - Archaeological and Heritage Impacts;
 - Landscape;
 - Ecology;
 - Contamination;
 - Access; and
 - Flood Risk and Drainage.

Relationship to the Urban Area

- 4.13 The National Planning Policy Framework sets out a presumption in favour of sustainable development and encourages local planning authorities to focus new development in locations which are or can be made sustainable.
- 4.14 The eastern section of the Site adjoins the existing settlement of Acomb along its eastern boundary and the western section of the Site partially adjoins the settlement along its northern boundary. Therefore, it is considered that this Site is well related to the existing urban form of Acomb.
- 4.15 The Site is therefore both physically and visually very well related to the urban area.

Access to Local Transport and Services

- 4.16 Bus services currently run along Askham Lane to the north of the Site as well as Foxwood Lane and Bellhouse Way to the east. The majority of the Site is within 400m of the bus stops on these routes. The masterplan layout provides convenient links to these bus routes. From the Site access is available by foot, bicycle, car and public transport to the service and facilities within Acomb, Monks Cross, the University and the City of York.
- 4.17 The Site is well related to the existing settlement and has good access to a range of shops, services, recreational facilities and public transport links thereby providing wider access to services.

4.18 The Site is clearly sustainably located.

Archaeological Impact

4.19 A report has been prepared by MAP Archaeological Practice Ltd to assess the Historical and Archaeological background and the impact of the proposed residential development on the Site. The report notes that there are no Scheduled Ancient Monuments, Registered Parks and Gardens, Registered Battlefields, Listed Buildings, Designated Conservation area or sites on the City of York Historic Environment Record within the Site. There are eight non-designated Heritage Assets within the Site. In the area west of Askham Lane three Monuments and one event relating to two areas of ridge and furrow ploughing on aerial photograph and a series of pit sand enclosures on aerial photograph (interpreted as Iron Age/Roman in date. In the area east of Askham Lane there is one monument and two events relating to aerial photographs and ridge and furrow ploughing. The report concludes that there are no Cultural Heritage or Archaeological reasons to prevent development.

Landscape

4.20 FDA Landscape Ltd carried out a landscape appraisal of the Site. This report indicates that the Site

- Has strong existing boundaries to the ring road and existing residential areas;
- Is adjacent to existing residential areas and as such would appear in the landscape as an extension to existing development;
- The proposals can allow for sustainable drainage solutions within areas of open space that will benefit the wider community in terms of flood control and local recreation;
- Implementation of a considered landscape scheme will add structure and enhance local biodiversity;
- The Site is currently in agricultural use with hedgerows to the periphery. Given the nature of agricultural operations the Site is unlikely to have any material nature conservation value; and
- The proposals will provide the opportunity to enhance biodiversity through the inclusion of a wildlife corridor, landscaping measures and surface water attenuation basins all providing new habitats to encourage new species to the Site. There are therefore no known ecological issues which would mean that the Site is not suitable for development.

4.21 The report concludes that there are no landscape reasons to preclude the allocation of the land for residential development.

Ecology

4.22 The Site is a flat greenfield parcel of land that is currently in agricultural use.

4.23 The Site is currently in agricultural use with hedgerows to the periphery. Given the nature of agricultural operations the Site is unlikely to have any material nature conservation value. The proposals will provide the opportunity to enhance biodiversity through the inclusion of a wildlife

corridor, landscaping measures and surface water attenuation basins all providing new habitats to encourage new species to the Site. There are therefore no known ecological issues which would mean that the Site is not suitable for development.

Contamination

4.24 The Site is not contaminated.

Access

4.25 Access would be taken from three points located along Ashham Lane. Ashham Lane is wide and straight providing good visibility. Access onto Ashham Lane can be provided.

Drainage

4.26 An open drain runs along the north-western corner of the northern section of the Site. If soakaways are not viable on the Site surface water discharge from the development will be attenuated on Site, probably in the form of a surface attenuation basin or swales, before being discharged into the water course at an agreed rate.

4.27 The foul water will be directed to the public sewers.

4.28 The Site is not identified as being at risk from flooding therefore this is not considered to be an issue.

4.29 It is therefore considered that the Site is **SUITABLE** for residential development.

Achievability

4.30 Achievability is based upon an assessment of the housing market in that area, the preparation costs and the developer interest.

4.31 The Site lies within an attractive part of the City of York, which is high value market area, and there are no abnormal development costs. The Site is being promoted by Linden Homes, a national house builder, who feel there is considerable interest in developing in this area. Linden Homes, as experienced developers, confirm that the Site is viable to develop. The Site is viable to develop.

4.32 It is therefore clear that residential development would be **ACHIEVABLE**.

Conclusion

4.33 The above demonstrates that the Site is available, that the land is suitable for development and that development of housing on the Site is achievable

Soundness

- 4.34 The Site is considered to be a location suitable and appropriate for housing development and that the development of the land would not harm any important planning consideration. We consider that the failure to allocate this sustainable development Site means that the Local Plan is unsound and there has not been positively prepare, the allocations are not justified and will not be effective and as such the Local Plan is contrary to national policy.

Modification

- 4.35 To address the above the Site should be allocated for housing development.

5.0 Objection to the Lack of a Housing Allocation

Pre-Publication Draft Regulation 18 Consultation (September 2017)

5.1 The Pre-Publication Draft of the local plan was published for consultation in September 2017. DPP made comments on the document on behalf of Linden Homes.

5.2 Annex 1 of the SHLAA, which formed part of the evidence base to the Pre-Publication Draft version of the plan summarised the consultation responses to the Preferred Sites Document and provides a summary of the findings of the Technical Officer Workshop.

5.3 The following points were made in relation to Site 882: -

“Site is within historic character and setting area - area retaining rural setting and therefore fails criteria 1 (environmental assets) of the site selection paper methodology. It is considered that the development of the site would compromise the setting of the city especially given the gentle topography of the site and that the rural edge of the city would be lost especially when experienced on the approach to Askham Lane and the A1237. The landscaping proposed would not mitigate for the loss of openness, impact on landscape character or on the setting of the city. The introduction of high hedging could not mitigate for this impact as the introduction of buildings in this location would still introduce a solid form which would compromise the fluidity and feel of the landscape.”

5.4 The Council essentially raise two points. The first is the alleged impact that the development of the Site would have on the historic character and setting of the area and the second relates to landscape impact. These will be addressed in turn below: -

The impact that the development of the Site would have on the historic character and setting of the area

5.5 A report has been prepared by MAP Archaeological Practice Ltd to assess the Historical and Archaeological background and the impact of the proposed residential development on the Site. The report concludes that there are no Cultural Heritage or Archaeological reasons to prevent development.

5.6 The Council do not contradict the above statement. Rather, the Council consider that the Site lies within the historic character and setting area – ‘area retaining rural setting’ and therefore fails criteria 1 (environmental assets) of the site selection paper methodology.

5.7 MAP Archaeological Practice Ltd have reviewed the Council’s response and considers that the Council’s approach lacks consistency. MAP Archaeological Practice Ltd cannot understand what makes the Site different to SS16, SS19, SS22 and SS23 that are proposed for inclusion in the Local Plan.

5.8 MAP Archaeological Practice Ltd note that whilst the Site is undulating there are no views of the Minster. The fields have little intrinsic value as they contain no sign of strip field system or ridge

and furrow. They form the standard 19th century Enclosure Pattern which has been altered by the insertion of the ring road on the western edge of York.

- 5.9 MAP Archaeological Practice Ltd also note that whilst the fields are in agricultural use they do not form the green corridors into York.
- 5.10 MAP Archaeological Practice Ltd concluded that any harm to the historic character of this edge of York is minimal and could be mitigated.

Landscape Impact

- 5.11 FDA Landscape Ltd carried out a landscape appraisal of the Site on behalf of the Developer.
- 5.12 FDA Landscape Ltd have reviewed the reasons given for not allocating the Site and notes that the approach to the Site that are referred to from Askham Lane and the A1237 are screened by vegetation. Furthermore, FDA Landscape Ltd note the low-lying nature of the development area. FDA Landscape Ltd conclude that whilst it is accepted that the development of the Site would add roofscape into the vista, vehicle speeds on the A1237 and the density of the intervening vegetation and hedges are such that the change in perception of the landscape would be slight from the ring road.
- 5.13 There are several places around the ring road where development comes close to the edge of the road – Rawcliffe, Earswick, Poppleton and Fulford. FDA Landscape Ltd conclude that the Site would be of less detriment to the setting of the City than these sites due to the established vegetation between the A1237 and the Site.
- 5.14 The Landscape and Visual Impact Assessment indicated that there are no detrimental impacts that couldn't be mitigated during the design process. The Landscape and Visual Impact Assessment therefore concluded that there are no landscape reasons to preclude the allocation of the land for development.

Publication Draft Regulation 19 Consultation (February 2019)

- 5.15 The Publication Draft of the Local Plan continues to show Site 882 within the Green Belt. The reasoning given in the Local Plan documentation for not allocating the Site for housing or indeed including the Site as safeguarded land is still not justified.

Soundness

- 5.16 The lack of the allocation of a sustainable parcel of land which is well related to the urban area of the City of York is unsound. Further, the Local Plan is not 'sound' as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance. On the basis of the above we consider that the Local Plan is unsound and will

not be effective and therefore not deliver sustainable development in accordance with national policy.

Modification

- 5.17 To address the above Site 882, which is a sustainable site and its development will not result in any sufficient harm, should be reallocated for housing development.

6.0 Objection to Policy SS1

Introduction

6.1 Lichfields has been commissioned by Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd & Bellway Homes [the Companies] to undertake a review of City of York Council's housing requirement and housing supply that has formed a key part of the evidence base to inform the Local Plan.

The City of York Strategic Housing Market Assessment

6.2 The Framework sets out that local planning authorities should use their evidence base to ensure they meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. To provide an objective assessment of housing need ("OAHN") the Council commissioned GL Hearn to produce the following reports and updates: -

- The City of York Strategic Housing Market Assessment (June 2016) ("SHMA")
- The Strategic Housing Market Assessment Addendum (June 2016) ("the Addendum"); and
- The Strategic Housing Market Assessment Update (September 2017) ("the Update")

Background

6.3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to prepare the SHMA. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of 841dpa.

6.4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However, in June 2016 GL Hearn produced an Addendum to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706dpa - 898dpa, and therefore the Council considered that it did not need to move away from the previous 841dpa figure.

6.5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. GL Hearn was asked by the Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation relating to OAN. The GL Hearn SHMA Update (September 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the demographic starting point from 783dpa (in the 2016 SHMA) to 867dpa. In their Update, GL Hearn

then applied a 10% uplift to the 867dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of 953dpa. However, a cover sheet to GL Hearn's Update, entitled '*Introduction and Context to objective Assessment of Housing Need*' was inserted at the front of this document by the Council. This states that 867dpa is the relevant baseline demographic figure for the 15-year period of the plan (2032/33). The Council rejected the 953dpa figure on the basis that GL Hearn's conclusions stating:

"...Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations."

- 6.6 As a result of this approach, the Publication Draft now states in Policy SS1: Delivering Sustainable Growth for York, the intention to:

"Deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38."

- 6.7 The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is "*an objectively assessed housing need*".

- 6.8 The Council therefore commissioned GL Hearn, an expert in the field, to produce a Strategic Housing Market Assessment in order to provide an OAHN and having done so the Council elected to ignore the findings of the Strategic Housing Market Assessment considering it to be speculative and arbitrary. The Council provided no evidence to substantiate its claim that the Strategic Housing Market Assessment was speculative and arbitrary. The decision to ignore the advice of the Council's independent experts is flawed and unsound.

- 6.9 We will go onto explain why the Council decision to ignore the advice of the Council's independent experts is flawed and unsound.

Housing Requirement

- 6.10 There are a number of deficiencies in the Strategic Housing Market Assessment Update highlighted by Lichfields and these are summarised below.

- The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is considered to be fundamentally flawed. This is effectively a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the OAHN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.
- There are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:

- GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However, this demographic-led figure of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need. Lichfields agree with making an adjustment for demographic and household formation rates. However, it would be illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - Overall, the Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.
- 6.11 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within the Litchfields report provides alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 6.12 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates amongst younger age cohorts takes the demographic starting point to **871dpa**.
- 6.13 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, Lichfields considers that a greater **uplift of 20%** would be more appropriate in this instance. When applied to the **871dpa** re-based demographic starting point, this would indicate a need for **1,045dpa**. The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;
- 6.14 The scale of **affordable housing needs**, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045dpa set out above. It is considered that to meet affordable housing needs in full (573dpa), the OAHN range should be adjusted to 1,910dpa @30% of overall delivery. It is, however, recognised that this level of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York

Lichfields consider that a **further 10% uplift** would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

- 6.15 Whilst it is accepted that limited weight can be attached to the MHCLG proposed standardised methodology figure this figure nevertheless reflects the direction of travel of Government policy. The MHCLG proposed standardised methodology figure is 1,070 dpa similar to the Lichfield figure which has been uplifted to address market signals but not be uplifted to address affordable housing need.
- 6.16 The Lichfields housing requirement allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Lichfields consider that using this figure would ensure compliance with paragraph 47 of the Framework by significantly boosting the supply of housing. It would also reflect paragraph 19 of the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.

Housing Land Supply

- 6.17 Lichfields have also assessed the Council's housing supply position. Lichfields raise issues and concerns about the following matters; -
- Lead in times;
 - Delivery rates;
 - Density assumptions;
 - The components of supply;
 - ST14 and ST15; and
 - Windfall.
- 6.18 Lichfields has undertaken an analysis of the Council's evidence base and question some of the assumptions in relation to the components of supply and conclude that some of the proposed delivery rates on sites are unfounded and unrealistic.
- 6.19 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall when assessed against the Lichfields assessment of the OAHN.
- 6.20 The Lichfield Report is attached at **Appendix 4**.

Soundness

- 6.21 In these circumstances, the Local Plan is not 'sound' as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance.

Modification

- 6.22 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much-needed investment in new housing to meet the community's needs.

7.0 Objection to Policy SS2 - Green Belt Designation

7.1 Policy SS2: The Role of York's Green Belt states:

"The primary purpose of the Green Belt is to safeguard the setting and the special character of York and delivering the Local Plan Spatial Strategy. New building in the Green Belt is inappropriate unless it is for one of the exceptions set out in policy GB1.

The general extent of the Green Belt is shown on the Key Diagram. Detailed boundaries shown on the proposals map follow readily recognisable physical features that are likely to endure such as streams, hedgerows and highways.

To ensure that there is a degree of permanence beyond the plan period sufficient land is allocated for development to meet the needs identified in the plan and for a further minimum period of five years to 2038."

7.2 Within the current version of the Local Plan Site 882 is shown to lie within the Green Belt.

7.3 Paragraph 80 of the NPPF states that the 5 purposes of including land within the Green Belt are as follows:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

7.4 It is therefore considered necessary to assess the Site against the five purposes of including land in the Green Belt as set out within the NPPF:

To check the unrestricted sprawl of large built-up areas

7.5 The whole of the Site lies to the east of the A1237. The A1237 forms a physical and visual divide between the open countryside and the urban area and open land associated with the City of York. Land inside the A1237. The A1237 is a firm and defensible boundary. The development of the Site will therefore not lead to unrestricted sprawl.

To prevent neighbouring towns merging into one another

7.6 The Site is located on the western side of York, the existing built form of the settlement and the A1237 would form natural boundaries. The nearest settlement is located approximately 1.5km to the south west of the Site on the other side of the A1237. It is considered that the boundaries formed by the existing built form including the road network will prevent the Site from merging into other settlements.

To assist in safeguarding the countryside from encroachment

- 7.7 The natural boundaries formed by the A1237, Askham Lane and the built form of Acomb will prevent the development of the Site leading to further encroachment into the countryside.

To preserve the setting and special character of historic towns

- 7.8 The Site is located to the west of York and is screened from the historical centre of York by the existing built form and the Great Knoll therefore the development of this Site would have no impact on the setting or special character of York. The development of the Site would have no effect on the setting and special character of historic features.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

- 7.9 There is a lack of brownfield land within York therefore greenfield land will need to be constructed upon. In the context of the City of York this purpose is of little relevance.

Conclusion

- 7.10 It is not considered that the Site serves any significant Green Belt function and therefore the Site should be excluded from the Green Belt in the Local Plan.

Soundness

- 7.11 The Local Plan does not provide sufficient housing land to meet needs of the housing market area and those sites allocated will not deliver the units identified and as the Site does not perform a Green Belt purpose it should not be included in the Green Belt. On the basis of the above we consider that the Local Plan is unsound, it is not justified and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

Modifications

- 7.12 Site 882 should be removed from the Green Belt.

8.0 Policy H2 - Density of Development

- 8.1 In addition to Lichfields' comments relating to the OAHN and the proposed housing land supply we also have concerns about the density of development that the Council believe can be delivered from the various allocated sites.
- 8.2 We welcome the clarification that this policy should be used as a general guide and that the densities of any development will need to respond to its context.
- 8.3 We however have concerns about the density of development that the Council believe can be delivered from the various allocated sites.
- 8.4 We note that as a general trend the density of development on allocated sites increased in the Preferred Sites Consultation (2016) when compared to the Publication Draft (2014). These densities increased again when comparing the Preferred Sites Consultation (2016) to the Pre-Publication Draft. See the table attached at **Appendix 3**.
- 8.5 It would appear that the Council have changed their approach to calculating development densities between the various draft iteration of the Local Plan. For example, in the Preferred Options (2013) it was assumed that in the villages and rural areas development would occur at 30 dwellings per hectare. In the Publication Draft (2014) it is assumed that development in the villages and rural areas would occur at 35 dwellings per hectare. We feel that for villages and rural areas a development density of 30 dwellings per hectare would be more appropriate.
- 8.6 The development density for suburban areas, which includes Haxby and Wigginton, is identified as 40 dwellings per hectare. Given the character and form of some suburban areas it is considered that such a density of development could be harmful particularly if a balanced development is to be provided. A development density of 40 dwellings per hectare is more characteristic of high density urban living rather than an extension to sustainable suburban areas and villages. It implies a high proportion of small tight knit dwellings which would be uncharacteristic of locations adjoining urban areas and villages which have typically been developed at about 25 dwellings per hectare. It would be reasonable to expect a development density above 30 dwellings per hectare but 40 dwellings per hectare is too high
- 8.7 As to the proposed development densities of 50 dwellings per hectare for urban areas and 100 dwellings per hectare within the city centre, these densities of development are considered ambitious particularly where there is a need to incorporate open space. Development at this density may limit the marketability of the product and if this is the case it would not boost housing delivery.
- 8.8 The proposed densities and the increases in the yields from individual sites needs to be fully explained and justified.

- 8.9 The Council need to justify the density of development in the various areas and the increases in the yields from various sites in order to ensure that they are robust and are not going to lead to a shortfall in housing delivery.
- 8.10 On the basis of the above we object to the proposed development densities being applied in Policy H2 and on individual sites.

Soundness

- 8.11 We consider that Policy H2 and the associated assumed yields applied to various allocations are unsound and not justified and will not ensure effective delivery of the housing requirement and is therefore inconsistent with national policy.

Modification

- 8.12 We suggest that that net development density is reduced and that greater flexibility is included in the policy to allow for balanced developments to be created.

9.0 Objection to Policy H3 – Housing Market

- 9.1 This policy is related to balancing the housing market. We do not object to the principle of this policy and indeed we welcome the acknowledgement in the Local Plan that the Council will *“seek to balance the housing market across the plan period”*. In this regard we welcome the use of the word *“seek”*. However, the policy then says that the applicants *“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”*. The use of the word *“required”* is onerous and is not reflective of the tone of the policy when read as a whole. For example, the policy goes onto state that *“the final mix of dwelling types and sizes will be subject to negotiation with the applicant”*.
- 9.2 Further, we also feel that it is unreasonable for an applicant to provide sufficient evidence to support their proposals particularly where a developer is providing a housing mix which is broadly in accordance with the identified need. This should be deleted.

Soundness

- 9.3 We consider that Policy H3 is unsound as it will not be effective, it is not justified, and is not consistent with national policy.

Modification

- 9.4 We suggest the policy should be modified to provide greater flexibility to allow for balanced developments to be created. In this regard we would suggest amending the policy to read *“Proposals for residential development should assist in balancing the housing market, unless material considerations indicate otherwise, by including a mix of types of housing that respond to and reflects the diverse mix of need across the city and the character of the locality.”*

10.0 Objection to the allocation of ST5

- 10.1 The Local Plan identifies this site as having a total site area of 78ha and a net developable area of 35ha. The Local Plan suggests that this proposed allocation will be a mixed use development allegedly providing 1700 to 2500 dwellings of which a minimum of 1,500 will be delivered in the plan period and 100,000 sqm of office space (B1a).
- 10.2 We note that this will be an extremely challenging site to bring forward. Indeed we are aware that Network Rail and its predecessors have been trying to develop the site since the 1960's/1970's (some fifty years) but development has never been brought forward. Given the length of time that this site has been theoretically available there is quite a considerable amount of doubt as to its viability and deliverability.
- 10.3 Our concern here is exacerbated by the fact that we still do not believe that there is any developer interest. The site is not attractive to the private sector due to the high risks of development.
- 10.4 We understand that the Council are seeking to de-risk the development with public funds but this will not necessarily bring the site forward as there is no or little track record within the City of York of large scale grade 'A' office space or high rise residential accommodation particularly for private purchasers. There are therefore few or no comparable projects to give developers confidence to invest in proposals for development on the site even if public funds are invested.
- 10.5 To make the scheme work there is a need to create high density, high rise family apartment accommodation (apartment blocks of between 6 and 8 storeys in height and houses of between 2 and 4 storeys) on the site and there is no or little comparable market information for this type of development in York. Therefore the market is likely to be nervous of this type of development. Indeed family apartments of the type envisaged by the Council on the York Central site may end up being more expensive than other housing options in and around the City. Therefore, people who wish to live at York Central will do so as a life style choice and this will limit sales and further depress developer interest.
- 10.6 Without confidence in the market place, interest in speculative development is likely to be slow. This would suggest to us that the proposed development, even if allocated, will take a considerable period of time to deliver – if at all.
- 10.7 Furthermore, given the historic importance of this skyline in York we are also concerned that a large cluster of tall buildings would have an adverse impact on the skyline and would be found to be unacceptable by Historic England and the Council's own heritage department.
- 10.8 In conclusion, there is currently no developer interest and insufficient evidence to demonstrate that site ST5 is suitable for the type and scale of development proposed or when the site will be genuinely available for development and that the proposed development is achievable in the timescales and quantum set out.

Soundness

- 10.9 We consider the allocation of ST5 to be unsound in that ST5 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 10.10 We do not suggest that allocation known as ST5 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST5 should be 410 units as set out in the Publication Draft (2014). This level of development is more realistic and achievable.

11.0 Objection to the Allocation of ST14

Introduction

- 11.1 This allocation constitutes a new standalone settlement, or 'garden village' to the east of Skelton. The site has an indicative capacity of 1,348 dwellings, of which 1200 dwellings are to be constructed over the plan period (to 2032).
- 11.2 This site was previously included within the Publication Draft (2014) as a strategic site with a total site area of 157 hectares and a total site capacity of 2,800 dwellings. This site was revised due to concerns relating to the Green Belt, historic character and setting.
- 11.3 The site is isolated from existing settlements and located within the agreed general extent of the York Green Belt. It is unclear why this site is considered appropriate to be removed from the Green Belt, and not smaller more sustainable sites which sit at the edge of existing settlements and which could deliver housing promptly and sustainably and thereby boosting housing supply in accordance with national policy.
- 11.4 We are not sure how the changes in the size of the allocation has overcome these technical and policy concerns

Our Concerns

- 11.5 Our principle concern however relates to the delivery of the site and in particular the estimate yield within the plan period.
- 11.6 The Council have indicated in their letter to the Secretary of State in January 2018 and the Local Development Scheme (2017) that the Local Plan will be submitted to the Secretary of State at the end of May and that the plan will be examined between June and August 2018 with the Inspector's report being available towards the end of 2018. The Council have indicated that they hope to adopt the Local Plan in February 2019.
- 11.7 Lichfields, who have produced a well-considered and robust publication on the delivery of large scale housing schemes¹ estimate lead in times for developments. Lead in times relate to matters such as: -
- Securing outline planning permission;
 - Negotiations on S106;
 - The approval of reserved matters;
 - The discharge of conditions;
 - Completion of land purchases
 - Mobilisation; and

¹ Start to Finish – How Quickly do Large-Scale Housing Site Deliver? November 2016

- Infrastructure works.

11.8 Lead in times vary in relation to the stage that a proposal has reached and by the size of the site. The larger the site the more difficult the negotiations and matters that need to be resolved. The following table sets out a general and robust methodology for calculating lead in times.

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

11.9 To date no planning application has been submitted and the development of this site will require significant infrastructure works, particularly to obtain access, and extensive community facilities in order to deliver the proposed development and to make it sustainable.

11.10 ST14 is a large proposal which will generate a significant increase in traffic on the A1237. Capacity enhancements will need to be made to roads and junctions within the vicinity of the site in order to accommodate this development and these works will need to be undertaken in advance of the completion of any units. Providing sufficient access to and mitigating the impacts of the development will require substantial infrastructure to be put in place and this will take time to deliver.

11.11 If you apply the standard methodology adopted by Lichfields it is possible that a start of development works will occur 4 years from the point of assessment or 3.5 years after the submission of the outline application which is likely to be sometime in the future. For the purpose of this exercise we have assumed 4 years from April 2018. Therefore, a start of works can be assumed as April 2022.

11.12 In a similar fashion Lichfields estimated delivery rates based on the size of the site. Lichfields indicate that small sites, less than 100 units, tend to be built by local or regional builders. On sites of less than 250 units only one volume house builder is normally active but on sites up to 500 units there may a second volume house builder and on sites over 500 units there may be a third volume house builder. See the table below.

	0-100 units	100-250 units`	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

11.13 We assume that there will be 3 different house builders on the ST14. We have therefore assumed a delivery rate of 90 dwellings per annum.

- 11.14 If the lead in time is 4 years the residual Local Plan period will be 10 years. Building at 90 dwellings per annum and assuming a remaining 10 plan period ST14 would deliver 900 dwellings. A shortfall of 300 dwellings in comparison to the Local Plans estimated yield.
- 11.15 There is a need to allocate a wide range and choice of housing sites throughout the District and the allocation of several extremely large sites, notably ST14 and ST15, does little to ensure a robust and longer-term level of housing delivery. In fact, the allocation of these two sites limits the number of outlets and the geographical distribution of sites and as a consequence it hinders housing land supply and delivery rather than boosting it.
- 11.16 As a consequence, it is considered that the Council should reinstate the proposed housing allocation known as Site 882 as the Council have already concluded that this Site is available, that the land is suitable for development and that development is achievable.

Soundness

- 11.17 We do not object to the principle of the allocation but we do consider that the estimated yield from ST14 to be overly ambitious so as to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider that the yield assumed for ST14 to be unsound in that ST14 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 11.18 We do not suggest that allocation known as ST14 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST14 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

12.0 Objection to the Allocation of ST15

Introduction

- 12.1 This allocation is, to all intents and purposes, an entirely new settlement located within the open countryside to the west of Elvington. The site has an indicative site capacity of 3,339 dwellings, of which 2,200 dwellings will be constructed over the plan period (to 2032/33).
- 12.2 The site is currently located within the agreed general extent of Green Belt around the City of York. It is unclear why the Local Plan considers it to be appropriate to remove this large site from the Green Belt and not allocate other smaller more sustainable sites which are situated on the edge of existing settlements and which could deliver housing promptly and sustainably and thereby boosting housing supply in accordance with national policy.

Our Concerns

- 12.3 Our principle concern however relates to the delivery of the site and in particular the estimated yield within the plan period.
- 12.4 The Council have indicated in their letter to the Secretary of State in January 2018 and the Local Development Scheme (2017) that the Local Plan will be submitted to the Secretary of State at the end of May and that the plan will be examined between June and August 2018 with the Inspector's report being available towards the end of 2018. The Council have indicated that they hope to adopt the Local Plan in February 2019.
- 12.5 Lichfields, who have produced a well-considered and robust publication on the delivery of large scale housing schemes² estimate lead in times for developments. Lead in times relate to matters such as: -
- i) Securing outline planning permission;
 - ii) Negotiations on S106;
 - iii) The approval of reserved matters;
 - iv) The discharge of conditions;
 - v) Completion of land purchases
 - vi) Mobilisation; and
 - vii) Infrastructure works.
- 12.6 Lead in times vary in relation to the stage that a proposal has reached and by the size of the site. The larger the site the more difficult the negotiations and matters that need to be resolved. The following table sets out a general and robust methodology for calculating lead in times.

² Start to Finish – How Quickly do Large-Scale Housing Site Deliver? November 2016

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

- 12.7 ST15 is a large-scale proposal located in an isolated position within the open countryside and the Green Belt. No planning application has been submitted and the development of this site will require significant infrastructure works, particularly to obtain access, and extensive community facilities in order to deliver the proposed development and to make it sustainable.
- 12.8 If you apply the standard methodology adopted by Lichfields it is possible that a start of development works will occur 4 years from the point of assessment or 3.5 years after the submission of the outline application which is likely to be sometime in the future. For the purpose of this exercise we have assumed 4 years from April 2018. Therefore, a start of works can be assumed as April 2022.
- 12.9 In a similar fashion Lichfields' estimated delivery rates based on the size of the site. Lichfields indicate that small sites, less than 100 units, tend to be built by local or regional builders. On sites of less than 250 units only one volume house builder is normally active but on sites up to 500 units there may be a second volume house builder and on sites over 500 units there may be a third volume house builder. See the table below.

	0-100 units	100-250 units`	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

- 12.10 We assume that there will be 3 different house builders on the ST15. We have therefore assumed a delivery rate of 90 dwellings per annum.
- 12.11 If the lead in time is 4 years the residual Local Plan period will be 10 years. Building at 90 dwellings per annum and assuming a remaining 10 plan period then ST15 would deliver 900 dwellings.
- 12.12 There is a need to allocate a wide range and choice of housing sites throughout the District and the allocation of several extremely large sites, notably ST14 and ST15, does little to ensure a robust and longer-term level of housing delivery. In fact, the allocation of these two sites limits the number of outlets and the geographical distribution of sites and as a consequence it hinders housing land supply and delivery rather than boosting it.
- 12.13 As a consequence, it is considered that the Council should allocate the Site known as 882 as the Council have already concluded that this Site is available, that the land is suitable for development and that development is achievable.

Soundness

- 12.14 We do not object to the principle of the allocation but we do consider the estimated yield from ST15 to be unrealistic and call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider the yield assumed for ST15 to be unsound in that ST15 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 12.15 We do not suggest that allocation known as ST15 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST15 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

13.0 Objection to Lack of Safeguarded Land Policy

- 13.1 The NPPF states in paragraph 79 that the *'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence'*. It is clear from the above that a Green Belt should be permanent.
- 13.2 The NPPF does not define the term permanence or how long a Green Belt should remain unaltered. However, it is at least 5 years beyond the end of the plan period but more commonly it is 10 years.
- 13.3 Paragraph 83 of the NPPF indicates that authorities should consider Green Belt boundaries having regard to their intended permanence in the long term so that they can be capable of enduring beyond the plan period. Whilst the term permanence is not defined it is clear that a Green Belt should endure for a period longer than the plan period which, in this case, ends in 2032.
- 13.4 By the time that the plan is adopted it will be at least 2019 leaving a residual plan period of only 13 or 14 years.
- 13.5 In accordance with paragraph 84 of the NPPF, when drawing up or reviewing Green Belt boundaries local authorities are required to take account of the need to promote sustainable patterns of development.
- 13.6 In order to do this paragraph 85 of the NPPF indicates that local planning authorities should:
- *"Ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
 - *Not include land which it is unnecessary to keep permanently open;*
 - *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;*
 - *Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
 - *Satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
 - *Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent."*
- 13.7 The above means that: -
- To achieve sustainable development a local authority needs to take account of the objectively assessed need for development and provide sufficient land to accommodate this need.
 - The guidance advises that local planning authorities should not include land that does not need to be kept permanently open.
 - It is also apparent from paragraph 85 that when defining a Green Belt, a local authority needs to consider the development needs of the district which are to be met during the plan period

as well as the longer-term development needs of the District. The term “*stretching well beyond the plan period*” is significant. Well beyond implies a period greater than a few years.

- The ‘*where necessary*’ term in paragraph 85 of the NPPF applies, in our view, to situations where there is a need to allow for longer term development. So that this need can be met in due course, land should be safeguarded for the purposes of development and by identifying such land ‘*the Green Belt can be protected from encroachment thus ensuring its boundaries remain permanent.*’

13.8 What is clear from the NPPF is that when defining a Green Belt, the Green Belt should be permanent and endure well beyond the plan period and that a local authority should meet its identified development needs both during the plan period and beyond without needing to undertake an early review of the plan.

13.9 Within the Local Plan no safeguarded land is proposed. The reason given for this is that there are a few Strategic Sites identified within the document that have an anticipated build out time beyond the plan period. However, the number of the strategic sites available to provide for the longer-term development needs of the City is severely limited. Some of the identified sites are small and as allocations there is nothing stopping them being built out during the plan period.

13.10 The table below provides details of the strategic sites that the Council have identified to provide the additional housing capacity after the plan period has finished:

Site	Site Name	Plan period capacity	Overall Capacity	Additional capacity following plan period
ST5	York Central	1500	1700-2500	200- 1000
ST14	Land West of Wigginton Road	1200	1348	148
ST15	Land West of Elvington Lane	2200	3339	1139
ST36	Imphal Barracks, Fulford Road	0	769	769
Total				2306 - 3056

13.11 Only four strategic sites are identified by the Council as delivering residential development at the end of the plan period.

13.12 The City of York Council identify ST5 and ST15 as the two sites which will provide the majority of the additional housing with ST14 contributing a smaller but significant quantity.

13.13 Site ST36 is not proposed to come forward until after the plan period as The Defence Infrastructure Organisation are not intending to dispose of the Site until 2031. There are several potential issues with the delivery of this site relating to historic interest and archaeology which will need to be

investigated in detail to allow the site to come forward and may result in delays to development and/or a reduction in developable area.

- 13.14 This raises some serious concerns. The NPPF requires local planning authorities to maintain a 5-year housing land supply. It is clear from the above that even if the 4 sites identified by the Council were to deliver housing in the period 2032/33 to 2037/38 these 4 sites would not be sufficient to enable the Council to demonstrate a 5-year housing land supply as there is only so many units that can be delivered from any one site. There are simply not enough potential outlets in the supply to achieve a 5-year housing land supply. Further as two thirds of the total supply is in two sites and as we anticipate that these sites will deliver about 90 dwellings per annum it is clear that they will be delivering completions well beyond 2037/38. This further reduces the 5-year housing land supply. Effectively it would mean that before the end date of the plan period the Council would need to undertake a review of the plan to identify additional sites to ensure that the Council could maintain a 5 year housing land supply. If there is no 5-year housing land supply the Green Belt will have be amended in 2032 or before resulting in the Green Belt not enduring for a minimum of 20 years.
- 13.15 Consequently, the life of the Green Belt around York, from adoption to modification, will be no more than 12 to 13 years and probably less. This short period of time cannot be regarded as comprising a permanent Green Belt around York. Consequently, the approach in the Local Plan of not providing a wide range and choice of safeguarded land sites is contrary to the NPPF.

Soundness

- 13.16 We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded site to contrary to national policy.

Modification

- 13.17 The inclusion of a safeguarded land policy and an appropriate quantum of safeguarded land sites.

14.0 Objection to Lack of Safeguarded Land Allocation

- 14.1 In previous iterations of the Local Plan, the Council have accepted that the sites allocated for development performed little or no Green Belt purposes. Paragraph 85 of the NPPF indicates that land should not be kept within the Green Belt which is unnecessary to be kept permanently open. The Council have therefore already accepted that the sites previously allocated for housing development do not need to be kept permanently open.
- 14.2 At the very least, and in the alternative to a housing allocation in the Local Plan, it is clear that the sites that were previously identified as housing allocations should now be allocated as safeguarded land.

Soundness

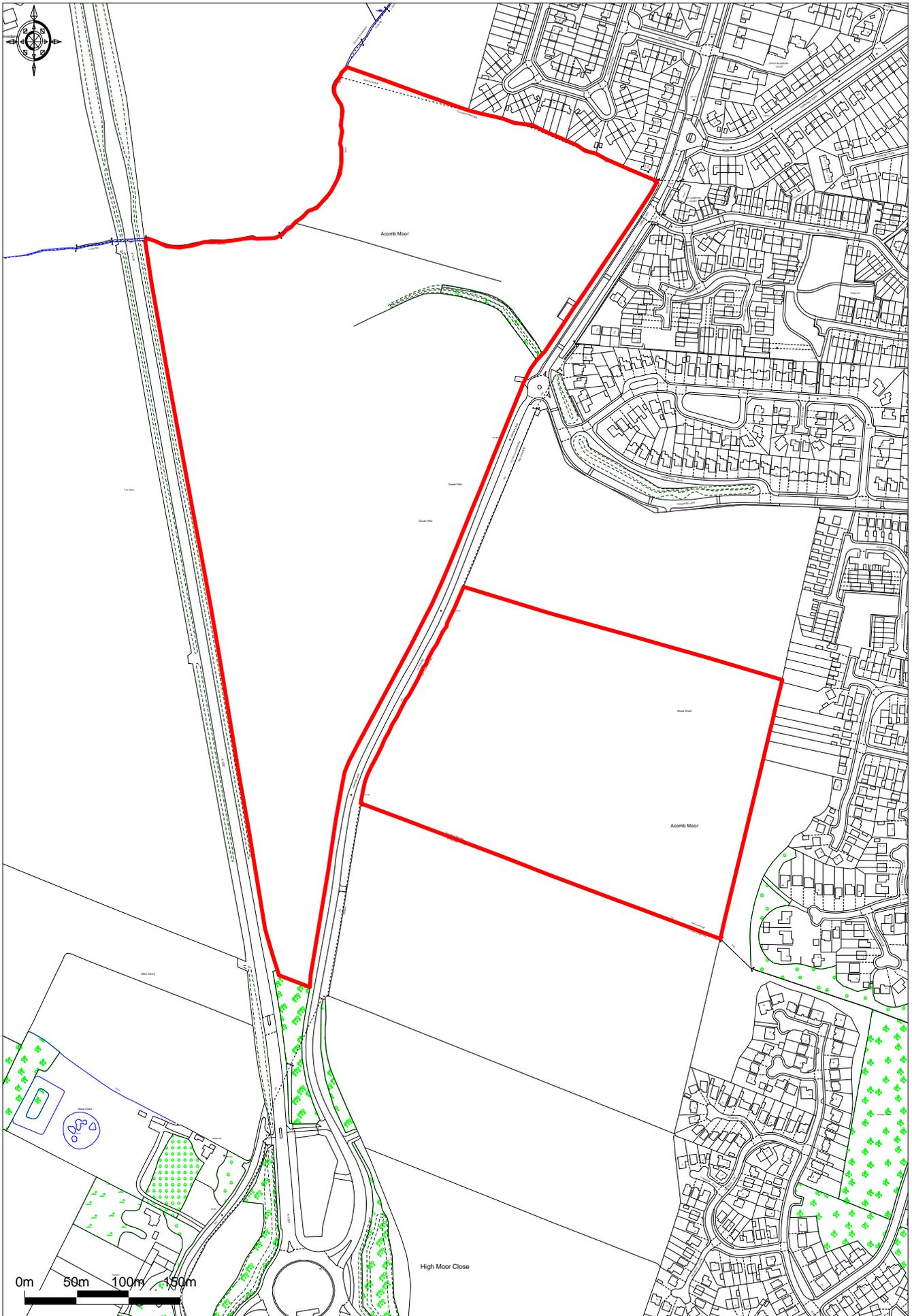
- 14.3 We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

Modification

- 14.4 The inclusion of Site 882 as a safeguarded land site as an alternative to a housing allocation.

Appendix 1 – Site Location Plan

Askham Lane, York



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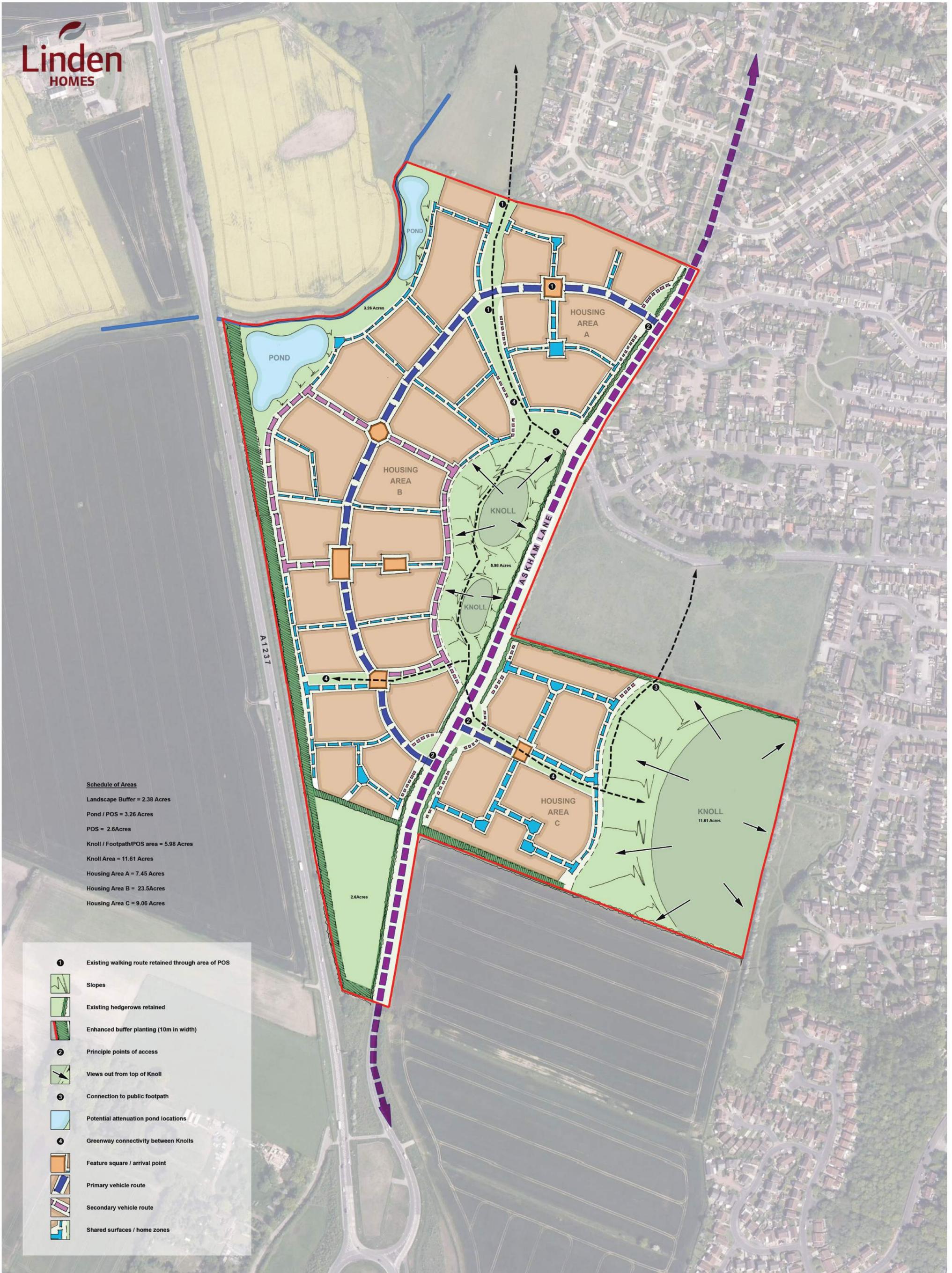
Linden Homes Strategic Land

Appendix 2 – Site Masterplan

Schedule of Areas

- Landscape Buffer = 2.38 Acres
- Pond / POS = 3.26 Acres
- POS = 2.6 Acres
- Knoll / Footpath/POS area = 5.98 Acres
- Knoll Area = 11.61 Acres
- Housing Area A = 7.45 Acres
- Housing Area B = 23.5 Acres
- Housing Area C = 9.06 Acres

- ① Existing walking route retained through area of POS
-  Slopes
-  Existing hedgerows retained
-  Enhanced buffer planting (10m in width)
- ② Principle points of access
-  Views out from top of Knoll
- ③ Connection to public footpath
-  Potential attenuation pond locations
- ④ Greenway connectivity between Knolls
-  Feature square / arrival point
-  Primary vehicle route
-  Secondary vehicle route
-  Shared surfaces / home zones



Appendix 3 – Table of Housing Densities

Housing Density Table

Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H1	3.54	283	80	3.54	336	95	+19%	2.87	271	94	-1%	2.87	271	94	0
								0.67	65	97	+2%	0.67	65	97	0
H2A	2.33	98	42	Deleted				Deleted				Deleted			
H2B	0.44	18	41	Deleted				Deleted				Deleted			
H3	2.7	25	9	3.9	81	21	+133%	1.9	72	38	+81%	1.9	72	38	0
H4	2.56	157	60	Deleted				Deleted				Deleted			
H5	2.24	72	32	3.64	137	38	+19%	3.64	162	45	+18%	3.64	162	45	0
H6	1.53	49	32	Deleted				1.53	Specialist Housing use class C3b – supported housing			1.53	Specialist Housing use class C3b – supported housing		
H7	1.72	73	42	1.72	86	50	+19%	1.72	86	50	0	1.72	86	50	0
H8	1.57	50	32	1.57	60	38	+19%	1.57	60	38	0	1.57	60	38	0
H9	1.3	42	32	Deleted				Deleted				Deleted			
H10	0.78	187	240	0.96	Deleted	195	-19%	0.96	187	195	0	0.96	187	195	0
H11	0.78	33	42	Deleted				Deleted				Deleted			
H12	0.77	33	43	Deleted				Deleted				Deleted			
H13	1.30	55	42	Deleted				Deleted				Deleted			
H14	0.55	220	400	Deleted				Deleted				Deleted			

Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H15	0.48	27	56	Deleted				Deleted				Deleted			
H16	1.76	57	32	Deleted				Deleted				Deleted			
H17	0.80	37	46	Deleted				Deleted				Deleted			
H18	0.39	13	33	Deleted				Deleted				Deleted			
H19	0.36	16	44	Deleted				Deleted				Deleted			
H20	0.33	15	45	0.33	17	52	+16%	0.33	56	170	+8%	0.33	56	170	0
H21	0.29	11	38	0.29	12	41	+8%	Deleted				Deleted			
H22	0.29	13	45	0.29	15	52	+16%	0.29	15	52	0	0.29	15	52	0
H23	0.25	11	44	Deleted				0.25	11	44	-	0.25	11	44	0
H25	0.22	20	90	Deleted				Deleted				Deleted			
H26	4.05	114	28	Deleted				Deleted				Deleted			
H27	4.00	102	25.5	Deleted				Deleted				Deleted			
H28	3.15	88	28	Deleted				Deleted				Deleted			
H29	2.65	74	28	2.65	88	33	+18%	2.65	88	33	0	2.65	88	33	0
H30	2.53	71	28	Deleted				Deleted				Deleted			
H31	2.51	70	28	2.51	84	34	+21%	2.51	76	30	-12%	2.51	76	30	0
H32	2.22	47	21	Deleted				Deleted				Deleted			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H33	1.66	46	28	Deleted				Deleted				Deleted			
H34	1.74	49	28	Deleted				Deleted				Deleted			
H35	1.59	44	28	Deleted				Deleted				Deleted			
H37	3.47	34	10	Deleted				Deleted				Deleted			
H38	0.99	28	28	0.99	33	33	+18%	0.99	33	33	0	0.99	33	33	0
H39	0.92	29	32	0.92	32	35	+9%	0.92	32	35	0	0.92	32	35	0
H40	0.82	26	32	Deleted				Deleted				Deleted			
H43	0.25	8	32	0.25	12	48	+50%	Deleted				Deleted			
H46	4.16	118	28	2.74	104	38	+36%	2.74	104	38	0	2.74	104	38	0
H47	1.11	37	33	Deleted				Deleted				Deleted			
H48	0.42	15	36	Deleted				Deleted				Deleted			
H49	3.89	108	30	Deleted				Deleted				Deleted			
H50	2.92	70	24	Deleted				Deleted				Deleted			
H51	0.23	10	43	0.23	12	52	+21%	Deleted				Deleted			
H52	n/a			0.2	10	50	-	0.2	15	75	+50%	0.2	15	75	0
H53	n/a			0.33	11	33	-	0.33	4	12	-64%	0.33	4	12	0
H54	n/a			1.3	46	35	-	Deleted				Deleted			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H55	n/a			0.2	20	100	-	0.2	20	100	0	0.2	20	100	0
H56	n/a			4	190	48	-	4	70	18	-63%	4	70	18	0
H57	n/a			2.8	93	33	-	<i>Deleted</i>			<i>Deleted</i>				
H58	n/a			n/a				0.7	25	36	-	0.7	25	36	0
H59	n/a			n/a				1.34	45	34	-	1.34	45	34	0
ST1	40.70	1140	28	40.7	1140	28	0	46.3	1,200	26	-7%	46.3	1,200	26	0
ST2	10.43	289	28	10.4	292	28	0	10.4	266	26	-7%	10.4	266	26	0
ST3	7.80	197	25	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST4	7.54	230	30.5	7.54	211	28	-8%	7.54	211	28	0	7.54	211	28	0
ST5	10.55	410	38.9	35	1250	36	-7%	35	845	24	-33%	35	1,700	49	+101%
ST7	113.28	1800	16	34.5	805	23	+44%	34.5	845	24	+4%	34.5	845	24	0
ST8	52.28	1400	27	39.5	875	22	-18%	39.5	968	24	+9%	39.5	968	24	0
ST9	33.48	747	22	35	735	21	-5%	35	735	21	0	35	735	21	0
ST11	13.76	400	29	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST12	20.08	421	21	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST13	5.61	125	22	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST14	157.09	2800	18	55	1348	25	+36%	55	1348	25	0	55	1348	25	0

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
ST15/ST34)	392.58	4680	12	159	3339	21	+75%	159	3339	21	0	159	3339	21	0
ST16	10.23	395	39	2.04	89	44	+156%	2.18	Phase 1: 22	10	+16%	2.18	Phase 1: 22	10	0
ST16	10.23	175	17						Phase 2: 33	15			Phase 2: 33	15	
									Phase 3: 56	26			Phase 3: 56	26	
ST17 (N)	7.16	315	44	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST17 (S)		130	18	6.8	315	46	+5%	2.35	Phase 1: 263	112	+422%	2.35	Phase 1: 263	112	0
							4.7	Phase 2: 600	128	4.7		Phase 2: 600	128		
ST22	34.59	655	19	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST23 (P 2)	21.91	117	5	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST23 (P 3&4)		342	16	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST24	10.32	10	1	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST28	5.09	87	17	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST29	5.75	135	24	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
ST30	5.92	165	28	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST31	n/a			8.1	170	21	-	8.1	158	20	-5%	8.1	158	20	0
ST32	n/a			4.8	305	64	-	2.17	328	151	+136%	2.17	328	151	0
ST33 (H45)	n/a			6	147	25	-	6	147	25	0	6	147	25	0
ST35	n/a			n/a				28.8	578	20	-	28.8	500	17	-14%
ST36	n/a			n/a				18	769	43	-	18	769	43	0

Appendix 4 – Lichfields' Technical Report on Housing Issues

City of York Local Plan Publication Draft

Technical Report on Housing Issues

Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd and Bellway Homes

March 2018

LICHFIELDS

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1.0 Introduction

- 1.1 Lichfields has been commissioned by Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd & Bellway Homes [the Companies] to undertake a review of City of York Council's housing requirement and housing supply that has formed a key part of the evidence base to inform the City of York Local Plan Publication [LPP] Draft Consultation (March 2018).
- 1.2 Specifically, this report updates our September 2017 Technical Report on Housing Issues and provides a critique of the Objective Assessment of Housing Needs [OAHN] set out in the City of York Strategic Housing Market Assessment [SHMA] Assessment Update (September 2017, prepared by GL Hearn) following previous representations on behalf of the Companies on the 2016 SHMA and 2016 SHMA Addendum.
- 1.3 It also provides high level comments on the Council's housing land supply based on the evidence set out in the following documents:
- 1 The City of York Strategic Housing Land Availability Assessment [SHLAA] (September 2017);
 - 2 The City of York Local Plan Publication Draft (March 2018);
 - 3 Half Year Housing Monitoring Update for Monitoring Year 2017/18 (1st April 2017 to 30th September 2017); and,
 - 4 The City of York Windfall Allowance Technical Paper 2017 (SHLAA Annex 5).
- 1.4 Lichfields considers that on the basis of the contents of this report, the City of York Council is not providing sufficient land to meet the housing needs of the City and further sites should be allocated for housing development as part of the emerging Local Plan.
- 1.5 The remainder of this report is set out as follows:
- 1 **Section 2.0** - This section considers the approach which needs to be taken to calculating Objectively Assessed Housing Need [OAHN] and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
 - 2 **Section 3.0** – This section provides an overview of the findings of the 2016 SHMA and 2016 SHMA addendum, a summary of Lichfields response to these documents, and an overview of the findings of the September 2017 SHMA Assessment Update;
 - 3 **Section 4.0** - Provides a critique of the September 2017 SHMA Assessment Update. This Section sets out the extent to which the document fulfils the necessary requirements previously discussed and whether it represents the full, objectively assessed housing need for the City of York. **Appendix 1** sets out Lichfields' assessment of Market Signals in the City of York;
 - 4 **Section 5.0** - Considers the approach which needs to be taken to assessing housing land supply and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
 - 5 **Section 6.0** – Provides an overview of the Council's housing supply evidence;
 - 6 **Section 7.0** – Identifies the relevant housing requirement figures to be used for both the 5-year assessment and the plan period assessment;
 - 7 **Section 8.0** - Assesses the adequacy of the deliverable and developable supply of housing sites to meet the requirement for the plan period and 5-year period. It draws on the information supplied by the Council in the LPP and associated evidence base;
 - 8 **Section 9.0** - Assesses the housing supply against the OAHNs for York identified by the Council and by Lichfields; and,

- 9 **Section 10.0** Summarises the key issues within the Councils evidence base and sets out why it is not compliant with the requirements for an OAHN calculation and housing land supply.

2.0 Approach to Identifying OAHN

Introduction

- 2.1 This section sets out the requirements of the Framework and the Practice Guidance in objectively assessing housing needs. This will provide the benchmark against which the SHMA Assessment Update will be reviewed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of an OAHN calculation in a legal context.

Policy Context

National Planning Policy Framework

- 2.2 The Framework outlines a two-step approach to setting housing requirements in Local Plans. Firstly, to define the full objectively assessed need for development and then secondly, to set this against any adverse impacts or constraints which would mean that need might not be met. This is enshrined in the approach defined in the Framework which sets out the presumption in favour of sustainable development:

“For plan-making this means that:

- *LPAs should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”¹*

- 2.3 The Framework goes on to set out that in order to 'boost significantly' the supply of housing, LPAs should:

“use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the framework...”²

- 2.4 The Framework sets out the approach to defining such evidence which is required to underpin a local housing requirement. It sets out that in evidencing housing needs:

“LPAs should have a clear understanding of housing needs in their area. They should:

- *prepare a SHMA to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:*
 - *meets household and population projections, taking account of migration and demographic change;*

¹ Framework - §14

² Framework - §47

- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community...; and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand... ”³*

2.5 Furthermore, the core planning principles set out in the Framework⁴ indicate that a planned level of housing to meet objectively assessed needs must respond positively to wider opportunities for growth and should take account of market signals, including housing affordability.

Draft National Planning Policy Framework

2.6 The Framework draft text for consultation was published in March 2018. It has an unequivocal emphasis on housing, with the introduction to the consultation proposals clarifying that the country needs radical, lasting reform that will allow more homes to be built, with the intention of reaching 300,000 net additional homes a year. The draft states that to support the Government’s objective of ‘significantly boosting the supply of homes’, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay [§60].

2.7 In particular:

“In determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance – unless there are exceptional circumstances that justify an alternative approach which also reflects current and future demographic trends and market signals. In establishing this figure, any needs that cannot be met within neighbouring areas should also be taken into account”. [§61]

2.8 The draft also makes it clear that when identifying the housing need, policies should also break the need down by size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes) [§62].

2.9 Paragraphs 68 - 78 also set out how Councils should identify and maintain a five years’ worth of housing against their housing requirement.

2.10 In terms of the weight that can be attached to this draft document, it is accepted that only limited weight can be attached to the document at present as it is still out for consultation. In this regard, paragraph 209 to Annex 1 of the draft Framework states that the policies in the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before the date which is 6 months after the final Framework’s publication. *“in these cases the examination will take no account of the new Framework”*.

2.11 However the draft Framework remains a useful indicator of the direction of travel, not least with the approach to be taken to defining housing need, which has already been the subject of an earlier consultation (*‘Planning for the right homes in the right places’*, September 2017), to which MHCLG published a summary of consultation responses and its view on the way forward in March 2018.

³ Framework - §159

⁴ Framework - §17

National Planning Practice Guidance

- 2.12 The Framework is supplemented by the Practice Guidance which provides an overarching framework for considering housing needs, but also acknowledges that:

“There is no one methodological approach or use of a particular dataset(s) that will provide a definitive assessment of development need”⁵.

- 2.13 The Guidance states that household projections published by CLG should provide the starting point estimate of overall housing need⁶.

- 2.14 Although the Practice Guidance notes that demographic trends should be applied as a starting point when assessing the OAHN, it goes on to state that consideration should also be given to the likely change in job numbers. This supports the importance that the Framework⁷ places on the economy and the requirement to *“ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”*. A failure to take account of economic considerations in the determination of the OAHN would be inconsistent with this policy emphasis.

- 2.15 The Inspector at the Fairford Inquiry⁸ recognised the role of economic factors in the assessment of the OAHN for Cotswold District:

“The Council has not provided a figure for OAN which takes account of employment trends. The Council argues that the advice in the PPG does not require local planning authorities to increase their figure for OAN to reflect employment considerations, but only to consider how the location of new housing or infrastructure development could help address the problems arising from such considerations. I disagree. In my view, the PPG requires employment trends to be reflected in the OAN, as they are likely to affect the need for housing. They are not “policy on” considerations but part of the elements that go towards reaching a “policy off” OAN, before the application of policy considerations. There is no evidence that the Council’s figures reflect employment considerations” [IR. §19].

- 2.16 This view reflects the position expressed by the Inspector (and confirmed by the Secretary of State) in the Pulley Lane Inquiries in Droitwich Spa⁹. The Inspector’s report (which was accepted by the SoS) states that:

“The Council’s case that “unvarnished” means arriving at a figure which doesn’t take into account migration or economic considerations is neither consistent with the (Gallagher) judgment, nor is it consistent with planning practice for deriving a figure for objectively assessed need to which constraint policies are then applied. Plainly the Council’s approach is incorrect. Clearly, where the judgement refers to ‘unvarnished’ figures (paragraph 29) it means environmental or other policy constraints. There is nothing in the judgement which suggests that it is not perfectly proper to take into account migration, economic considerations, second homes and vacancies”. [IR. §8.45]

- 2.17 Housing need, as suggested by household projections, should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. Relevant signals may include land prices, house prices, rents, affordability (the ratio between lower quartile house prices and the lower quartile income or earnings can be

⁵ Practice Guidance – ID:2a-005-20140306

⁶ Practice Guidance – ID:2a-015-20140306

⁷ Framework - §158

⁸ Land South of Cirencester Road, Fairford (PINS Ref No: APP/F1610/A/14/2213318) (22 September 2014).

⁹ Land at Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (APP/H1840/A/13/2199085) and Land north of Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (PINS Ref No: APP/H1840/A/13/2199426) (2 July 2014).

used to assess the relative affordability of housing), rate of development and, overcrowding¹⁰:

“Appropriate comparisons of indicators should be made. This includes comparison with longer term trends (both in absolute levels and rates of change) in the: housing market area; similar demographic and economic areas; and nationally. A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.”¹¹

- 2.18 In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be¹².
- 2.19 The Guidance recognises that market signals are affected by a number of economic factors, and plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period¹³.
- 2.20 The Practice Guidance concludes by suggesting that the total need for affordable housing should be identified and converted into annual flows by calculating the total net need (subtracting total available stock from total gross need) and converting total net need into an annual flow.
- 2.21 The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments:

“An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes.”¹⁴

Draft Planning Practice Guidance

- 2.22 Following on from the draft Framework, on 9th March 2018 MHCLG published its draft Planning Practice Guidance for consultation. This provides further detail on 6 main topic areas: viability; housing delivery; local housing need assessments; Neighbourhood Plans; Plan-making and Build-to-rent.
- 2.23 Regarding housing delivery, the draft Practice Guidance sets out how local authorities should identify and maintain a 5-year supply of specific deliverable sites, bringing the Guidance into line with recent Ministerial statements and High Court Judgements. In particular, it clarifies that along with older peoples’ housing, all student accommodation can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market.
- 2.24 Furthermore, LPAs should deal with deficits or shortfalls against planned requirements within the first 5 years of the plan period (i.e. the ‘Sedgefield’ approach to backlog).
- 2.25 In terms of the Local Housing Need Assessment, this takes forward the approach set out in CLG’s September 2017 consultation on *“Planning for the right homes in the Right Places”*. The proposed approach to a standard method for calculating local housing need, including transitional arrangements, is set out and as before, consists of three components. The starting point would continue to be a demographic baseline using the latest CLG household projections

¹⁰ Practice Guidance – ID:2a-019-20140306

¹¹ Practice Guidance – ID:2a-020-20140306

¹² Practice Guidance – ID:2a-020-20140306

¹³ *ibid*

¹⁴ Practice Guidance – ID: 2a-029-20140306

(over a 10-year time horizon), which is then modified to account for market signals (the median price of homes set against median workplace earnings). The modelling proposes that each 1% increase in the ratio of house prices to earnings above 4 results in a ¼% increase in need above projected household growth.

2.26 The uplift is then capped to limit any increase an authority may face when they review their plan:

- a *“for those authorities that have reviewed their plan (including a review of local housing need) or adopted their plan in the last five years, a cap may be applied to their new annual local housing need figure at 40 per cent above the average annual requirement figure currently set out in their plan; or*
- b *for those authorities that have not reviewed their plan (including a review of local housing need) or adopted their plan in the last five years, a cap may be applied to their new annual local housing need figure at 40% above whichever is higher of the projected household growth for their area over the 10 years (using Office for National Statistics’ household projections), or the annual housing requirement figure set out in their most recent plan if one exists.” [page 25]*

2.27 The various stages are set out in Figure 2.1.

Figure 2.1 Proposed methodology for determination of OAHN



Source: Lichfields

2.28 In terms of the ability of LPAs to deviate from this proposed new methodology, this is discouraged unless there are compelling circumstances not to adopt the approach. For example:

“There may be circumstances where it is justifiable to identify need above the need figure identified by the standard method. The need figure generated by the standard method should be considered as the minimum starting point in establishing a need figure for the purposes of plan production. The method relies on past growth trends and therefore does not include specific uplift to account for factors that could affect those trends in the future. Where it is likely that additional growth (above historic trends identified by household

projections) will occur over the plan period, an appropriate uplift may be applied to produce a higher need figure that reflects that anticipated growth. Circumstances where an uplift will be appropriate include, but are not limited to; where growth strategies are in place, strategic level infrastructure improvements are planned, funding is in place to promote and facilitate growth (i.e. Housing Deals, Housing Infrastructure Fund). In these circumstances, the local housing need figure can be reflected as a range, with the lower end of the range being as a minimum the figure calculated using the standard method. Where an alternative approach identifies a need above the local housing need assessment method, the approach will be considered sound, unless there are compelling reasons to indicate otherwise.” [page 26]

2.29 As to whether LPAs can identify a lower level of need, as York City Council is suggesting:

“Plan-making authorities should use the standard method for assessing local housing need unless there are exceptional circumstances to justify an alternative approach. Any deviation which results in a lower housing need figure than the standard approach will be subject to the tests of soundness and will be tested thoroughly by the Planning Inspectorate at examination. The plan-making authority will need to make sure that the evidence base is robust and based on realistic assumptions, and that they have clearly set out how they have demonstrated joint working with other plan-making authorities. In such circumstances, the Planning Inspector will take the number from the standard method as a reference point in considering the alternative method.” page 26]

2.30 Lichfields notes the following with regard to the weight to be can be attached to MHCLG’s proposed new method:

- 1 **Status of the document:** MHCLG’s document is currently out for consultation, has yet to be finalised and may be subject to significant numbers of objections from interested parties;
- 2 **Proposed Transitional Arrangements:** As noted in the draft Framework above, the policies in the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before the date which is 6 months after the final Framework’s publication.

Recent Legal Judgements

2.31 There have been several key recent legal judgments of relevance to the identification of OAHN, and which provide clarity on interpreting the Framework:

- 1 ‘St Albans City and District Council v (1) Hunston Properties Limited and (2) Secretary of State for Communities and Local Government [2013] EWCA Civ 1610’ referred to as “Hunston”;
- 2 ‘(1) Gallagher Homes Limited and (2) Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283’ referred to as “Solihull”;
- 3 ‘Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370’ referred to as “Satnam”; and,
- 4 ‘Kings Lynn and West Norfolk Borough Council v (i) Secretary of State for Communities and Local Government and (ii) Elm Park Holdings [2015] EWHC 1958’ referred to as “Kings Lynn”.

Hunston

2.32 “Hunston” [EWCA Civ 1610] goes to the heart of the interpretation of the Framework¹⁵. It relates to an appeal decision in respect of a scheme predominantly comprising housing on a Green Belt site. Its relevance is that it deals with the question of what forms the relevant benchmark for the housing requirement, when policies on the housing requirement are absent, silent or out of date as referred to in the Framework¹⁶.

2.33 Hunston establishes that §47 applies to decision-taking as well as plan-making and that where policies for the supply of housing are out of date, objectively assessed needs become the relevant benchmark.

2.34 Sir David Keene in his judgment at §25 stated:

“... I am not persuaded that the inspector was entitled to use a housing requirement figure derived from a revoked plan, even as a proxy for what the local plan process may produce eventually. The words in paragraph 47(1), “as far as is consistent with the policies set out in this Framework” remind one that the Framework is to be read as a whole, but their specific role in that sub-paragraph seems to me to be related to the approach to be adopted in producing the Local Plan. If one looks at what is said in that sub-paragraph, it is advising local planning authorities:

“...to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework.”

“That qualification contained in the last clause quoted is not qualifying housing needs. It is qualifying the extent to which the Local Plan should go to meet those needs. The needs assessment, objectively arrived at, is not affected in advance of the production of the Local Plan, which will then set the requirement figure.”

2.35 Crucially Hunston determined that it is clear that constraints should not be applied in arriving at an objective assessment of need. Sir David Keene in Hunston goes on to set out that [§§26-27]:

“... it is not for an inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure. An inspector in that situation is not in a position to carry out such an exercise in a proper fashion, since it is impossible for any rounded assessment similar to the local plan process to be done... It seems to me to have been mistaken to use a figure for housing requirements below the full objectively assessed needs figure until such time as the Local Plan process came up with a constrained figure.”

“It follows from this that I agree with the judge below that the inspector erred by adopting such a constrained figure for housing need. It led her to find that there was no shortfall in housing land supply in the district. She should have concluded, using the correct policy approach, that there was such a shortfall. The supply fell below the objectively assessed five year requirement.”

Solihull

2.36 “Solihull” [EWHC 1283] is concerned with the adoption of the Solihull Local Plan and the extent to which it was supported by a figure for objectively assessed housing need. Although related to

¹⁵ Framework - §47

¹⁶ Framework - §14

plan-making, it again deals with the Framework¹⁷ and draws upon, and reiterates, the earlier Hunston judgment.

2.37 The judgment of Hickinbottom J in Solihull sets out a very useful summary of the staged approach to arriving at a housing requirement, providing some useful definitions of the concepts applied in respect of housing needs and requirements [§37]:

*“i) **Household projections:** These are demographic, trend-based projections indicating the likely number and type of future households if the underlying trends and demographic assumptions are realised. They provide useful long-term trajectories, in terms of growth averages throughout the projection period. However, they are not reliable as household growth estimates for particular years: they are subject to the uncertainties inherent in demographic behaviour, and sensitive to factors (such as changing economic and social circumstances) that may affect that behaviour...”*

*“ii) **Full Objective Assessment of Need for Housing:** This is the objectively assessed need for housing in an area, leaving aside policy considerations. It is therefore closely linked to the relevant household projection; but is not necessarily the same. An objective assessment of housing need may result in a different figure from that based on purely demographics if, e.g., the assessor considers that the household projection fails properly to take into account the effects of a major downturn (or upturn) in the economy that will affect future housing needs in an area. Nevertheless, where there are no such factors, objective assessment of need may be – and sometimes is – taken as being the same as the relevant household projection.”*

*“iii) **Housing Requirement:** This is the figure which reflects, not only the assessed need for housing, but also any policy considerations that might require that figure to be manipulated to determine the actual housing target for an area. For example, built development in an area might be constrained by the extent of land which is the subject of policy protection, such as Green Belt or Areas of Outstanding Natural Beauty. Or it might be decided, as a matter of policy, to encourage or discourage particular migration reflected in demographic trends. Once these policy considerations have been applied to the figure for full objectively assessed need for housing in an area, the result is a “policy on” figure for housing requirement. Subject to it being determined by a proper process, the housing requirement figure will be the target against which housing supply will normally be measured.”*

2.38 Whilst this is clear that a housing requirement is a “policy on” figure and that it may be different from the full objectively assessed need, Solihull does reiterate the principles set out in Hunston, namely that where a Local Plan is out of date in respect of a housing requirement (in that there is no Framework-compliant policy for housing provision within the Development Plan) then the housing requirement for decision taking will be an objective assessment of need [§88]:

“I respectfully agree with Sir David Keene (at [4] of Hunston): the drafting of paragraph 47 is less than clear to me, and the interpretative task is therefore far from easy. However, a number of points are now, following Hunston, clear. Two relate to development control decision-taking.

i) “Although the first bullet point of paragraph 47 directly concerns plan-making, it is implicit that a local planning authority must ensure that it meets the full, objectively assessed needs for market and affordable housing in the housing market, as far as consistent with the policies set out in the NPPF, even when considering development

¹⁷ Framework - §14 & §47

control decisions.”

- ii) *“Where there is no Local Plan, then the housing requirement for a local authority for the purposes of paragraph 47 is the full, objectively assessed need.”*

2.39 Solihull also reaffirms the judgment in Hunston that full objectively assessed needs should be arrived at, and utilised, without the application of any constraining factors. At §91 of the judgment the judge sets out:

“... in the context of the first bullet point in paragraph 47, policy matters and other constraining factors qualify, not the full objectively assessed housing needs, but rather the extent to which the authority should meet those needs on the basis of other NPPF policies that may, significantly and demonstrably outweigh the benefits of such housing provision.”

Satnam

2.40 “Satnam” [EWHC 370] highlights the importance of considering affordable housing needs in concluding on full OAHN. The decision found that the adopted OAHN figure within Warrington’s Local Plan was not in compliance with policy in respect of affordable housing because (as set out in §43) the assessed need for affordable housing need was never expressed or included as part of OAHN.

2.41 The decision found that the “*proper exercise*” had not been undertaken, namely:

- “(a) having identified the OAN for affordable housing, that should then be considered in the context of its likely delivery as a proportion of mixed market/affordable housing development; an increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes;”*
- (b) the Local Plan should then meet the OAN for affordable housing, subject only to the constraints referred to in NPPF, paragraphs 14 and 47.”*

2.42 In summary, this judgment establishes that full OAHN has to include an assessment of full affordable housing needs.

Kings Lynn

2.43 Whilst “Satnam” establishes the fact that full OAHN must include affordable housing needs, “Kings Lynn” [EWHC 1958] establishes how full affordable housing needs should be addressed as part of a full OAHN calculation. The judgment identifies that it is the function of a SHMA to address the needs for all types of housing including affordable, but not necessarily to meet these needs in full. The justification of this statement is set out below in §35 to §36 of the judgment.

“At the second stage described by the second sub-bullet point in paragraph 159, the needs for types and tenures of housing should be addressed. That includes the assessment of the need for affordable housing as well as different forms of housing required to meet the needs of all parts of the community. Again, the PPG provides guidance as to how this stage of the assessment should be conducted, including in some detail how the gross unmet need for affordable housing should be calculated. The Framework makes clear these needs should be addressed in determining the FOAN, but neither the Framework nor the PPG suggest that they have to be met in full when determining that FOAN. This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being

developed. It is no doubt for this reason that the PPG observes at paragraph ID 2a-208-20140306 as follows:

"i The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes."

"This consideration of an increase to help deliver the required number of affordable homes, rather than an instruction that the requirement be met in total, is consistent with the policy in paragraph 159 of the Framework requiring that the SHMA "addresses" these needs in determining the FOAN. They should have an important influence increasing the derived FOAN since they are significant factors in providing for housing needs within an area."

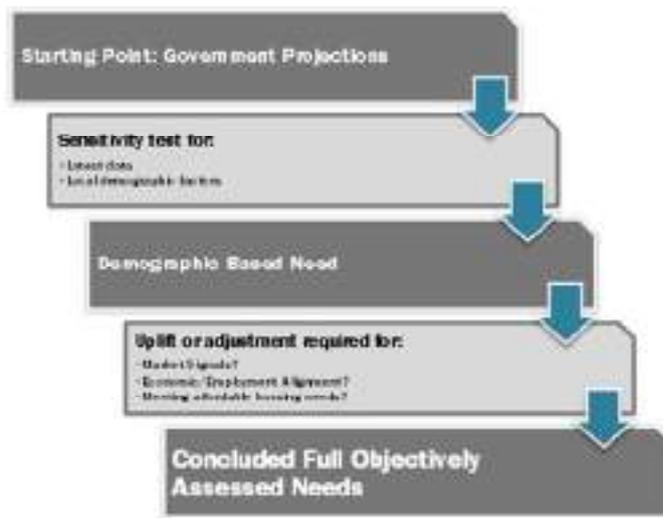
- 2.44 The judgment is clear that the correct method for considering the amount of housing required to meet full affordable housing needs is to consider the quantum of market housing needed to deliver full affordable housing needs (at a given percentage). However, as the judgment sets out, this can lead to a full OAHN figure which is so large that a LPA would have *"little or no prospect of delivering [it] in practice"*. Therefore, it is clear from this judgment that although it may not be reasonable and therefore should not be expected that the OAHN will include affordable housing needs in full, an uplift or similar consideration of how affordable needs can be 'addressed' is necessary as part of the full OAHN calculation. This reflects the Framework¹⁸.

Conclusion

- 2.45 It is against this policy context that the housing need for the City of York must be considered. In practice, applying the Framework and Practice Guidance to arrive at a robust and evidenced OAHN is a staged and logical process. An OAHN must be a level of housing delivery which meets the needs associated with population, employment and household growth, addresses the need for all types of housing including affordable and caters for housing demand.
- 2.46 Furthermore, a planned level of housing to meet OAHN must respond positively to wider opportunities for growth and should take account of market signals, including affordability. This approach has been supported by the recent Legal Judgements summarised above. This approach is summarised in Figure 2.2.

¹⁸ Framework - §158

Figure 2.2 The Framework and Practice Guidance Approach to Objectively Assessing Housing Needs



Source: Lichfields based upon the Framework / Practice Guidance

3.0 City of York Council's OAHN Evidence

Introduction

- 3.1 Before setting out a critique of CYC's housing OAHN evidence base, it is important to recognise that the Council has never had an adopted Local Plan for the City (under the 1971 Act, the 1990 Act or the 2004 Act) and progress on the current draft Local Plan has been, it is not unfair to say, glacial.
- 3.2 The development plan for York comprises two policies¹⁹ and the Key Diagram of the partially revoked Yorkshire and Humber Regional Strategy (2008) [YHRS]. There is no adopted Local Plan for York that forms part of the development plan. Instead, there is a long history of failed attempts to produce an adopted Local Plan.
- 3.3 The Council published the '*York Local Plan - Preferred Options*' document for consultation in summer 2013, followed by a 'Further Sites' consultation for six weeks in summer 2014 which included potential new sites and changes to the boundaries of some of the sites originally identified. Following these consultations, a '*Publication Draft Local Plan and Proposals Map*' was considered by the Local Plan Working Group [LPWG] and by Cabinet in September 2014²⁰. With the intention of progressing a Framework compliant Local Plan, the Cabinet resolved to carry through the LPWG's recommendations and approve the Local Plan Publication Draft for public consultation, subject to amendments circulated at the Cabinet meeting and to instruct officers to report back following the consultation with a recommendation on whether it would be appropriate to submit the Publication Draft for public examination.
- 3.4 However, at the Full Council on 9 October 2014²¹ a resolution was made to halt the public consultation on the Local Plan Publication Draft in order to reassess and accurately reflect objectively assessed housing requirements. The resolution also instructed officers to produce a report on the housing trajectory to be brought back to the next meeting of the LPWG in November 2014 along with the relevant background reports. The intention was for the report to allow the LPWG to agree an accurate analysis of the housing trajectory that is objective, evidence based and deliverable. The analysis was to be used to "*inform housing allocations and a new proposed Local Plan to be brought back to the next LPWG for discussion and recommendation to Cabinet in November.*"
- 3.5 The Council published the following 'further work' on the Local Plan relating to housing needs since the Full Council resolution to halt the Publication Draft Local Plan in 2014:
- 1 In December 2014, the LPWG considered a report on '*Housing Requirements in York*' which was based on two background documents produced by Arup²². The report set out four different housing requirement figures that were considered sound against the evidence base and three options for progressing the work on housing requirements. The LPWG members agreed a housing requirement figure of 926dpa²³;
 - 2 In September 2015 the LPWG considered an update on the '*Objective Assessment of Housing Need*' [OAHN] report produced by Arup²⁴ and a report on '*Economic Growth*'²⁵. The Arup report concluded that the housing 'requirement' should be in the range of 817

¹⁹ Both relating to Green Belt, requiring its inner boundaries to be defined in a plan and confirming that the general extent is about 6 miles out from the City centre

²⁰ Cabinet Meeting Thursday 25 September, 2014 - Minutes

²¹ Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 9th October, 2014

²² Assessment of the Evidence on Housing Requirements in York (Arup, May 2013) & Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update (Arup, September 2014)

²³ Local Plan Working Group 17 December 2014 - Minutes

²⁴ Evidence on Housing Requirements in York: 2015 Update – Arup (August 2015)

²⁵ York Economic Forecasts – Oxford Economics (May 2015)

dwellings per annum [dpa] to 854dpa between 2012 and 2031. The LPWG's recommendations were that the Executive Committee note the Arup OAHN report and endorse further work, including an evaluation of any spatial and delivery implications, on two scenarios for economic growth that would be reported back to the LPWG in due course;

- 3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to undertake a Strategic Housing Market assessment [SHMA]²⁶. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of 841dpa.
- 4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However in June 2016 GL Hearn produced an Addendum²⁷ to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706dpa - 898dpa, and therefore the Council considered that it did not need to move away from the previous 841dpa figure.
- 5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. GL Hearn was asked by City of York Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation [PSC] relating to OAN. The GL Hearn SHMA Addendum Update (May 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the demographic starting point from 783dpa (in the 2016 SHMA) to 867dpa. In their Update, GL Hearn then applied a 10% uplift to the 867dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of 953dpa. However, a cover sheet to GL Hearn's Update, entitled 'Introduction and Context to objective Assessment of Housing Need' was inserted at the front of this document by the Council. This states that 867dpa is the relevant baseline demographic figure for the 15 year period of the plan (2032/33). The Council rejected the 953dpa figure on the basis that GL Hearn's conclusions stating:

"...Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations."

- 3.6 As a result of this approach, the February 2018 City of York Publication Draft now states in Policy SS1: Delivering Sustainable Growth for York, the intention to:

"Deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38."

- 3.7 The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is "*an objectively assessed housing need*" [§3.3].

- 3.8 The remainder of this section provides an overview of the findings of the 2016 SHMA and 2016 SHMA addendum, a summary of Lichfields response to these documents, and an overview of the findings of the September 2017 SHMA Assessment Update.

²⁶GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment

²⁷GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment - Addendum

Overview of the City of York SHMA

- 3.9 The emerging City of York Local Plan is currently underpinned by three key housing need documents:
- 1 City of York Strategic Housing Market Assessment [SHMA], prepared on behalf of CYC by GL Hearn in June 2016;
 - 2 City of York SHMA Addendum, prepared on behalf of CYC by GL Hearn in June 2016; and,
 - 3 City of York September 2017 SHMA Assessment Update prepared on behalf of CYC by GL Hearn.
- 3.10 These documents follow on from previous reports prepared to inform the emerging Local Plan including the *'City of York Council Housing Requirements in York Evidence on Housing Requirements in York: 2015 Update'* (August 2015) prepared by Arup and the *'North Yorkshire Strategic Housing Market Assessment'* (November 2011) prepared by GVA.
- 3.11 A review of these documents and Lichfields' previous submissions on the City of York SHMA (June 2016) and the SHMA Addendum (June 2016) has been provided below in order to provide the context to the issues raised in this Technical Report.

City of York SHMA (June 2016)

- 3.12 GL Hearn states that the SHMA was prepared *'essentially to sensitivity check'* the Arup August 2015 Housing Requirements in York report. However, it departs significantly from the Arup approach and undertakes an entirely new set of modelling using the 2012-based SNPP and 2012-based SNHP for the period 2012-2032. The subsequent Addendum was prepared to understand the implications on the earlier SHMA analysis of the publication of the 2014-based Sub-National Population Projections [SNPP] on 25th May 2016.
- 3.13 The SHMA concludes (Section 2.0) that the HMA which covers the City of York also extends to include Selby. However:
- "While we propose a HMA which links to Selby and York we are not considering housing need across the HMA. Selby has recently produced its own SHMA and this assessment does not seek to replicate it"* [§2.106]
- 3.14 GL Hearn undertook a number of demographic modelling scenarios including the 2012-based SNPP; long term migration trends and 2012-based SNPP adjusted to take into account the (higher) 2014 MYE. GL Hearn concluded that the SNPP *"is a sound demographic projection from a technical perspective"* [page 83], although they attached greater weight to a higher figure of 833 dpa based on a projection which takes into account the 2013 and 2014 Mid-Year Population Estimates [MYE] and rolls forward the SNPP.
- 3.15 The SHMA concluded that one of the most noteworthy findings from the analysis was the relatively small increase in the population aged 15-29 (which includes the vast majority of students):
- "Whilst over the 2001-2014 period this age group increased by 12,600, there is only projected to be a 2,500 increase over the 20-years to 2032. Such a finding is consistent with this age group not being expected to see any notable changes at a national level in the future...At the time of writing York University was not expecting significant increases in the student population, whilst St Johns was only expecting a modest increase. With this knowledge, and the age specific outputs from the SNPP we can have reasonable confidence that the SNPP is a realistic projection."* [§§4.31-4.32]
- 3.16 The projections are set out in Table 3.1.

Table 3.1 Summary of the City of York SHMA (June 2016) Range of Scenarios (2012-2032)

	Change in Households	Dwellings per annum (2012-2032)	Job growth per annum (2012-2032)
2012-based SNPP	15,093	783 dpa	(not provided)
2014-based	18,458	958 dpa	
UPC adjusted	12,676	658 dpa	
10-year migration	13,660	709 dpa	
2012-based SNPP (as updated)	16,056	833 dpa	
OE Baseline	15,019	780 dpa	609
OE Re-profiling			635
OE – higher migration	15,685	814 dpa	868
YHREM	15,356	797 dpa	789

Source: City of York SHMA (June 2016)

- 3.17 The analysis also considered future economic growth performance by accessing forecasts from Oxford Economics [OE] and Experian (via the Yorkshire and the Humber Regional Economic Modelling [YHREM]). The forecasts range from 609 jobs per annum (OE baseline) to 868 (OE higher migration).
- 3.18 The GL Hearn modelling concluded that this would support a level of population growth broadly in line with the 2012-based SNPP generating between 780-814dpa, which it considered to be below the level of need identified from the most recent MYE data:
- “On balance there is no justification for an uplift to housing numbers in the City to support expected growth in employment” [page 87].*
- 3.19 The SHMA proceeds to identify a relatively high level of affordable housing need, of 573dpa, above the 486dpa need identified by GVA in the 2011 SHMA. It states:
- “The analysis undertaken arguably provides some evidence to justify considering an adjustment to the assessed housing need to address the needs of concealed households, and support improvements [sic] household formation for younger households; although any adjustment will also need to take account of any future changes already within the household projections (e.g. in terms of improving household formation). The issue of a need for any uplift is considered alongside the analysis of market signals which follows.” [§6.112]*
- 3.20 However, the SHMA concludes that whilst the affordable housing need represents 69% of the need identified in the demographic-led projections, it is not appropriate to directly compare the need as they are calculated in different ways:
- “The analysis does not suggest that there is any strong evidence of a need to consider housing delivery higher than that suggested by demographic projections to help deliver more affordable homes to meet the affordable housing need.”*
- “However, in combination with the market signals evidence some additional housing might be considered appropriate to help improve access to housing for younger people. A modest uplift would not be expected to generate any significant population growth (over and above that shown by demographic projections) but would contribute to reducing*

concealed households and increasing new household formation. The additional uplift would also provide some additional affordable housing.” [page 115]

3.21 GL Hearn’s market signals analysis in the SHMA indicates that there are affordability pressures in the City of York:

- 1 Lower quartile to median income ratio is around 7.89 (compared to 6.45 nationally);
- 2 House prices are also very high and tripled in the pre-recession decade. Private rental levels in York, at £675pcm, which are higher than comparator areas and nationally (£600pcm in England);
- 3 Over-occupied dwellings increased by 52% between 2001 and 2011: “which is high relative to that seen at a regional or national level” [§8.34].

4 Housing delivery in York:

“...has missed the target each year since 2007” [§8.38].

3.22 In this regard, GL Hearn concludes that:

“It would therefore be appropriate to consider a modest upward adjustment to the demographic assessment of housing need to improve affordability over time.” [§8.99]

3.23 To consider what level of uplift might be appropriate, GL Hearn sought to assess the degree to which household formation levels had been constrained for younger age groups, and what scale of adjustment to housing provision would be necessary for these to improve. This was derived on the assumption that household formation rates of the 25-34 age group would return to 2001 levels by 2025 (from 2015). This resulted in an increase in the annual housing provision of 8 homes per annum across the City for each of the aforementioned scenarios.

3.24 The SHMA confirms that this sensitivity analysis represents “*the market signals adjustment*” [§8.111], although in the light of GL Hearn’s conclusions concerning affordable housing needs (see above), this 8dpa uplift would also appear to be geared towards improving access to housing for younger people in the City.

3.25 The SHMA therefore concludes that applying an 8dpa uplift to the 833dpa preferred demographic scenario results in an overall housing OAHN of 841dpa over the 2012-2032 period.

SHMA Addendum (June 2016)

3.26 The Addendum revisits parts of the earlier City of York SHMA analysis following the publication of the 2014-based SNPP by ONS on 25th May 2016. The report found that the latest projections suggest a higher level of population growth, at levels around 28% higher than in the 2012-based SNPP.

3.27 GL Hearn’s analysis states that the difference between the 2014-based SNPP and the 2012-based SNPP “*is around 4,000 people, with around the same number being an additional increase in the 15-29 age group (4,200 of the difference)*” [§1.10].

3.28 GL Hearn considers that the growth in the younger age group is likely to reflect the strong growth in the student population in the City between 2008 and 2014 as a result of a new campus opening (the University of York expanded by 3,500 students over the period). The Update quotes an ONS response to CYC during the consultation to the latest projections, which suggests that some locally specific issues (such as the recorded outflow of male students from the city of York) may be under-estimated and should be treated with care.

3.29 This is in contrast to GL Hearn’s previous conclusions on the 2012-based SNPP (as set out in the earlier 2016 SHMA), where they considered that the 2012-based SNPP was a realistic projection because it forecast limited growth in the 15-29 age group going forward.

- 3.30 GL Hearn revisited the modelling using a revised long term migration trend and the 2014-based SNPP (Table 3.2).

Table 3.2 Summary of the city of York SHMA Addendum (June 2016) Range of Scenarios (2012-2032)

	2012-based SNHP Headship Rates		+ uplift to the 25-34 age group headship rates
	Change in Households	Dwellings per Annum	
2012-based SNPP	15,093	783	792
2012-based SNPP (updated)	16,056	833	841
2014-based SNPP	17,134	889	898
10-year Migration Trend	13,457	698	706

Source: City of York SHMA Addendum (June 2016)

- 3.31 Using the latest available data and including a “*market signals adjustment*” [§1.32] of 8dpa as contained in the SHMA “*and recognising concerns around the impact of historic student growth, this addendum identifies an overall housing need of up to 898dpa*”. [§1.20].
- 3.32 An update to the affordable housing need model increases the ‘*bottom line estimate of affordable housing need*’ from 573dpa to 627dpa.
- 3.33 The Addendum draws the following conclusions on OAHN:

“There are concerns relating to historic growth within the student population and how this translates into the SNPP projections. This looks to be a particular concern in relation to the 2014-based SNPP where there is a relatively strong growth in some student age groups when compared with the 2012-based version (which looks to be sound for those particular age groups). Some consideration could be given to longer term dynamics although this does need to recognise that the evidence suggests some shift in migration patterns over the more recent years – a 10 year migration trend using the latest available evidence calculates a need for 706dpa, although as noted this will not fully reflect some of the more recent trends. This projection is therefore not considered to be an appropriate starting point for which to assess housing need although it can be used to help identify the bottom end of a reasonable range.

“Given that the full SHMA document identifies an OAN for 841dpa which sits comfortably within this range set out in this addendum (706dpa – 898dpa) it is suggested that the Council do not need to move away from this number on the basis of the newly available evidence – particularly given the potential concerns about the impact of student growth in the 2014-based SNPP and also longer term trends not reflecting the most recent trends.” [§§1.33-1.34].

Lichfields Previous SHMA Representations

- 3.34 A review of the June 2016 Strategic Housing Market Assessment [SHMA], and the subsequent SHMA Addendum (June 2016) was submitted by Lichfields (then branded as Nathaniel Lichfield & Partners) on behalf of the Companies in September 2016 in response to the City of York Local Plan – Preferred Sites Consultation.
- 3.35 This review provided objective evidence on the local need and demand for housing in the City of York and its Housing Market Area [HMA]. It established the scale of need for housing in the

City of York based upon a range of housing, economic and demographic factors, trends and forecasts, based on the application of Lichfields' HEaDROOM framework.

3.36 More specifically it:

- 1 Considered the approach which needs to be taken to calculating OAHN and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
- 2 Provided a critique of the 841 dwellings per annum [dpa] identified as the City of York's OAHN in the June 2016 Strategic Housing Market Assessment [SHMA] for the City, and the subsequent SHMA Addendum which recommended a broader OAHN range of 706dpa to 898dpa and considered whether they represent the full, objectively assessed housing need for the City of York;
- 3 Set out the approach taken by Lichfields to define a new OAHN for the City of York, using the latest demographic evidence and economic forecasts and affordable housing needs;
- 4 Provided an analysis of market signals in the City;
- 5 Identified a revised OAHN for the City of York, based on Lichfields' PopGroup modelling; and,
- 6 Summarised the key issues within the SHMA and subsequent Addendum and sets out why it is not compliant with the requirements for an OAHN calculation.

3.37 The review concluded that the SHMA documents make a number of assumptions and judgements which Lichfields considered to be flawed, or which do not properly respond to the requirements of policy and guidance. As a result, the recommended OAHN was not robust and was inadequate to meet need and demand within the HMA.

3.38 The review noted that there were a number of significant deficiencies in the City of York SHMA and Addendum which means that the 841dpa OAHN figure currently being pursued by CYC is not soundly based. In particular:

- 1 The demographic modelling downplayed the robustness of the 2014-based SNPP which were not supported by the evidence in other aspects of the document;
- 2 As a result, the Council's 841dpa OAHN figure was actually below the demographic starting point in the latest 2014-based SNHP of 853hpa even before any adjustments were made;
- 3 Adjustments to headship rates had been conflated with the uplift for market signals. The SHMA did not apply a separate uplift for market signals, but instead made an adjustment to the demographic modelling based on changes to headship rates which should be part of a normal adjustment to the demographic starting point before market signals are considered. As a result, there was no adjustment for market signals at all despite the significant and severe market signal indicators apparent across the City of York;
- 4 A 'black-box' approach had been taken to the economic-led modelling, with key evidence relating to how the job projections had been factored into any PopGroup model being unpublished; and,
- 5 No explicit consideration or uplift applied in respect of delivering more homes to meet the needs of households in affordable housing need. This was despite the SHMA and Addendum indicating a level of affordable housing need (of 573dpa and 627dpa respectively) which would only be met well in excess of the concluded OAHN.

3.39 In combination, the judgements and assumptions applied within the SHMA sought to dampen the level of OAHN across the City of York. Fundamentally, it was considered that the OAHN(s) identified in the SHMA and Addendum failed to properly address market signals, economic or affordable housing needs, as envisaged by the Framework and Practice Guidance as clarified by High Court and Court of Appeal judgements.

- 3.40 Lichfields undertook its own analysis of housing need for the City of York. Based on the latest demographic data, and through the use of the industry standard PopGroup demographic modelling tool, it was Lichfields' view that the OAHN for York was at least 1,125dpa, although there was a very strong case to meet affordable housing needs in full, in which case the OAHN would equate to 1,255dpa (rounded).
- 3.41 If long term migration trends were to continue into the future, this would justify a higher OAHN of 1,420dpa, although due to uncertainties regarding the level of international net migration into York it was considered that less weight should be attached to this figure.
- 3.42 This allowed for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework²⁸ by significantly boosting the supply of housing. It would also reflect the Framework²⁹, which seeks to ensure the planning system does everything it can to support sustainable development.

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- 3.43 The stated purpose of GL Hearn's Assessment Update is to review the housing need in York taking into account of the latest demographic information. In particular, it reviews the impact of the 2014-based SNHP and the 2015 Mid-Year Estimates (both published June 2016).
- 3.44 The Assessment Update also reviews the latest evidence on market signals within the City. The report states that this is not a full trend-based analysis but rather a snapshot of the latest evidence to be read in conjunction with the full SHMA document. As such, the report does not revisit the affordable housing need for the City, nor does it update analysis on the mix of housing required or the needs for specific groups.
- 3.45 The report [§2.2] finds that over the 2012-32 period, the 2014-based SNPP projects an increase in population of around 31,400 people (15.7%) in York. This is somewhat higher than the 2012-based SNPP (12.2%) and also higher than the main 2016 SHMA projection (which factored in population growth of 13.7%).
- 3.46 The report [§2.11] states that the official population projections (once they are rebased to include the latest 2015 MYE) indicate a level of population growth which is higher than any recent historic period or any trend based forecast of growth. It should therefore be seen as a positive step to consider these as the preferred population growth starting point.
- 3.47 The analysis [§2.17] finds that by applying the headship rates within the 2014-based SNHP the level of housing need would be for 867dpa – this is c.4% higher than the figure (833dpa) derived in the 2016 SHMA for the main demographic based projection.

Table 3.3 Projected Household Growth 2012-32 - Range of demographic based scenarios

	Change in households	Dwellings (per annum)
2014-based SNPP	17,120	867
2014-based SNPP (+MYE)	17,096	866

Source: SHMA Assessment Update (September 2017)

- 3.48 The report [§2.19] notes that within the SHMA, analysis was also undertaken (as part of the

²⁸ Framework - §47

²⁹ Framework - §19

market signals analysis) to recognise a modest level of suppressed household formation – this essentially took the form of returning the household formation/headship rates of the 25-34 age group back to the levels seen in 2001 (which is when they started to drop). With an uplift to the household formation rates of the 25-34 age group, the housing need (when linked to 2014-based projections when updated) increases to 873dpa. When the mid-year estimates are factored in, the housing need decreases slightly to 871dpa.

Table 3.4 Projected Household Growth 2012-32 - Range of demographic based scenarios (with uplift to headship rates for 25-34 age group)

	Change in households	Dwellings (per annum)
2014-based SNPP	17,232	873
2014-based SNPP (+MYE)	17,209	871

Source: SHMA Assessment Update (September 2017)

3.49 The SHMA Assessment Update [§5.3-5.4] states:

“Furthermore there is also the clear desire of the Government to boost housing delivery, and therefore setting an OAN that is below the most recent official projections while justifiable might be difficult to support.”

“There is however an apparent continued suppression of household formation rates within younger age groups within the official projections. In order to respond to this we have increased the household formation rates in this age group to the levels seen in 2001. The housing need (when linked to 2014-based projections) increases to 873 dwellings per annum. When the mid-year estimates are included the housing need decreases to 871dpa. This should be seen as the demographic conclusions of this report”.

3.50 GL Hearn therefore clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this ‘demographic conclusion’ of 871dpa does not appear to have been carried forward by GL Hearn through to the next steps of calculating the resultant housing need, as summarised below.

3.51 With regard to market signals and affordable housing the Assessment Update [§3.19] notes that:

“On balance, the market signals are quite strong and there is a notable affordable housing need. Combined these would merit some response within the derived OAN. This is a departure from the previous SHMA and the Addendum which did not make any market signals or affordable housing adjustment.”

3.52 The report considers a single adjustment to address both of these issues on the basis that they are intrinsically linked. The Assessment Update [§3.28] states:

“Given the balance of judgement it would appear that a 10% adjustment could be justified in York on the basis of the previously established affordable housing need the updated market signals evidence.”

3.53 With regard to this matter the Assessment Update [§5.6-5.7] draws the following conclusions:

“In response to both market signals and affordable housing need we have advocated a 10% uplift to the OAN. In line with the PPG this was set against the official starting point of 867dpa. The resultant housing need would therefore be 953dpa for the 2012-32

period.”

“The level of housing need identified is someway higher than the previous SHMA reflecting the increased starting point but also the inclusion of a market signals uplift. This OAN would meet the demographic growth in the City as well as meet the needs of the local economy”.

- 3.54 Lichfields agrees with making an adjustment for demographic and household formation rates to get to 871dpa. However, it is illogical to then revert back to the unadjusted projections of 867dpa and then apply the adjustment for market signals and affordable housing to this lower, discredited figure.
- 3.55 Moving on, GL Hearn models a series of economic growth forecasts. In this regard, they conclude that the level of housing associated with the economic growth projections are lower than the 867/871dpa demographic need, the Assessment Update considers that there is no justification for an uplift to housing numbers in the City to support the expected growth in employment.
- 3.56 As such, the report concludes that by applying a 10% uplift to the demographic starting point of 867dpa results in an OAHN of 953dpa for York City for the 2012-2032 period. However, as noted above, the Council has inserted an ‘Introduction and Context to Objective Assessment of Housing Need’ to the front of the Assessment Update which contests the need for any adjustment to the 2014-based SNHP figure.
- 3.57 It notes that Members of the Council’s Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867dpa.

4.0 Critique of the SHMA Update

Introduction

- 4.1 The Companies have serious concerns and wish to raise strong objections to the way in which the Council has chosen to identify an OAHN of 867dpa and the subsequent identification of this need as the housing requirement in Policy SS1 of the LPP. As noted above, the ‘Introduction and Context to Objective Assessment of Housing Need’ (inserted by the Council at the front of the SHMA Update Assessment) states [page 2]:

“Members of the Council’s Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867 dwellings per annum, based on the latest revised sub national population and household projections published by the Office for National Statistics and the Department of Communities and Local Government, be accepted.”

“Executive also resolved that the recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn’s conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.”

- 4.2 This is effectively a ‘policy-on’ intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that OAHN is ‘policy off’ and does not take into account supply pressures. The judgment of Hickinbottom J in Solihull sets out the definition of OAHN [§37]:

“Full Objective Assessment of Need for Housing: This is the objectively assessed need for housing in an area, leaving aside policy considerations (Lichfields emphasis). It is therefore closely linked to the relevant household projection; but is not necessarily the same. An objective assessment of housing need may result in a different figure from that based on purely demographics if, e.g., the assessor considers that the household projection fails properly to take into account the effects of a major downturn (or upturn) in the economy that will affect future housing needs in an area. Nevertheless, where there are no such factors, objective assessment of need may be – and sometimes is – taken as being the same as the relevant household projection.”

- 4.3 With regard to this matter, the SHMA Assessment Update [§§5.8-5.9] clearly states:

“The official projections should be seen a starting point only and housing delivery at this level (867dpa) would only meet the demographic growth of the City. It would not however address the City’s affordability issues.”

“Without the 10% uplift for market signals/affordable housing need the City’s younger population would fail to form properly. This would result in greater numbers residing with parents or friends or in share accommodations such as HMOs.”

- 4.4 GL Hearn is therefore clear that the 867dpa figure is not an appropriate OAHN. On one level, it is the incorrect demographic starting point in any case, which according to GL Hearn’s work is 871dpa following suitable adjustments to the 2014-based SNHP to incorporate the 2015 MYE and accelerated household formation rates. On the second level, there is an array of evidence, which we examine in further detail below, that York City is one of the least affordable local authority areas in Northern England. A market signals uplift of 10% is the very least that would

be appropriate, and indeed we provide evidence that suggests that an even higher uplift, of 20% should actually be applied.

- 4.5 It is therefore not acceptable for the Council to ignore its own housing expert's advice. The Council's approach to identifying an OAHN of 867dpa, as set out in the front section of the SHMA Assessment Update, is policy-on driven and is therefore contrary to the guidance provided by the Courts. The calculation of OAHN should be based on the normal 'policy-off' methodology.
- 4.6 Notwithstanding these points, the remainder of this section provides a detailed critique of GL Hearn's SHMA Assessment Update.

Starting Point and Demographic-led Needs

Population Change

- 4.7 The Practice Guidance³⁰ sets out that in assessing demographic-led housing needs, the CLG Household Projections form the overall starting point for the estimate of housing need, but these may require adjustments to reflect future changes and local demographic factors which are not captured within the projections, given projections are trend based. In addition, it states that account should also be taken of ONS' latest Mid-Year Estimates [MYEs]³¹.
- 4.8 The SHMA Assessment Update applies the 2014-based SNPP which projects an increase in population of around 31,400 people (15.7%) in York. This is higher than the 2012-based SNPP (12.2%) and also higher than the main SHMA projection (which had population growth of 13.7%). It also considers longer term migration trend using the latest available evidence from the 2014-SNPP and the 2015 Mid-Year Estimate.
- 4.9 The SHMA Assessment Update considers housing need based on the (then) latest CLG 2014-based household projections over the period 2012 to 2032.
- 4.10 The Companies agree with the overall principle of taking the 2014-based SNPP as the demographic starting point and rebasing population growth off the latest Mid-Year Population Estimates.
- 4.11 However, it is important to note that the household projections upon which York's OAHN is based relate to C3 uses only, and not C2. Specifically, and of particular relevance to the City of York, CLG's household projections do not include an allowance for students who might be expected to reside in Halls of Residence (termed, along with people living in nursing homes, military barracks and prisons, as the 'Institutional population').
- 4.12 As summarised by CLG in its 2014-based household projections Methodological Report (July 2016), the household projections are based on the projected household population rather than the total population. The difference between the two is the population in communal establishments, also termed the 'institutional' population. This population comprises all people not living in private households and specifically excludes students living in halls of residence:
- "The institutional population is subtracted from the total resident population projections by age, sex and marital status to leave the private household population, split by sex, age and marital status in the years required for household projections."* [page 12]
- 4.13 This is important for the City of York, because it means that if the household projections are used as the basis for calculating the OAHN (which GL Hearn's methodology does), it specifically excludes a substantial proportion of specialised student accommodation needs.

³⁰ Practice Guidance - ID 2a-015-20140306

³¹ Practice Guidance - ID 2a-017-20140306

Household Formation Rates

4.14 The Practice Guidance³² indicates that in respect of household projections:

“The household projections are trend based, i.e. they provide the household levels and structures that would result if the assumptions based on previous demographic trends in the population and rates of household formation were to be realised in practice...”

“...The household projection-based estimate of housing need may require adjustment to reflect factors affecting local demographic and household formation which are not captured in past trends...rates may have been suppressed historically by under-supply and worsening affordability of housing...”

4.15 The SHMA Assessment Update notes that there is no material difference 2014-based SNHP headship rates and the household formation rates from the 2012-based version.

4.16 The SHMA [§2.19] accepts that there has been a level of suppressed household formation arising from the 25-34 age group and in relation to this matter states [§§5.3-5.4]:

“Furthermore there is also the clear desire of the Government to boost housing delivery, and therefore setting an OAN that is below the most recent official projections while justifiable might be difficult to support.”

“There is however an apparent continued suppression of household formation rates within younger age groups within the official projections. In order to respond to this we have increased the household formation rates in this age group to the levels seen in 2001. The housing need (when linked to 2014-based projections) increases to 873 dwellings per annum. When the mid-year estimates are included the housing need decreases to 871 dpa. This should be seen as the demographic conclusions of this report.”

4.17 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. We agree with this. However this adjusted demographic figure of 871dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below.

4.18 Lichfields agrees with making an adjustment for demographic and household formation rates. However, it is illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when an adjusted demographic need of 871dpa has been identified.

Market Signals

4.19 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:

“Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.” [S17]

4.20 The Practice Guidance³³ requires that the housing need figure as derived by the household

³² Practice Guidance - ID 2a-015-20140306

³³ Practice Guidance - ID 2a-019-20140306

projections be adjusted to take into account market signals. It indicates that comparisons should be made against the national average, the housing market area and other similar areas, in terms of both absolute levels and rates of change. Worsening trends in any market signal would justify an uplift on the demographic-led needs. In addition, the Practice Guidance³⁴ highlights the need to look at longer terms trends and the potentially volatility in some indicators.

4.21 The Practice Guidance also sets out that:

“...plan-makers should not attempt to estimate the precise impact of an increase...rather they should increase planning supply by an amount that, on reasonable assumptions...could be expected to improve affordability...”³⁵.

4.22 This clearly distinguishes between the demographic-led need for housing (generated by population and household growth) and the market signals uplift which is primarily a supply response over and above the level of demographic need to help address negatively performing market signals, such as worsening affordability.

4.23 The SHMA Assessment Update (Section 3) examines a range of market signals as set out in the Practice Guidance, comparing the City of York to Ryedale, Hambleton, Yorkshire and the Humber region and England. It states that the update is a targeted update to the market signals section looking using recently published data, not a full update, as many of the datasets used have not been updated since publication of the SHMA. Attached at Appendix 1 is Lichfields’ own assessment of market signals in City of York which has been used for comparison purposes.

4.24 The findings of the SHMA Assessment Update can be summarised (with Lichfields’ commentary included) as follows:

- 1 **Land Prices** – No analysis has been presented, as was the position on the 2016 SHMA. As noted in our market signals assessment in Appendix 1, CLG land value estimates suggest a figure of £2,469,000 per hectare, well above the equivalent figure for England (excluding London) of £1,958,000.
- 2 **House Prices** – The 2016 SHMA outlined significant house price growth in the HMA between 2011 and 2007. By Q4 2014 house prices in York had reached £195,000 and by Q2 2016 this had increased to £225,000. The Assessment Update notes that, based on 2016 data, the average (median) house price in York was £215,000, compared to £148,000 across the Yorkshire and Humber region. Our market signals analysis in Appendix 1 suggests that the average (median) house price in York in 2016 was £220,000 compared to £199,995 for the North Yorkshire region. It is particularly important to note that over the previous 17 years (1999-2016), median house prices have increased by 244% (or £156,000) in York, compared to 204% nationally and 199% across North Yorkshire as a whole.

As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York’s median house prices have effectively tripled in 17 years, from £64,000 in 1999 to £220,000 in 2016, and have risen at a much faster rate than comparable national and sub-regional figures, suggests that the local market is experiencing considerable levels of stress.

- 3 **Rents** – The Assessment Update [§3.8] notes that the most recent data shows that England has grown to £650 (+8%), while York has seen median rental prices increase to £700 (+4%). In contrast rents in the region only grew by 1% to £500 per month. The Assessment Update [§3.9] finds that the most recent data shows a strong upward trend in the number of rental transactions in York although they have been falling over the last six months. In York rental transactions are currently 73% higher than in September 2011, showing a

³⁴ Practice Guidance - ID 2a-020-20140306

³⁵ ibid

continued return to the longer term trend than seen in the previous SHMA. By comparison, in Yorkshire and the Humber rental volumes are still slightly above (6%) past figures. Nationally, over this period there has been a slight downward trend.

Our market signals analysis in Appendix 1 shows that Median rents in York are £725 per month, with median rents ranging from £595 per month for a 1 bed flat, to £1,500 per month for a 4+ bed house. All of these figures are significantly higher than the national average, with overall average rents comprising £675 across England, and £585 for North Yorkshire. Rental levels are therefore 7.4% higher than comparable national figures. High and increasing private sector rents in an area can be a further signal of stress in the housing market.

- 4 **Affordability** – The Assessment Update [§3.10] acknowledges the affordability issues faced within the HMA with the Median Ratio being 8.3 times earnings in 2015 (compared to 7.6 nationally), whilst the Lower Quartile [LQ] ratio is 8.9 times earnings (compared to 7.0 nationally). However, it does not discuss this stark indicator of supply/demand imbalance, preferring to note instead that much of the growth in (un)affordability took place prior to 2005, with limited changes to affordability in the past decade[§3.11].

Lichfields' market signals analysis in Appendix 1 shows that although the ratio fell substantially from a peak of 8.14 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than North Yorkshire as a whole. This suggests that levels of affordability are declining in York at a pace which is not the case for the rest of the sub-region (and indeed, for the country as a whole). In 2016, the median house price in York City was approximately 9.0-times the LQ workplace-based income, compared to 7.8 for North Yorkshire and 7.2 nationally.

Our analysis shows the over the past 19 years, the ratio of lower quartile house prices to lower quartile earnings in York has been consistently above the national average, with the gap widening over time. Indeed, the rate of increase is worrying – between 2002 and 2016, the affordability ratio increased by 39%, significantly above the comparable growth rate for North Yorkshire (+27%) and England (+37%).

The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

- 5 **Rates of Development** – the Practice Guidance is clear that historic rates of development should be benchmarked against the planned level of supply over a meaningful period. The Assessment Update [§3.13] examines housing completions data for York dating back to 2004/05 and sets these against the annual housing target from 2004/05 to 2015/16. With the exception of the last year, housing delivery in York has missed the target each year since 2007. Overall delivery targets for these years was missed by 20% which equals 2,051 units below the target level. GL Hearn notes [§3.14] that under-delivery may have led to household formation (particularly of younger households) being constrained and states that this point is picked up in the report which uses a demographic projection based analysis to establish the level of housing need moving forward.

The Assessment Update [§3.15] considers that this past under-delivery is not a discrete part of the analysis but is one of the various market signals which indicate a need to increase provision from that determined in a baseline demographic projection. It notes that that this market signal will require upward adjustment through consideration of migration and household formation rates rather than just a blanket increase based on the level of 'shortfall'.

It is clear from the Council's own evidence that the City has consistently under-delivered housing, with a failure to deliver anything more than 525 dwellings in any single year between 2007 and 2015. The policy benchmarks suggest that the level of past under-

delivery is 1,793 dwellings over the past 12 years. Furthermore, the Council's already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures. For example, CYC's 2012/13 Annual Monitoring Report states that 482 (net) dwellings were completed in 2012/13, but this figure includes 124 student cluster flats. The 6 months completions data set out in CYC's Housing Monitoring Update (Table 3, October 2017) suggested that the Council was continuing to rely on student housing completions to boost its housing numbers, with 637 of the total 1,036 net completions during the first half of the 2017/18 monitoring year comprising privately managed off-campus student accommodation.

- 6 Overcrowding** - No analysis has been presented. Our market signals analysis in Appendix 1 shows overcrowding against the occupancy rating in York is not severe, with 7.10% of households living in a dwelling that is too small for their household size and composition. This compares to 8.7% nationally. However, it represents a significant increase of 2 percentage points on the 5.1% recorded in York in 2001, which is above the national trend (which had increased by 1.6 percentage points from 7.1% in 2011). From our analysis we also note that when compared against neighbouring Yorkshire districts, York is the worst performing district regarding the rate of change in overcrowded households.

4.25 In response to both market signals and affordable housing need, the Assessment Update advocates a 10% uplift to the OAN [§3.31].

4.26 Lichfields agrees that based on the market signals analysis there are clear housing market pressures, particularly regarding affordability within the HMA. The Practice Guidance³⁶ is clear that any market signals uplift should be added to the demographic-led *needs* as an additional *supply* response which could help improve affordability, and further goes on to clarify that:

"...plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions...could be expected to improve affordability..." (Lichfields emphasis)

4.27 The Practice Guidance³⁷ is also clear that:

"...the more significant the affordability constraints...and the stronger the other indicators of high demand... the larger the improvement in affordability needed and, therefore the larger the additional supply response should be."

4.28 Whilst it is not clear cut from the Practice Guidance how an upwards adjustment should be calculated, some recent Local Plan Inspector's findings have provided an indication as to what might be an appropriate uplift. The Inspector's Report into the Eastleigh Borough Local Plan (11th February 2015)³⁸ provide interpretation of the Practice Guidance in terms of a reasonable uplift on demographic-led needs in light of market signals:

"It is very difficult to judge the appropriate scale of such an uplift. I consider a cautious approach is reasonable bearing in mind that any practical benefit is likely to be very limited because Eastleigh is only a part of a much larger HMA. Exploration of an uplift of, say, 10% would be compatible with the "modest" pressure of market signals recognised in the SHMA itself." [§§40-41].

4.29 The Eastleigh Inspector ultimately concluded that a modest uplift of 10% is a reasonable proxy for quantifying an increase from purely demographic based needs to take account of 'modest' negatively performing market signals. Furthermore, Inspectors have used figures of up to 20% for 'more than modest' market signal indicators, notably in the case of Canterbury, where the

³⁶ Practice Guidance - ID:2a-020-20140306

³⁷ Practice Guidance - ID:2a-020-20140306

³⁸ http://www.eastleigh.gov.uk/pdf/ppi_Inspectorsreport12Feb15.pdf

Inspector concluded that:

“Taking these factors in the round it seems to me that 803dpa would achieve an uplift that took reasonable account of market signals, economic factors, a return to higher rates of household formation and affordable housing needs.”³⁹

4.30 From the indicators set out by Lichfields in Appendix 1, as shown in Table 4.1, and from the commentary and analysis undertaken by GL Hearn, we consider that the current levels of market stress should be considered more severe than the ‘modest’ uplift the SHMA suggests. An application of other approaches (discussed above) would suggest an uplift of 20% could be appropriate for the City of York.

4.31 Drawing together the individual market signals above begins to build a picture of the current housing market in and around York; the extent to which demand for housing is not being met; and, the adverse outcomes that are occurring because of this. The performance of York against County and national comparators for each market signal is summarised in Table 4.1. When quantified, York has performed worse in market signals relating to both absolute levels and rates of change against North Yorkshire and England in 13 out of 28 measures.

Table 4.1 Summary of York Market Signals against North Yorkshire and England

Market Signal	North Yorkshire		England	
	Absolute Figure	Rate of Change	Absolute Figure	Rate of Change
House Prices	Worse	Worse	Better	Worse
Affordability Ratios	Worse	Worse	Worse	Worse
Private Rents	Worse	Worse	Worse	Better
Past Development	~	~	~	~
Homelessness (Households in Temporary Accommodation)	Better	Better	Better	Better
Homelessness (Households in Priority Need)	Better	Better	Better	Better
Overcrowding (Overcrowded Households)	Worse	Worse	Better	Worse
Overcrowding (Concealed Families)	Same	Same	Better	Better

Source: Lichfields Analysis

Footnote: Worse = performing worse against the average
 Better = performing the same or better against the average
 ~ = data not available

4.32 It is clear that the City is currently facing very significant challenges in terms of house prices and private rental values and under delivery, causing affordability difficulties. The GL Hearn analysis is an improvement from the 2016 SHMA and clearly is an improvement from the Council’s approach to identifying an OAHN of 867dpa, but even so, is inadequate to address the current housing crisis. For the aforementioned reasons a 20% uplift is preferable.

4.33 Whilst it can only be applied limited weight at the current time, Lichfields also note that the CLG methodology, based on the median workplace based affordability ratio, would suggest an uplift of 27% for market signals.

4.34 GL Hearn also conflates market signals and affordable housing in the 10% uplift, which is a fundamental misreading of the Practice Guidance, and should be addressed separately (see below for affordable housing commentary).

³⁹Canterbury District Council Local Plan Examination August 2015, Inspector’s Letter and Note on main outcomes of Stage 1 Hearings, paragraph 26.

Economic Growth

- 4.35 With regards to considering the need to uplift a housing figure to take account of the economic potential of the local authority, the Framework sets out the following:

“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.” [S19]

- 4.36 The SHMA Assessment Update presents no alternative to the work in the June 2016 SHMA. It states [S4.3] that the housing need required to meet the economic growth is lower than the demographic need. Furthermore evidence of more recent forecasts suggests that the economic growth will be even lower than anticipated. Therefore GL Hearn considers that on balance, there is unlikely to be any justification for an uplift to housing numbers in the City to support expected growth in employment. The Update states that the uplift for market signals would see the likelihood for an economic uplift reduce.

- 4.37 Lichfields considers that this approach fails to address the concerns raised in our previous submissions on behalf of the Companies to the Preferred Sites Consultation. Included in those submissions was ‘Technical Report 1’ which noted that June 2016 SHMA presents a suppressed picture of likely economic growth, drawing upon economic forecasts produced in 2014, which are outdated. The submission noted that we could only provide a limited analysis on the robustness of GL Hearn’s assessment of the implications of the job forecasts as they had not set out their assumptions in detail, and we reserved the right to review these assumptions if/when they were provided by GL Hearn.

- 4.38 Given that the SHMA Assessment Update provides no further information on this matter it has not been possible for Lichfields to make any further analysis at this stage. On this basis, the concerns raised on behalf of the Companies in Technical Report 1 still stand, particularly as the LPP Policy SS1 identifies a specific target to provide sufficient land to accommodate an annual provision of around 650 new jobs to support sustainable economic growth.

Affordable Housing Needs

- 4.39 In line with the Framework⁴⁰, LPAs should:

“...use their evidence based to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing...”

“...prepare a SHMA which...addresses the need for all types of housing, including affordable.”

- 4.40 The Practice Guidance⁴¹ sets out a staged approach to identifying affordable housing needs, and states that affordable housing need should be:

“...considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments...an increase in the total housing figures included in the plan should be considered where it could help deliver the required number of affordable homes.”

- 4.41 As set out in Section 2.0, two High Court Judgements go to the heart of addressing affordable housing within the identification of OAHN. ‘Satnam’ establishes that affordable housing needs are a component part of OAHN, indicating that the ‘proper exercise’ is to identify the full

⁴⁰ Framework - Paragraphs 47 and 159

⁴¹ Practice Guidance - ID: 2a-022-20140306 to 2a-029-20140306

affordable housing needs and then ensure that this is considered in the context of its likely delivery as a proportion of mixed market/affordable housing development. ‘Kings Lynn’ builds on ‘Satnam’, identifying that affordable housing needs “*should have an important influence increasing the derived OAHN since they are significant factors in providing for housing needs within an area.*” [§36] This is clear that affordable housing needs are a substantive and highly material driver of any conclusion on full OAHN.

4.42 The SHMA Assessment Update states that it does not review affordable housing need but the situation is unlikely to have changed significantly from the 2016 SHMA. The 2016 SHMA identified a net affordable housing need of 573 homes per annum or 12,033 dwellings over the 2012-2033 period. This suggests a worsening situation when compared with the previous figure of 486 affordable homes per annum needed in the previous 2011 SHMA, produced by GVA.

4.43 The SHMA Assessment Update [§3.3] suggests that large parts of this need are either existing households (who do not generate need for additional dwellings overall) or newly forming households (who are already included within the demographic modelling).

4.44 It further states [§§3.17-3.18] that:

“The City of York Council currently have an affordable housing policy of up to 30%. The SHMA identified a net affordable housing need of 573 dwellings. Based on this level of need and the current policy the City would require to deliver 1,910 dwellings per annum. To put this in context the City has only delivered more than 1000 homes once since 2004-5. Using a lower policy target would result in an even higher need.”

“While there is clearly an affordable housing issue in the City many of the households in need are already in housing (just housing that is not suitable for some reason such as overcrowding) and therefore do not generate a need for additional dwellings”.

4.45 The provision of the net affordable housing need identified is likely to be unrealistic given past dwelling completions in City of York. With regard to this matter the SHMA Assessment Update states [§3.28]:

“Given the balance of judgement it would appear that a 10% adjustment could be justified in York on the basis of the previously established affordable housing need the updated market signals evidence.”

4.46 In taking this approach, GL Hearn is effectively conflating the uplift resulting from affordable housing need with uplift resulting from market signals analysis. These are two separate steps in the Practice Guidance and should not be combined in this manner.

4.47 Lichfields has not analysed in detail the figures forming the assessment of affordable housing needs, due in part to limitations on access to the underlying data; instead, Lichfields has focused on how this need has informed the OAHN conclusion.

Addressing Affordable Housing Needs

4.48 Having identified the affordable housing needs, the Practice Guidance requires an assessment of its likely delivery to consider whether there is a need to uplift or adjust the OAHN and planned housing supply in order to address affordable housing needs. This is what the ‘Satnam’ judgment calls the ‘proper exercise’ and is undertaken by the 2016 SHMA within Figure 30. This concludes that to meet affordable housing need in full the City of York would need to deliver 573dpa. At a delivery rate of 30% of overall housing, this means that the City would need to deliver 1,910dpa to address affordable housing needs in full.

4.49 Taking into account affordable need within the calculation of OAHN does not necessarily involve a mechanistic uplift, or an indication that such identified needs must be met in full. It

has to be a scenario which, on a reasonable basis, could be expected to occur. This is set out in the Kings Lynn judgment which concluded:

"...This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being developed." [§35]

This is also consistent with the Practice Guidance⁴² which sets out the assessment of need "does not require local councils to consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur."

- 4.50 However, in line with the High Court Judgments, this still needs to be an uplift of consequence, insofar as it can reasonably be expected to occur. This will inevitably need to involve judgement, based on relevant evidence, as to the extent to which any scale of uplift could be reasonably expected to occur.
- 4.51 The SHMA ultimately does not use the identified acute affordable housing needs in a way in which it has "an important influence in increasing the derived F[ull] OAN" as per the Kings Lynn judgment.
- 4.52 The Local Plan Expert Group [LPEG], in its Report to the Secretary of State for Communities and Local Government in March 2016, recommended various changes to the Practice Guidance with the remit of considering how local plan-making could be made more efficient and effective. Although very limited weight can be given to the LPEG approach given that it is not policy or endorsed by Government, it is at least helpful in seeking to understand the general 'direction of travel' of defining OAHN and what an appropriate response might be to define the influence of market signals and affordable housing needs. LPEG recommended changes to the preparation of SHMAs and determination of OAHN.
- 4.53 With regard to affordable housing need in the preparation of SHMAs and determination of OAHN it proposed that where the total number of homes that would be necessary to meet affordable housing need is greater than the adjusted demographic-led OAHN, then this figure (953dpa) should be uplifted by a further 10%. The 10% uplift was intended to provide a streamline approach that removes judgement and debate from the process of setting OAHN (as opposed to what might be the most accurate under current Practice Guidance).
- 4.54 Given the significant affordable housing need identified in City of York Lichfields considers that this 10% uplift would be appropriate in this instance and should be applied to the OAHN.

MHCLG Standardised Approach to OAHN

- 4.55 As noted in Section 2, MHCLG has recently published for consultation the draft Planning Practice Guidance, which sets out the standard method for calculating local housing need, including transitional arrangements first set out in "Planning for the right homes in the Right Places" ..
- 4.56 Whilst relatively limited weight can be attached to this document at present given its consultation status, for the City of York, if adopted as MHCLG proposes, the approach would mean that the OAHN over the period 2016-2026 is 1,070 dpa.
- 4.57 This is based on an annual average level of household growth of 844 dpa between 2016 and 2026, uplifted by a very substantial 27% to address the fact that the latest median workplace-based affordability ratio is 8.3.

⁴² Practice Guidance - ID:2a-003-20140306

Conclusions on the City of York's Housing Need

- 4.58 The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is fundamentally flawed. This is a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the FOAN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.
- 4.59 There are a number of significant deficiencies in the SHMA Assessment Update which means that even the higher 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
- 1 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this demographic conclusion of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below. Lichfields agree with making an adjustment for demographic and household formation rates. However, it is illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - 2 The Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - 3 Given the significant affordable housing need identified in City of York Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN.
- 4.60 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 1 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates amongst younger age cohorts takes the demographic starting point to 871 dpa.
 - 2 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, for the reasons set out above, Lichfields considers that a greater uplift of 20% would be more appropriate in this instance. When applied to the 871 dpa re-based demographic starting point, this would indicate a need for 1,045 dpa.
- The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the Blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;
- The scale of affordable housing needs, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045 dpa set out above. It is considered that to meet affordable housing needs in full (573 dpa), the OAHN range should be adjusted to 1,910 dpa @30% of overall delivery. It is, however, recognised that this level

of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

This is **7.5% higher** than the MHCLG proposed standardised methodology figure of 1,070 dpa.

- 4.61 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework by significantly boosting the supply of housing. It would also reflect the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.
- 4.62 It is emphasised again that CLG's household projections explicitly exclude the housing needs of students living in halls of residence. GL Hearn has used the latest CLG 2014-based household projections to underpin its housing OAN for York. The market signals adjustment it makes does not address the separate specialised housing needs of students, which would be additional to the target identified.

5.0 **Approach to Assessing Housing Land Supply**

Introduction

- 5.1 This section sets out the requirements of the Framework and the Practice Guidance in establishing the supply of housing land to meet the housing needs of an area. This will provide the benchmark against which the SHLAA and emerging Local Plan will be assessed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of a housing supply calculation in a legal context.

Policy Context

National Planning Policy Framework

- 5.2 The Framework outlines a two-step approach to setting housing requirements in Local Plans. Firstly, to define the full objectively assessed need for development and then secondly, to set this against any adverse impacts or constraints which would mean that need might not be met. This is enshrined in the approach defined in the Framework⁴³ which sets out the presumption in favour of sustainable development.

- 5.3 The Framework⁴⁴ stresses the intention of the Government to significantly boost the supply of housing. As a consequence, the focus of national policy is to ensure the delivery of housing and, in that context, the Framework requires LPAs to:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

*identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15..."*⁴⁵

- 5.4 There is therefore a need for the Council to identify both a 5-year supply and a longer-term supply as part of the preparation of the Local Plan.

- 5.5 For the purpose of the supply assessment, the Framework advises that only deliverable sites should be included within the first 5-years. To be considered deliverable:

"...sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing

⁴³ Framework - §14

⁴⁴ Framework - §47

⁴⁵ Framework - §47

plans.”⁴⁶

- 5.6 The Framework states that for the period 5-15 years developable sites may be included, which are sites that are:

“...in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”⁴⁷

- 5.7 The Framework sets out the approach to defining such evidence which is required to underpin a local housing supply. It sets out that in evidencing housing supply:

“LPAs should have a clear understanding of housing needs in their area. They should:

...

“...prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.”⁴⁸

National Planning Practice Guidance

- 5.8 The Practice Guidance⁴⁹ provides further guidance on how an assessment of the housing supply is to be undertaken. It urges LPAs to assess the suitability, availability and achievability of sites, including whether the site is economically viable, to determine whether a site can be considered deliverable over the plan period.

- 5.9 In this context the Practice Guidance makes it clear that a site will be considered available when:

“...there is confidence that there are no legal or ownership problems, such as unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners. This will often mean that the land is controlled by a developer or landowner who has expressed an intention to develop, or the landowner has expressed an intention to sell. Because persons do not need to have an interest in the land to make planning applications, the existence of a planning permission does not necessarily mean that the site is available. Where potential problems have been identified, then an assessment will need to be made as to how and when they can realistically be overcome. Consideration should also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.”⁵⁰

- 5.10 The Practice Guidance indicates that a site is considered achievable for development where:

“...there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the developer to complete and let or sell the development over a certain period.”⁵¹

- 5.11 The LPA, when preparing a Local Plan, is urged to use the information on suitability, availability, achievability and constraints to assess the timescale within which each site is capable of development. The Practice Guidance suggests that this may include indicative lead-in times and build-out rates for the development of different scales of sites. On the largest sites

⁴⁶ Framework – Footnote 11

⁴⁷ Framework – Footnote 12

⁴⁸ Framework - §159

⁴⁹ Practice Guidance – ID:3-018-20140306

⁵⁰ Practice Guidance – ID:3-020-20140306

⁵¹ Practice Guidance – ID:3-021-20140306

allowance should be made for several developers to be involved. The Practice Guidance⁵² makes it clear that the advice of developers and local agents will be important in assessing lead-in times and build-out rates by year.

- 5.12 The Practice Guidance⁵³ accepts that a windfall allowance may be justified if a local planning authority has compelling evidence as set out in the Framework. In addition, it states that:

*“Local planning authorities have the ability to identify broad locations in years 6-15, which could include a windfall allowance based on a geographical area (using the same criteria as set out in paragraph 48 of the National Planning Policy Framework).”*⁵⁴

- 5.13 The Practice Guidance requires LPAs to collate this above information and present it in an indicative trajectory which:

*“...should set out how much housing and the amount of economic development that can be provided, and at what point in the future. An overall risk assessment should be made as to whether sites will come forward as anticipated.”*⁵⁵

- 5.14 In relation to the assessment of whether sites are deliverable within the first 5-years the Practice Guidance⁵⁶ indicates that deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5-years. It goes on to state:

*“...planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.”*⁵⁷

Recent Legal Judgments

- 5.15 The High Court decision in the case of Exeter City Council and Secretary of State⁵⁸ is relevant to York as it considers the appropriateness of including student accommodation in the calculation of the housing supply in accordance with the Framework. Exeter is a University City similar to York and included student accommodation within their housing land supply.

- 5.16 The Inspector who determined the appeal⁵⁹ considered the inclusion of student accommodation in the 5-year supply based on the Practice Guidance which states:

*“All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market. Notwithstanding, local authorities should take steps to avoid double counting.”*⁶⁰

⁵² Practice Guidance – ID:3-023-20140306

⁵³ Framework - §48

⁵⁴ Practice Guidance – ID:3-024-20140306

⁵⁵ Practice Guidance – ID:3-025-20140306

⁵⁶ Practice Guidance – ID:3-031-20140306

⁵⁷ Practice Guidance – ID:3-031-20140306

⁵⁸ Exeter City Council v Secretary of State for Communities and Local Government [2015] EWHC 1663 (Admin)

⁵⁹ Land at Home Farm, Church Hill, Pinhoe – Insp. Decision 29.10.14 [Ref: APP/Y1110/A/14/2215771]

⁶⁰ Practice Guidance – ID:3-036-20140306

5.17 The Inspector, in her decision letter, stated:

“The Council submit that the provision of student accommodation releases housing that would otherwise be occupied by students and thereby indirectly releases accommodation within the housing market. For this reason it believes that all student accommodation should be included within the housing delivery and housing land supply figures. This view is not consistent with the PPG because it is not based on any assessment of the extent to which the provision of student accommodation has released general market housing.”

5.18 She went on:

“Where student population is relatively stable, and the number of general market dwellings occupied by students declines as a consequence of the provision of student accommodation, I consider the inclusion of such accommodation as part of the housing supply would be consistent with the guidance within the PPG. However, within Exeter, due to the considerable increase in the number of students relative to the provision of purpose-built student accommodation, there has not been a reduction in the number of general market dwellings occupied by students. On the contrary, there has been a significant increase...”⁶¹

5.19 The High Court agreed that the Council did not set out any specific evidence to justify that the development of student accommodation would release housing to the market elsewhere. It stated that:

“...it simply relied upon paragraph 3.38 of the PPG in support of its proposition that, irrespective of the extent (if any) that student accommodation was included in the housing requirement figure adopted.”⁶²

5.20 As a consequence, the High Court stated that the Appeal Inspector:

“... was correct not to accede to the Council’s submission that all student accommodation supplied should or could be set off against the housing requirement. She was correct not to be persuaded by the Developers’ contention that she could not under any circumstances take into account student accommodation. She was correct to look at the facts of this case and determine whether, on the evidence before her, there was any basis for taking any of the new student accommodation into account ... she properly accepted (in paragraph 47) that, although there was currently no evidence to show that the provision of student accommodation has released housing into the general market in Exeter, the situation may in the future change if (e.g.) the delivery of student accommodation significantly exceeded the increase in student population.”⁶³

Conclusion

5.21 It is against this policy context that the proposed housing supply should be considered. In practice, applying the Framework and Practice Guidance to achieve a robust supply that will meet the needs of the community is an evidence based process which should use transparent and justifiable assumptions on lead-in times, delivery rates and density. In addition, it should be clear that the sites are available and achievable over the plan period.

5.22 In the case of York, there are inherent dangers in including student housing in the supply if there is no evidence that there has been a reduction in the number of general market dwellings

⁶¹ Land at Home Farm, Church Hill, Pinhoe – Insp. Decision 29.10.14 [Ref: APP/Y1110/A/14/2215771] - §44 & §47

⁶² Exeter City Council v Secretary of State for Communities and Local Government [2015] EWHC 1663 (Admin) - §37

⁶³ Ibid - §44

occupied by students as a direct result of the provision of purpose-built student accommodation.

6.0 Council's Housing Supply Evidence

Introduction

6.1 Detailed representations on the Council's housing land supply evidence were submitted on behalf of the Companies to the City of York Local Plan - Preferred Sites Consultation (in 'Technical Report 2: Housing Supply'). These representations concluded the following:

- 1 The Council had not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence had therefore been produced to demonstrate the Council's housing supply position.
- 2 The assessment of the balance between the housing requirement and supply demonstrated that there was a significant shortfall for both the plan period and 5-year period. In these circumstances, the emerging plan was not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 3 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that would deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

These concerns have not been addressed and reference is accordingly made below in Lichfields' assessment of the Council's latest evidence.

6.2 Before considering the adequacy of the Council's supply, it is important to consider the nature and extent of the Council's evidence base in relation to the supply. Evidence on the Council's supply is contained in a number of different places:

- 1 The City of York Strategic Housing Land Availability Assessment [SHLAA] (September 2017);
- 2 The City of York Local Plan Publication Draft (March 2018);
- 3 Half Year Housing Monitoring Update for Monitoring Year 2017/18 (1st April 2017 and 30th September 2017); and,
- 4 The City of York Windfall Allowance Technical Paper 2017 (SHLAA Annex 5).

Housing Completions

6.3 The Council has provided detailed site by site delivery figures for the past five monitoring years (2012/13 to 2016/17). In addition, the Council's annual completion figures since 2007/08 are contained in the September 2017 Half Year Housing Monitoring Update.

6.4 The Council has included student specific accommodation within their completions figures and their forward supply figures. Based on recent High Court decisions it is clear that robust evidence must be provided to justify the inclusion of student accommodation in the housing supply, specifically that the accommodation will release housing into the general market.

6.5 York Council has not provided any evidence to demonstrate that the provision of additional student accommodation would result in the release of housing into the market as required by national policy. Furthermore, the Council's June 2016 SHMA outlines that the York St John University is, over the next five years, seeking to "*grow our student numbers from 6,400 to 7,300*"⁶⁴. This reflects an aim to achieve growth in student numbers of 14.1% by 2020.

⁶⁴ City of York, June 2016 Strategic Housing Market Assessment, §10.71

- 6.6 Based on national policy, the recent High Court decision coupled with the expected growth in student numbers in York, it is considered that it is inappropriate to include student accommodation within the Council's supply. This is because there is no justification regarding how it will result in the release of current housing into the general housing market.
- 6.7 In this context, the Council has included the delivery of 124 units in monitoring year 2012/13 from the site at 6-18 Hull Road. However, a total of 97 of the units are not self-contained and share communal/living areas. As such, these bedspaces cannot contribute towards the Council's housing completion figures as there is no evidence that they have released housing to the general market. That said, we have included the delivery of 27 units from this site as they are self-contained studio apartments which could be sold on the open market at some stage in the future.
- 6.8 The Council has also included the delivery of 91 units in the monitoring year 2016/17 for the site at Hallfield Road. The majority of the units on this scheme are not self-contained and share communal/living areas. As such, these bedspaces cannot also contribute towards the Council's housing completion figures as there is no evidence that they have released housing to the general market. However approximately 9% of these units are studio apartments which could be sold on the open market at some stage in the future, so we have included 8 units from this scheme on this basis.
- 6.9 Table 6.1 sets out the Council's past completion figure and provides a cumulative running total since 2012/13. It also sets out Lichfields' assumed completions figures and provides a running total.

Table 6.1 Housing Completions

Year	Council Position		Lichfields' Position	
	Comp.	Cum +/-	Comp.	Cum +/-
2012/13	482	482	385	385
2013/14	345	827	345	730
2014/15	507	1,334	507	1,237
2015/16	1,121	2,455	1,121	2,358
2016/17	977	3,432	894	3,252
Totals	3,432		3,252	

Source: City of York Council

2017 SHLAA

- 6.10 The Framework⁶⁵ sets out that local planning authorities should prepare a SHLAA to establish assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period. Furthermore, the Practice Guidance⁶⁶ outlines that the assessment of land availability is an important step in the preparation of Local Plans. The provision of an up to date SHLAA approach ensures that all land is assessed together as part of plan preparation to identify which sites or broad locations are the most suitable and deliverable for a particular use.
- 6.11 The Council has published its City of York Strategic Housing Land Availability Assessment

⁶⁵ Framework - §159⁶⁶ Practice Guidance - ID: 12-018-20140306

September 2017. This document supersedes previous versions of the SHLAA to present the sites assessed for their development potential to form part of the evidence base for York's Local Plan. The 2017 SHLAA accompanied the Local Plan Pre Publication [LPPP] Draft, setting out the methodology for site selection in the plan, and detail of which sites have been allocated.

Site Selection

- 6.12 The 2017 SHLAA outlines the previous consultation undertaken by City of York Council in relation to site identification and consultation/engagement. It states [§2.3.1] that a two stage suitability process was undertaken in order to sieve out the potential sites most suitable for development:
- 1 Stage 1: Sustainable Location Assessment which uses the shapers set out in the emerging Spatial Strategy to assess potential site suitability. The SHLAA states that the methodology was also informed by work on the Sustainability Appraisal.
 - 2 Stage 2: Technical Officer Group which considers more site specific suitability of sites which successfully passed Stage 1 and determined whether they should progress as development sites. The SHLAA states that any sites which were wholly or partly removed from the site selection process following the Stage 1 analysis will be given the opportunity to respond to the assessment with supporting evidence.
- 6.13 Further details on the scoring process and methodology used are provided in Annex 3 of the SHLAA. As the site selection and criteria assessment process was developed in 2013, the SHLAA indicates that subsequent guidance on Impact Risk Zones for SSSIs, Flood Risk and Agricultural Land Value has been taken into consideration. It also explains the basis on which the availability and deliverability of sites has been determined.
- 6.14 The SHLAA [§§2.5.1-2.5.2] outlines how the availability of sites has been determined. It states:
- “The majority of sites assessed were received through the Call for Sites process or subsequent Local Plan consultations. Through this process we asked that landowner details were provided to us to ensure that we could confirm availability and that the site had a willing landowner. We also asked for details of whether the site had been promoted commercially or by an agent as well as when the site would be become available for development. Since 2012, the availability of sites has been reconfirmed through consultation.”*
- “For the allocated sites set out in the Section 3.3, availability of the site has been confirmed and the timescales reflect our understanding of when the site will be brought forward in the plan period”.*
- 6.15 The SHLAA [Section 2.6] sets out a series of archetypes which have been used to determine the scale of potential development on sites less than 5ha (non-strategic sites). It notes that for Strategic Sites (over 5 ha) a bespoke approach is taken to reflect the site characteristics and detailed work undertaken.

Housing Supply

- 6.16 A summary of housing completions and permissions for the period April 2016 to March 2017 is provided.
- 6.17 The SHLAA identifies a windfall allowance of 169 dwellings per annum and states that windfalls will be included from year 4 of the trajectory. Included at Annex 5 of the SHLAA is City of York Local Plan Windfall Allowance Technical Paper (2017) which explains how the windfall figure has been derived.
- 6.18 The SHLAA does not provide any detailed calculation to demonstrate how a 5-year housing land

supply is achieved. This is wholly unacceptable and does not demonstrate the deliverable 5 year housing land supply as required by national guidance.

City of York Local Plan Publication Draft [LPP]

- 6.19 The Council published its LPP in February 2018 for public consultation. Policy H1 identifies the sites which have been allocated to meet the housing requirement set out in Policy SS1 over the plan period 2017/18 to 2032/33 (867dpa).
- 6.20 Table 5.1 in the LPP identifies the sites which have been allocated in the LPP and provides the estimated dwelling yield and estimated phasing for these sites (i.e. Short Term: Years 1-5, Medium Term: Years 1 -10 etc.). For those sites where the phasing extends beyond years 1-5, the anticipated delivery of the sites in each 5 year phase is not confirmed.
- 6.21 The LPP (Figure 5.1 and Table 5.2) provides housing trajectories for the period April 2017 to March 2033 (16 years) against the identified housing target of 867dpa. The LPP [5.6] states that the trajectory shows there is an adequate supply to meet the objectively assessed need throughout the plan period. However, there is a lack of detailed evidence on the supply to demonstrate this position.
- 6.22 Lichfields notes that the period March 2017 to April 2018 has been identified as Year '0', rather than Year '1', which would be the usual approach. Years 0 to 4 (rather than Years 1 to 5) is therefore the period against which the Framework requirement of achieving a 5-year supply would be assessed.
- 6.23 The information provided in the trajectories is high level. They do not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total completion figure for all sites each year without detailed reasoning on the methodology for deriving this figure. In addition, there is a lack of evidence in the SHLAA on lead-in times and delivery rate assumptions for the Council's unimplemented permissions and draft allocations.
- 6.24 With regard to providing a rolling 5 year supply of deliverable sites the LPP [5.9] states:

“The Council accepts that there has been persistent under delivery of housing as defined in the NPPF and consequently has included enough land in the early years of the trajectory to ensure there is a 20% buffer in the 5 year supply. This land has been brought forward from later in the plan period. Progress on meeting delivery targets will be assessed through the authority monitoring report and the 20% buffer will be rolled forward within the 5 year supply until such time as the under delivery has been satisfactorily addressed. This does not mean that overall more land has been allocated in the plan, what it does mean is that the development trajectory (see Figure 5.1) ensures that in the early years of the plan additional land is available to address previous under delivery”.

However, as with the SHLAA, the LPP does not provide any detailed calculation to demonstrate how the 5-year housing land supply is achieved.

- 6.25 With regard to site yield and delivery, the LPP [5.12] notes that the yield for each of the strategic sites has been established through working with site promoters to produce an individual assessment of the yield for each site. For non-strategic sites the LPP refers to the yield archetypes identified in the SHLAA [2.6.2].
- 6.26 With regard to the delivery and phasing of allocated sites the LPP [5.13-5.14] states:

“Each allocated site has been assessed for its likelihood of being delivered to ensure that we are satisfied that each site is likely to come forward for development during the plan period, although ultimately this can be dependent upon external factors such as finance”.

availability for house builders, mortgage availability for purchasers and the aspirations of landowners. In all cases there have been discussions with the land owner about their current plans. We have at this stage placed each allocated site within a timescale of short (1-5 years), medium (6-10 years), long term (11-15 years) or life time of the plan (1-21 years). The timescale of each site is an indication of when we think the site is likely to come forward and reflects the timescale put forward by the landowner or developer in the discussions referred to above, the requirement to develop the most sustainable sites within a settlement first and viability”.

“The phasing of sites is important for the successful delivery of the plan’s priorities and sites should only come forward in different phases if they would not prejudice the delivery of other allocated sites. For example where the construction of essential infrastructure is linked to the delivery of a package of sites, these sites will need to be brought forward in an orderly fashion to ensure the infrastructure is in place to mitigate the impacts of development”.

- 6.27 As with the SHLAA, there is a lack of evidence in the LPP on lead-in times and delivery rate assumptions for the Council’s unimplemented permissions and draft allocations. This is a flawed approach which does not meet the requirements of national guidance.

Conclusion

- 6.28 The Council has compiled and recently published housing completions figures for the past ten monitoring years as well as published detailed site by site completion figures for the past 5 years. However, the Council’s housing land supply figures do not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total delivery figure for each site without detailed reasoning on the methodology for deriving this figure.
- 6.29 Insufficient information has also been provided on the assumptions used to derive the Council’s proposed delivery in the LPP and associated evidence base documents. There is a distinct lack of evidence on lead-in times and delivery rate assumptions for the Council’s unimplemented permissions and draft allocations.
- 6.30 Furthermore, the Council includes several student sites in its future supply, which is inappropriate, as there is no justification regarding how these developments will result in the release of housing into the general housing market as required by the Practice Guidance. In particular, no robust evidence has been provided to clearly demonstrate that there has been a reduction in the number of general market dwellings occupied by students as a direct result of the provision of purpose-built student accommodation. As a result, the Council’s land supply figures risk being severely distorted.

7.0 Housing Requirement

Introduction

- 7.1 The Framework⁶⁷ and Practice Guidance require LPAs to demonstrate a developable 5-year supply and a deliverable supply for the period 5-15 years. This requires an understanding of the relevant housing requirements for each of these time periods.
- 7.2 This Technical Report sets out a critique of the Council's OAHN and the need to increase the target to meet the needs of the local community. This section briefly sets out the relevant figures to be used for both the 5-year assessment and the plan period assessment.

Plan Period Housing Requirement

- 7.3 The Council's SHMA Assessment Update seeks to provide the evidence to justify the housing requirement for the City of York Local Plan. It sets the Plan period as 2012-2032.
- 7.4 This Technical Report sets out the flaws in the SHMA Assessment Update and the Council's approach in rejecting the 953 dpa figure recommended in the SHMA Assessment Update. It requests that the OAHN is recalculated using an appropriate methodology. Lichfields considers that the Council's SHMA makes a number of flawed assumptions and judgements and does not properly respond to the requirements of policy and guidance. As a result, the proposed OAHN set out in the SHMA is not robust and is inadequate in meeting the need and demand for housing.
- 7.5 Even so, the Council has resolved to reject the OAHN of 953 dpa set out in the SHMA update and adopt a figure of 867 dpa, based on the latest revised SNHP published by ONS and MHCLG with no adjustment for market signals or affordable housing. By way of contrast, MHCLG's standard methodology produces an OAHN figure of 1,070 dpa, significantly higher than adopted by the Council which again demonstrates the inappropriateness of the Council's approach.
- 7.6 As noted in Section 4, Lichfields considers that the OAHN for York is **at least 1,150 dpa**. To be robust however, for the purposes of this report, we have also used GL Hearn's 953 dpa OAHN figure to calculate the City's 5YHLS.

5-Year Housing Requirement

Annual Requirement

- 7.7 When calculating the 5-Year Housing Requirement the annual average requirement should be used. As there is disagreement over the appropriate OAHN with the Council preferring a housing requirement of 867 dpa rather than their own housing evidence which suggests a need for 953 dpa figure in the SHMA Update, with Lichfields recommending a yet higher figure (1,150 dpa). All three are used in this assessment.
- 7.8 We would note that whichever figure is used, it does not include the specific needs of students living in halls of residence, which would be additional as these are explicitly excluded from the CLG's household projections.

⁶⁷ Framework - §47

Under Supply

- 7.9 The Practice Guidance⁶⁸ indicates that LPAs should aim to deal with any under supply within the first 5-years of the plan period where possible. Table 7.1 sets out the net completions recorded by the Council since 1st April 2007 compared to the now withdrawn RS for Yorkshire and the Humber requirement which the Council has been using in the absence of an adopted Local Plan. Table 7.1 shows the failure of York to deliver housing to meet the needs of the community.

Table 7.1 Housing Completions 2007/08 - 2016/17

Year	Target	Comp.	+/-	Cum +/-
2007/08	650	523	-127	-127
2008/09	850	451	-399	-526
2009/10	850	507	-343	-869
2010/11	850	514	-336	-1,205
2011/12	850	321	-529	-1,734
2012/13	850	482	-368	-2,102
2013/14	850	345	-505	-2,607
2014/15	850	507	-343	-2,950
2015/16	850	1,121	+271	-2,679
2016/17	850	977	+127	-2,552
Totals	8,300	5,748	-2,552	

Source: York Housing Monitor Update for Monitoring Year 2016/17

- 7.10 The Council has produced a Half-Year Monitoring Update for 2017/18 (1st April 2017 to 30th September 2017). This indicates that net completions over this period have totalled 1,036 dwellings.
- 7.11 However, as details of the full monitoring year 2017/18 are not yet available it is not possible to include this latest dataset in the analysis.
- 7.12 Table 7.2 sets out the net completions recorded by the Council since 1st April 2012 compared to the Council's requirement and the Lichfield's target. In this context it should be noted that the Lichfield completions exclude the student accommodation (180 units) previously included in the Council's delivery figures for the reasons set out in Section 6.0. The table shows the failure of York to deliver sufficient housing to meet the emerging OAHN.

⁶⁸ Practice Guidance - ID:3-035-20140306

Table 7.2 Housing Completions

Year	Council Position				SHMA OAHN				Lichfield Position			
	Target	Comp.	+/-	Cum +/-	Target	Comp.	+/-	Cum +/-	Target	Comp.	+/-	Cum +/-
2012/13	867	482	-385	-385	953	482	-471	-471	1,150	385	-765	-765
2013/14	867	345	-522	-907	953	345	-608	-1,079	1,150	345	-805	-1,570
2014/15	867	507	-360	-1,267	953	507	-446	-1,525	1,150	507	-643	-2,213
2015/16	867	1,121	+254	-1,013	953	1,121	168	-1,357	1,150	1,121	-29	-2,242
2016/17	867	977	+110	-903	953	977	24	-1,333	1,150	894	-256	-2,498
Totals	4,335	3,432	-903		4,765	3,432	-1,333		5,750	3,252	-2,498	

Source: York Housing Monitoring Update for the Year 2016/17 / Lichfields analysis

Application of the Buffer

- 7.13 Judgements on the appropriate Framework buffer (i.e. 5% or 20%) to apply turns on whether there is a record of “*persistent under delivery*”.
- 7.14 In this case, the Council has under-delivered in 8 of the past ten years when compared to the previous housing target and the emerging Local Plan (see Tables 7.1 & 7.2). A ten year period is considered to represent an entire economic cycle and an appropriate period for considering past delivery. This results in a substantial shortfall which needs to be quickly rectified. It is therefore appropriate to apply a 20% buffer to help address the significant delivery failings. This approach aligns with the Framework⁶⁹ objective to “*boost significantly*” the supply of housing and ensure that objectively assessed housing needs are met.
- 7.15 In respect of applying the buffer, it should be applied to both the forward requirement and the under supply. This approach accords with the Framework, which suggests that the buffer should be added to the total requirement which would, inevitably, include any under delivery from earlier years. In this regard, the purpose of the buffer is to increase the supply of land; it does not change the number of houses required to be built within that period. Put simply, the buffer is not, and it does not become, part of the requirement; it is purely a given excess of land over the land supply necessary to permit the identified need for housing to be delivered.
- 7.16 There have been a number of appeal decisions supporting this approach. In particular, the appeal in Droitwich Spa⁷⁰ where the Inspector indicated that the buffer should be applied to the forward requirement and under supply. He stated:
- “It is also clear that the 20% buffer should be applied to the entire 5-year requirement (including the historic shortfall). The Council could not point to any provision in policy or previous decisions which supports the contention that the 20% should not apply to the historic shortfall...”* [§8.46]
- The Secretary of State supported this approach in his decision letter.⁷¹
- 7.17 Table 7.3 sets out respective positions in relation to the 5-year requirement.

⁶⁹ Framework - §47

⁷⁰ Land at Newland Road and Primsland Way, Droitwich Spa (SoS Decision 02.07.14 – Ref: APP/H1840/A/13/2199085)

⁷¹ *ibid* – DL §14

Table 7.3 5-Year Housing Requirement

	Council		SHMA OAHN		Lichfields	
	Calc.	Total	Calc.	Total	Calc.	Total
Policy Requirement (2017-2022)	867 dpa x 5	4,335	953 dpa x 5	4,765	1,150 dpa x 5	5,750
Under Supply (2012-2017)	4,335 – 3,432	903	4,765 – 3,432	1,333	5,750 – 3,252	2,498
Buffer at 20%	$(4,335 + 903) \times 0.2$	1,048	$(4,765 + 1,333) \times 0.2$	1,220	$(5,750 + 2,498) \times 0.2$	1,650
Total Requirement		6,286		7,318		9,898
Annual Requirement	6,286 / 5	1,257	7,318 / 5	1,464	9,898 / 5	1,980

Source: Lichfields

7.18 On this basis, the 5-year requirement ranges from **6,286** to **9,898** dwellings.

Conclusion

7.19 The SHMA Update sets out an OAHN for York of 953 dpa; however, the Council has ignored this figure and adopted 867dpa for the plan period. Lichfields considers that an OAHN of 1,150 dpa is more appropriate. Even this figure explicitly excludes the needs of students living in purpose-built halls of residence.

7.20 The appropriate plan period is for this assessment is 2012-2032. We have set out the Council's past completion data and consider that a 20% buffer is required due to the persistent under delivery of housing in the City over the past 10 years.

7.21 When using the Council's OAHN and factoring in backlog and an appropriate buffer it is concluded that the annual housing requirement over the next 5-years is 6,286 (1,257 dpa), rising to 7,318 (1,464 dpa) using the SHMA's OAHN. Using Lichfields' OAHN figure would result in an annual requirement of 9,898 (1,980 dpa) over the next 5-years.

8.0 Housing Land Supply

Introduction

8.1 This section assesses the adequacy of the deliverable and developable supply of housing sites to meet the requirement for the plan period and 5-year period. It draws on the information supplied by the Council in the LPP and associated evidence base.

8.2 Before considering the individual components of the supply some initial points on the assumptions made by the Council on deliverability, particularly in relation to lead-in times and delivery rates. In this context it is important to be cautious in relation to the likelihood of sites delivering and the scale of that delivery. This is because the purpose of the assessment is to provide a realistic view of whether there is sufficient land available to meet the community's need for housing. If those needs are to be met a cautious approach must be taken.

Delivery Assumptions

Lead in Times

8.3 From the information released to date by York City Council it is impossible to decipher the Council's assumed lead in times for the proposed housing allocations outlined in the LPP.

8.4 Whilst housebuilders aim to proceed with development on site as quickly as possible, lead-in times should not underestimate inherent delays in the planning process (e.g. the approval of reserved matter and discharge of planning conditions) as well as the time taken to implement development (e.g. complete land purchase, prepare detailed design for infrastructure, mobilise the statutory utilities and commence development).

8.5 Another fundamental element in calculating appropriate lead-in times is the size and scale of the site. As a generality, smaller sites can commence the delivery of units before larger sites. Larger sites often have more complex issues that need to be addressed and require significantly greater infrastructure development which must be delivered in advance of the completion of units.

8.6 Table 8.1 sets out our general methodology in terms of lead-in times. We have split the methodology by site size and stage in the planning process.

Table 8.1 Lead-in Times

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

Source: Lichfields

8.7 We provide a detailed breakdown in Table 8.2 to Table 8.5 of the lead-in times and the factors that have been taken into account. The tables, breakdown the lead in times for a typical site of up to 250 units. Obviously, the larger site categories would take long to come forward as given the additional complexities in relation to negotiate S.106 contributions, discharge conditions

and put in place the necessary on-site infrastructure.

- 8.8 We have incorporated a period between the grant of outline planning permission and the formulation of the scheme to allow for market assessments and board approvals. Finally, if the outline permission has been secured by a land promoter or a landowner the site would need to be marketed during this period. This period has not been included but would add between 6 months to 9 months to the delivery.
- 8.9 On the sites with no current planning application, the timetable assumes there is a willing developer/landowner who wishes to commence the preparation of an application immediately. However, this is not always the case and a draft allocation in a Local Plan does not necessarily mean the process of securing planning permission is commenced immediately.

Table 8.2 Full Planning Permission - Lead-in Times (Site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Full Permission						
Discharge of Pre-Commencement Conditions	3	2				5
Site Commencement				3	6	9
Overall Time to 1st Completion						14*

Source: Lichfields

Notes: * rounded down to 12 months for the purposes of calculating a delivery trajectory.

Not included time within the timetable for market assessment and board approval as it is assumed this has been completed

Table 8.3 Outline Planning Permission - lead-in Times (Site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Outline Permission						
Reserved Matters and Discharge of Pre-Commencement Conditions	6	4				10
Site Commencement				3	6	9
Overall Time to 1st Completion						19*

Source: Lichfields

Notes: * rounded down to 12 months for the purposes of calculating a delivery trajectory.

Not included time within the timetable for market assessment and board approval as it is assumed this has been completed

Table 8.4 Application Pending Outline Permission - Lead-in Times (Site up to 250 units)

Key Stages	Prep. of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Outline Application		4	3			7
Market Assessment						3
& Board Approval	6	4				10
Reserved Matters and/or Discharge of Pre-Commencement Conditions				3	6	9
Overall Time to 1st Completion						29*

Source: Lichfields

Notes: * rounded to 30 months for the purposes of calculating a delivery trajectory.

Table 8.5 No Planning Application - Lead-in Times (site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Application	6	4	3			13
Market Assessment						
& Board Approval						3
Reserved Matters and/or Discharge of Pre-Commencement Conditions	6	4				10
Site Commencement				3	6	9
Overall Time to 1st Completion						35*

Source: Lichfields

Notes: * rounded to 36 months for the purposes of calculating a delivery trajectory.

- 8.10 The lead-in times set out in these tables are likely to be an underestimate based on the recent report by Barratt Homes and Chamberlin Walker.⁷² The report notes that:

“New data for 2017 presented in this report, from Barbour ABI, indicates that ‘post-planning permission’ development timescales (C+D) have increased markedly: on sites of 20 homes or more it now takes at least 4.0 years on average from the grant of detailed planning permission to site completion, compared to the earlier LGA estimates of 1.7 to 3.2 years.”

In these circumstances the Council must set out clearly the lead-in times that are assumed and demonstrate that they are sound and robust. This is clearly not the case with the current evidence base.

Delivery Rates

- 8.11 Whilst housebuilders aim to deliver development on site as quickly as possible, in a similar fashion to the lead-in times outlined above, the annual delivery rate on sites will depend on a number of factors including overall site capacity. In our experience, sites with a capacity of less than 250 units are built out by one housebuilder using one outlet. As such, a reasonable average

⁷² The Role of Land Pipelines in the UK Housebuilding Process (September 2017) Barratt Homes & Chamberlin Walker

annual delivery rate in York is 40 dpa for sites with a capacity of less than 250 units. However, on sites of less than 100 units we have assumed a lower delivery rate of 25 dpa as these sites will generally be delivered by smaller housebuilders.

- 8.12 Generally, in York on sites with a capacity of between 250 units and 500 units there is often a second developer (or national housebuilders use a second outlet) delivering units simultaneously. As such, annual delivery rates increase but not exponentially to the number of housebuilders or delivery outlets. In our experience in the current market, sites with 2 outlets deliver approximately 65 dpa.
- 8.13 Finally, on large-scale sites with a capacity of more than 500 units, there are often up to three housebuilders or outlets operating simultaneously. As before, this does not increase delivery exponentially but it can be expected that three outlets operating simultaneously on a large scale would deliver approximately 90 dpa.

Table 8.6 Annual Delivery Rates

	0-100 units	100-250 units	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

Source: Lichfields

- 8.14 Lichfields considers that it would be appropriate to apply the delivery rates identified above. The quantum of delivery of units on a site can be affected by a significant number of factors including local market conditions, general economic conditions, proximity to competing site, housing market area, type and quality of unit and the size of the development. There will be a number of sites in York that will experience higher annual delivery rather than the averages outlined above but there will also be a number of who deliver below the average also. It is therefore important not to adopt an average delivery rate which may only be achieved by a small minority of the strategic sites.

Density Assumptions

- 8.15 The 2017 SHLAA (page 20) sets out the density assumptions for each residential archetype.
- 8.16 It is considered that, the proposed densities are overly ambitious and will not be achieved on average on sites throughout York. For example, from our experience, it is not anticipated an average density of 50dph on sites of 1ha+ with a gross to net ratio of 95% can be achieved. Meeting open space requirements alone will preclude this ratio. There will be a very limited number of examples where this density has been achieved but a more appropriate and conservative figure should be pursued in the absence of firm details from a developer. The gross to net ratio at most should be 85%, although this can reduce to less than 60% for larger developments with significant infrastructure requirements.
- 8.17 Secondly, it is considered that a density of 40dph on suburban sites is highly aspirational and is unlikely to be achieved across a significant number of sites. This density is characterised by housing for the smaller households and thus not suitable for family accommodation. Our housebuilder clients and local intelligence has reaffirmed our concerns with the proposed average densities. Unless there is specific evidence to the contrary the default density on suburban sites should be 35 dph.
- 8.18 The Council has not provided sufficient information to back up their assumptions and we consider that these development densities should be revised downwards to ensure that the capacity of sites is not artificially inflated. Assumptions on development densities in the

absence of specific developer information should air on the side of caution and we consider that the details in the 2017 SHLAA are at variance with this principle.

Components of the Housing Supply

- 8.19 The components of the Council's supply are set out in the LPP. The LPP does not set out a delivery trajectory for each site and only sets out the expected delivery from each site over the plan period.
- 8.20 The information provided in the trajectory in the LPP is high level. It does not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total completion figure for all sites each year without detailed reasoning on the methodology for deriving this figure.
- 8.21 As set out above, the Council includes several student sites in its future supply which is inappropriate as no robust evidence has been provided to demonstrate that there has been a reduction in the number of general market dwellings occupied by students as a direct result of the provision of purpose-built student accommodation. As a result, including student accommodation in the supply is flawed and risks severely distorting the figures.

Sites with Planning Permission

- 8.22 It is now a standard approach that sites with planning permission should be included in the supply (unless there is a good reason to exclude them) whereas sites without planning permission should be excluded (unless there is a good reason to include them). This interpretation is entirely logical as the absence of a planning permission is a clear impediment to development, which is contrary to the test that land should be available now.
- 8.23 The LPP [5.3] indicates that, as at 11th April 2017, there were extant planning permissions for 3,578 homes which will contribute towards meeting the overall housing requirement in the Plan. However, the Council has not identified these sites nor has it provided a delivery trajectory for each site to demonstrate how each of these sites contributes to delivery over the Plan period or to the 5-Year housing land supply. In the absence of this information it is not possible to ascertain whether these sites should be included in the supply. Lichfields therefore reserves the right to provide further comment on this matter as and when more detailed information is made available.

Allocations

- 8.24 Table 5.1 of the LPP identifies the housing and strategic sites which are proposed for allocation. It provides an estimated dwelling yield and estimated phasing for these sites (i.e. Short Term: Years 1-5, Medium Term: Years 1-10 etc.). For those sites where the phasing extends beyond years 1-5, the anticipated delivery of the sites in each 5 year phase is not confirmed.
- 8.25 The Council has not provided a detailed delivery trajectory for each of the Potential Strategic Housing Allocations and Potential General Housing Allocations. The Council has simply provided a figure for the total dwellings to be provided for the plan period without any justification or clarification on the assumptions used to derive the delivery figure. Lichfields therefore reserves the right to provide further comment on this matter as and when more detailed information is made available.
- 8.26 The estimated phasing in LPP Table 5.1 indicates that a number of large strategic sites are to commence delivery in Year 1. With regard to this matter, Lichfields would like to express a degree of caution in relation to resourcing issues at the Council. The Council are assuming that a significant number of large planning applications will be submitted and determined concurrently in a relatively short space of time. It is not clear if the Council has fully considered

the resourcing issues associated with dealing with all these application at the same time. In our experience, the Council's Department may not have sufficient capacity to deal with a number of major applications at the same time.

8.27 Based on the information provided, Lichfields also consider there are a number of sites where the delivery of development has been substantially overestimated by the Council, including the examples below.

Sites ST14 Land to West of Wigginton Road & ST15 Land to West of Elvington Lane

8.28 The estimated phasing in LPP Table 5.1 indicates that sites ST14 (Land to West of Wigginton Road) and ST15 (Land to West of Elvington Lane) will begin to deliver in Year 1 (2018/19). Lichfields consider this anticipated early delivery to be unrealistic for a number of reasons:

- 1 The sites are located within the Green Belt and no application is likely to be permitted until the Local Plan is adopted.
- 2 A clear strategy is needed to deliver the sites during the plan period. Both are in multiple ownerships and the siting of each allocation without access to a public highway introduces an added level of complexity in negotiation and agreement between the parties involved.
- 3 In view of their size and complexity much work will be needed to develop masterplans and establish viability of the developments to be progressed through the planning system.
- 4 Detailed masterplans will be required to secure an appropriate form of development and ensure a phased delivery of the on-site services and facilities.
- 5 Given the scale and location of the developments the schemes will need to be subject to full environmental assessment, especially to consider the likely impact on landscape, ecology and transportation and historic character of the City.
- 6 The sites are isolated and there is no existing infrastructure capable of accommodating the proposed level of development. Both sites do not have frontage to a public highway with capacity that would allow even the smallest amount of development to commence. Their development will require major off-site highway improvements and new highway access roads and junctions. Other utilities will need to be procured and delivered in advance of any construction works on the site. This will inhibit the early delivery of the developments.
- 7 The proposed sites are not obviously sustainable in that they are not easily accessible to existing social and community facilities or located close to existing public transport routes. Considerable effort will need to be made to ensure the allocations do not become satellite, dormitory communities wholly reliant on private transport for every journey away from the home.

8.29 The proposed delivery of units in Year 1 (2018/19) is ambitious and unrealistic given the extensive infrastructure requirements which will need to be put in place in advance of any development taking place. In addition, in view of the application of restrictive Green Belt policy it is inevitable that once the Local Plan is adopted the City of York Council will receive many planning applications for both large and smaller developments. Processing these applications will inevitably cause added delay, especially to the major, complex, housing allocations.

8.30 We consider that the identification of a portfolio of small site allocations (e.g. up to 250 dwellings) would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.

Windfalls

8.31 The Council claims that 169dpa will be delivered on windfall sites from Year 3 of the trajectory (2020/21) and provides justification for their windfall allowance in its Windfall Allowance Technical Paper (2017).

- 8.32 The Framework⁷³ sets out the local planning authorities may make allowance for windfall sites in the 5-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. Furthermore, any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends.
- 8.33 Lichfields accept that windfalls should be included in the overall housing delivery trajectory but only consider that they are appropriate outwith the first 5-year period. The inclusion of a significant windfall figure in earlier years increases the likelihood of artificially inflating the housing delivery figures in year 3 and double counting sites with permission. It does not account for any potential delays to the build out sites with extant consent. As such, the windfall allowance should be amended to only make an allowance from Year 5 (2022/23) onwards.
- 8.34 The Council consider that an annual windfall of 169dpa is appropriate to take account of potential delivery on sites of <0.2ha and completions on change of use and conversion sites.
- 8.35 However, the figure of 169 dwellings has only been achieved four times over the past 10 years and only twice since the base date of the new plan period (2012). This is during a period when the application of a very tight inner Green Belt boundary has precluded urban edge development at a time of ever increasing housing demand. In such circumstances it would have been an ideal period for windfall development to increase; but it did not. There is therefore no justification for such a high allowance.
- 8.36 In relation to the delivery on sites of <0.2ha, Lichfields consider that the proposed windfall allowance is too high because tightly defined settlement boundaries in York and surrounding settlements means there is a finite supply of sites which can come forward. This supply has been curtailed by the change in definition of previously developed land (June 2010) to remove garden sites. In addition, the Council started to request small sites to make contributions towards affordable housing provision and required rural sites with a capacity of more than 15 units to provide on-site affordable housing. This has made the provision of units on small sites less attractive to the market. Since the policy change and the introduction of affordable housing contributions the quantum of completions on windfall sites in York has plummeted. As a consequence, the future supply from this source should only consider the average completion rate since 2009/10 of 33dpa.
- 8.37 In relation to the delivery from conversions, the average completion figure in the past three years is largely dependent on recent changes to permitted development rights. As a consequence, it is considered that after an initial surge the conversion rate will revert back to the long term average. It is likely that the optimum conversion sites will be completed in the short term and the less sustainable and attractive office developments in York will not be converted. As such the average conversion rate from 2007/08 to 2013/14 of 64dpa should be used.
- 8.38 Based on the above assessment it is considered that the proposed windfall allowance should be reduced from 169dpa to 100dpa (rounded up from 97) which represents a far more realistic windfall allowance over the plan period. The incorporation of this figure would ensure that the Council's trajectory is not artificially inflated, can be realistically achieved and would only be incorporated into the delivery trajectory at Year 5 (2022/23) to ensure no double counting.
- 8.39 It is considered that the Council's information does not adequately justify a windfall allowance of 169dpa and does not provide sufficient certainty that this figure will be achieved over the plan period. We reserve the right to revise our position on windfalls if the Council prepares and releases further justification.

⁷³ The Framework, §48

Conclusion

- 8.40 Lichfields has undertaken an analysis of the Council's evidence base documents and consider that the evidence provided by the Council is not sufficient to demonstrate that the dwelling requirement over the plan period and a 5-Year supply will be achieved. It is also considered that some of the proposed delivery rates on sites are unfounded and unrealistic.

9.0 **Balance of the Requirement and Supply**

Introduction

9.1 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position, as required by the Framework. In these circumstances, it can only be assumed that the Council considers that it can demonstrate an adequate housing supply in the initial 5-year period and over the plan period. However, no evidence has been produced to demonstrate this position.

9.2 As a consequence, this section sets out an assessment of the housing supply against the three OAHNs for York (set out in Section 4).

5-Year Supply

Adequacy of Supply

9.3 The five year supply has been assessed against the Council's LPP housing target of 867 dpa; the SHMA Update's OAHN of 953 dpa; and Lichfields OAHN (1,150 dpa). The requirement is then compared to the Council's supply figures. The assessments in both cases make provision for the backlog and 20% buffer for persistent under delivery as calculated in Section 7. The calculation of Lichfields' position excludes any windfall allowance for the reasons we have set out in this Technical Report. As the Council has not provided adequate evidence to show how committed, allocated sites, student housing etc. factor into the housing supply, it has not been possible to fully assess the supply position and make further amendments. However, on the basis of our comments above, it is likely that this would reduce the housing supply considerably. Table 9.1 sets out the relative positions.

Table 9.1 5-Year Housing Land Supply Position using the Council's and Lichfields' OAHNs

Housing Requirement (2017-2022)		York Assumed Position		SHMA OAHN		Lichfields' Position	
Local Plan OAHN (dpa)			867		953		1,150
5 Year Requirement	2017-2022		4,335		4,765		5,750
Backlog	2012-2017	903		1,333		2,498	
Framework Buffer	20%	1,048		1,220		1,650	
Sub Total		1,951	1,951	2,553	2,553	4,148	4,148
5-year Requirement	2017-2022		6,286		7,318		9,898
Annual 5-year requirement			1,257		1,464		1,980
Housing Supply (2017-2022)							
Projected Housing Completions including Windfall Allowance from Year 3 (windfall allowance excluded from Lichfields' Position)			5,902		5,902		5,769
Total Supply	2017-22		5,902		5,902		5,769
Difference (Undersupply expressed as a minus)			-384		-1,416		-4,129
5-Year Supply Expressed as Years of Residual Annual Requirement			4.70		4.03		2.91

Source: Lichfields Analysis

- 9.4 The table demonstrates that even when comparing the likely delivery within the 5-year period to the Council's OAHN, there is not an adequate supply of housing land. Based on the Council's approach, there is only a supply of 4.70 years (with an undersupply of 384 dwellings), falling to 4.03 years if the higher SHMA OAHN is applied. If the Lichfields OAHN is used there is a supply of 2.91 years and a shortfall of 4,129 dwellings.
- 9.5 In addition, for the reasons we have raised in the previous section, the Council's 5-year supply figure of 5,902 dwellings is considered to be optimistic and all of this supply is unlikely to come forward over the 5-year period, which would further exacerbate the supply shortfall. Furthermore, including student accommodation in the supply without clearly evidencing how this would release housing onto the market elsewhere is not in accordance with the Practice Guidance or recent High Court judgements, and risks severely distorting the Council's land supply figures as a consequence.

Implications of the 5-Year Supply Position

- 9.6 The Council has a significant shortage of housing land in the first 5-years. This is a significant issue for the Council which means the plan is not 'sound' in its current form. It is therefore imperative that additional sites are allocated for housing to tackle this issue. These should be sites without any immediate constraints that can be delivered quickly once the plan is adopted.

The Plan Period Supply

- 9.7 There is also a significant shortfall of housing over the Plan period, when assessed against the Lichfields OAHN of 1,150 dpa and the 2,498 dwelling shortfall in delivery for the period 2012 to 2017 identified in Table 7.2 (a total figure of 20,898 dwellings over the Plan period 2012 to 2033). LPP Table 5.2 indicates a supply of 18,839 dwellings which is equivalent to a shortfall of 2,059 dwellings over this period.

Conclusion

- 9.8 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence has therefore been produced to demonstrate the Council's housing supply position.
- 9.9 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall for 5-year period. For the plan period, there is also a significant shortfall when assessed against the Lichfields assessment of the OAHN.
- 9.10 In these circumstances, the emerging plan is not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 9.11 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.
- 9.12 It should be noted that the above assessment is reliant upon the information provided in the LPP and associated evidence base documents. Lichfields therefore reserves the right to update the above evidence as and when further information becomes available, particularly regarding student housing needs.

10.0 Summary

Context

- 10.1 The Framework sets out that LPAs should use their evidence base to ensure they meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework.
- 10.2 The SHMA Assessment Update makes a number of assumptions and judgements which Lichfields considers to be flawed, or which do not properly respond to the requirements of policy and guidance. As a result, the concluded OAHN is not robust and is inadequate to meet need and demand within the HMA.

Conclusions on the City of York's Housing Need

- 10.3 The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is considered to be fundamentally flawed. This is effectively a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the OAHN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.
- 10.4 There are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
- 1 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this demographic-led figure of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below. Lichfields agree with making an adjustment for demographic and household formation rates. However, it would be illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - 2 Overall, the Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - 3 Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.
- 10.5 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 1 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates

amongst younger age cohorts takes the demographic starting point to 871dpa.

- 2 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, for the reasons set out above, Lichfields considers that a greater uplift of 20% would be more appropriate in this instance. When applied to the 871dpa re-based demographic starting point, this would indicate a need for 1,045dpa.

The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the Blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;

- 3 The scale of **affordable housing needs**, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045dpa set out above. It is considered that to meet affordable housing needs in full (573dpa), the OAHN range should be adjusted to 1,910dpa @30% of overall delivery. It is, however, recognised that this level of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

This is 7.5% higher than the MHCLG proposed standardised methodology figure of 1,070 dpa.

- 10.6 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework [§47] by significantly boosting the supply of housing. It would also reflect the Framework [§19], which seeks to ensure the planning system does everything it can to support sustainable development. We would note that these figures do not include the need for specialised student accommodation, which would be additional.

Conclusions on Housing Land Supply

- 10.7 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence has therefore been produced to demonstrate the Council's housing supply position.
- 10.8 Furthermore, including student accommodation in the supply without clearly evidencing how this would release housing onto the market elsewhere does not accord with the Practice Guidance or recent High Court judgements, and risks severely distorting the Council's land supply figures as a consequence
- 10.9 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall for the 5-year period. For the plan period, there is also a significant shortfall when assessed against the Lichfields assessment of the OAHN. Based on the Council's approach, there is only a supply of 4.70 years (with an undersupply of 384 dwellings), falling to 4.03 years if the higher SHMA OAHN is applied. If the Lichfields OAHN is used there is a supply of 2.91 years and a shortfall of 4,129 dwellings.
- 10.10 In these circumstances, the emerging plan is not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 10.11 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

- 10.12 **It should be noted that the above assessment is reliant upon the information provided in the LPP and associated evidence base documents. Lichfields therefore reserves that right to update the above evidence as and when further information becomes available.**

Appendix 1: Lichfields Market Signals Assessment

Appendix 1

Our ref 50642/03/MW/CR
Date 19th March 2018

Subject Lichfields Market Signals Assessment

1.0 Market Signals

Introduction

- 1.1 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:
- “Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.” [§17]*
- 1.2 The Practice Guidance requires market signals to be assessed against comparator locations . The analysis in the following sections focuses on comparing the City of York and other Local Authorities and England to benchmark their performance against trends both across the wider region and nationally.
- 1.3 The Guidance sets out six key market signals¹:
- 1 land prices;
 - 2 house prices;
 - 3 rents;
 - 4 affordability;
 - 5 rate of development; and,
 - 6 overcrowding.
- 1.4 It goes on to indicate that appropriate comparison of these should be made with upward adjustment made where such market signals indicate an imbalance in supply and demand, and the need to increase housing supply to meet demand and tackle affordability issues:
- “This includes comparison with longer term trends (both in absolute levels and rates of change) in the housing market area; similar demographic and economic areas; and nationally. Divergence under any of these circumstances will require upwards adjustment to planned housing numbers compared to ones based solely on household projections”.*
- “In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in*

¹ 2a-019-20140306

affordability needed and, therefore, the larger the additional supply response should be.”²

- 1.5 The Practice Guidance sets out a clear and logical ‘test’ for the circumstances in which objectively assessed needs (including meeting housing demand) will be in excess of demographic-led projections. In the context of the Framework and the Practice Guidance, the housing market signals have been reviewed to assess the extent to which they indicate a supply and demand imbalance in the City of York and other comparable local authorities and therefore indicate that an upwards adjustment should be made over the demographic-led baseline already identified.

Housing Market Indicators

- 1.6 In the context of The Framework and the Practice Guidance, each of the housing market signals have been reviewed to assess the extent to which they indicate an imbalance between supply and demand in the City of York.

Land Prices

- 1.7 CLG has published a document entitled ‘*Land value estimates for policy appraisal*’ (February 2015) which contains post permission residential land value estimates, per hectare for each Local Authority. For York this figure is £2,469,000 per hectare, well above the equivalent figure for England (excluding London) of £1,958,000.

House Prices

- 1.8 The Practice Guidance³ identifies that longer term changes in house prices may indicate an imbalance between the demand for and supply of housing. Although it suggests using mix-adjusted prices and/or House Price Indices, these are not available at local authority level on a consistent basis, and therefore for considering market signals in York, price paid data is the most reasonable indicator.
- 1.9 Land Registry price paid data displays the median prices in York, alongside North Yorkshire and England as of 2016 (Table 1.1). These median prices illustrate lower prices in York compared to national rates, but higher prices than in the surrounding sub-region.

Table 1.1 Median Dwelling price, York (2016)

	Median Dwelling Price 2016
York	£220,000
North Yorkshire	£199,995
England	£224,995

Source: ONS Price Paid Data

- 1.10 CLG publishes series data on median house prices based on the same Land Registry price paid data series. This currently runs from 1996 to 2016. This longitudinal analysis is illustrated in Figure 1.1, which indicates that the City of York has seen virtually identical levels of house price growth to the national average since 1999. The figure remains slightly below the England

² 2a-020-20140306

³ 2a-019-20140306

average at present, but is above the North Yorkshire median.

Figure 1.1 Median House Prices



Source: ONS Price Paid Data

- 1.11 In 2016 median house prices in York were just 2% lower than the national average, whilst the City ranked as being the 166th most expensive place to live in England (out of 326 districts).
- 1.12 It is particularly important to note that over the previous 17 years (1999-2016), median house prices have increased by 244% (or £156,000) in York, compared to 204% nationally and 199% across North Yorkshire as a whole.
- 1.13 As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York's median house prices have effectively tripled in 17 years, from £64,000 in 1999 to £220,000 in 2016, and have risen at a much faster rate than comparable national and sub-regional figures, suggests that the local market is experiencing considerable levels of stress.

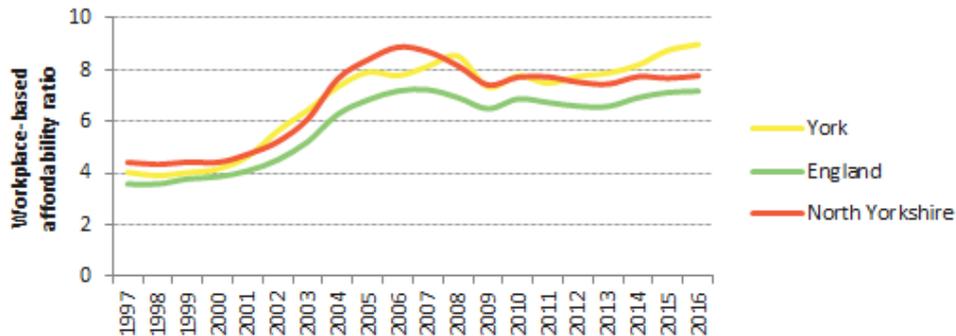
Affordability

- 1.14 The CLG's former SHMA Practice Guidance defines affordability as a '*measure of whether housing may be afforded by certain groups of households*'⁴. A household can be considered able to afford to buy a home if it costs 3.5 times the gross household income for a single earner household or 2.9 times the gross household income for dual-income households. Where possible, allowance should be made for access to capital that could be used towards the cost of home ownership [page 42].
- 1.15 The Practice Guidance concludes that assessing affordability involves comparing costs against a household's ability to pay, with the relevant indicator being the ratio between lower quartile house prices and lower quartile [LQ] earnings.
- 1.16 Using CLG affordability ratios, Figure 1.2 illustrates that although the ratio fell substantially from a peak of 8.14 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than North Yorkshire as a whole. This suggests that levels of affordability are declining in York at a pace which is not the case for the rest of the sub-region (and indeed, for the country as a whole). In 2016, the median house price

⁴ Annex G

in York City was approximately 9.0-times the LQ (workplace-based) income, compared to 7.8 for North Yorkshire and 7.2 nationally.

Figure 1.2 Ratio of house price to lower quartile earnings



Source: ONS Affordability Data

- 1.17 It can be seen in Figure 1.2 that over the past 19 years, the ratio of lower quartile house prices to lower quartile earnings in York has been consistently above the national average, with the gap widening over time. Indeed, the rate of increase is worrying – between 2002 and 2016, the affordability ratio increased by 39%, significantly above the comparable growth rate for North Yorkshire (+27%) and England (+37%). Indeed, across the whole of northern England, only Manchester City has experienced a higher rate of increase in its affordability ratio than York.
- 1.18 The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

Rents

- 1.19 On a similar basis, high and increasing private sector rents in an area can be a further signal of stress in the housing market. Median rents in York are £725 per month, with median rents ranging from £595 per month for a 1 bed flat, to £1,500 per month for a 4+ bed house. All of these figures are significantly higher than the national average, with overall average rents comprising £675 across England, and £585 for North Yorkshire. Rental levels are therefore 7.4% higher than comparable national figures (Figure 1.3).

Figure 1.3 Median Monthly Rents



Source: VOA Private Rental Market Statistics

Rate of Development / Under delivery

1.20 The rate of development is intended to be a supply-side indicator of previous delivery. The Practice Guidance states that:

“...if the historic rate of development shows that actual supply falls below planned supply, future supply should be increased to reflect the likelihood of under-delivery of a plan”⁵

1.21 York has never had an adopted Local Plan, hence the only relevant previous ‘planned supply’ figure is the target within the former Yorkshire and the Humber RS up to 2012. Thereafter, we have compared delivery against the household projections and its preferred OAHN range, as set out in Table 1.2.

Table 1.2 Rate of net housing delivery in York against possible policy benchmarks, 2004/05-2015/16

Year	Net Housing Completions	Council's OAHN (867 dpa)	
		'Need'*	+/-
2004/05	1,160	640	+520
2005/06	906	640	+266
2006/07	798	640	+158
2007/08	523	640	-117
2008/09	451	850	-399
2009/10	507	850	-343
2010/11	514	850	-336
2011/12	321	850	-529
2012/13	482	867	-385
2013/14	345	867	-522
2014/15	507	867	-360
2015/16	1,121	867	+254
2016/17	977	867	110
Total	8,612	10,295	-1,683

Source: ARUP (August 2015): Evidence on housing Requirements in York: 2015 Update, Table 4 and City of York Half Year Housing Monitoring Update for Monitoring Year 2017/181

*RSS assumed average 640 dpa 2005/05-2007/08; 850 dpa 2008/09 -2011/12

⁵Section 2a-019-20140306

- 1.22 It is clear from the Council's own evidence that the City has consistently under-delivered housing, with a failure to deliver anything more than 525 dwellings in any single year between 2007 and 2015. The policy benchmarks suggest that the level of past under-delivery is 1,683 dwellings over the past 13 years.
- 1.23 Furthermore, the Council's already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures. For example, CYC's 2012/13 Annual Monitoring Report states that 482 (net) dwellings were completed in 2012/13, but this figure includes 124 student cluster flats. The 6 months completions data set out in CYC's Housing Monitoring Update (Table 3, October 2017) suggested that the Council was continuing to rely on student housing completions to boost its housing numbers, with 637 of the total 1,036 net completions during the first half of the 2017/18 monitoring year comprising privately managed off-campus student accommodation.

Overcrowding and Homelessness

- 1.24 Indicators on overcrowding, sharing households and homelessness demonstrate un-met need for housing within an area. The Practice Guidance suggests that long-term increases in the number of such households may be a signal that planned housing requirements need to be increased.
- 1.25 The Guidance states that indicators on:
- "...overcrowding, concealed and sharing households, homelessness and the number in temporary accommodation demonstrate unmet need for housing. Longer term increases in the number of such households may be a signal to consider increasing planned housing numbers..."*⁶
- 1.26 The Census measures overcrowding based on a standard formula, which measures the relationships between members of a households (as well as the number of people in that household) to determine the number of rooms they require. A rating of -1 or less indicates a household has one fewer room than required, +1 or more indicates a household has one or more rooms than needed. At the national level, affordability issues in recent years, as well as a shortfall in housing supply, have meant that people are either willing to accept sub-optimal living conditions (e.g. living in a smaller home to manage costs) or are forced into accepting such housing outcomes (e.g. are priced out of the market and have to share with friends/family).
- 1.27 Table 1.3 illustrates that overcrowding against the occupancy rating in York is not severe, with 7.10% of households living in a dwelling that is too small for their household size and composition. This compares to 8.7% nationally. However, it represents a significant increase of 2 percentage points on the 5.1% recorded in York in 2001, which is above the national trend (which had increased by 1.6 percentage points from 7.1% in 2011).

⁶ Section 2a-019-20140306

Table 1.3 Overcrowding: Household Room Occupancy Rating

	2001			2011		
	Total Households	-1 room occupancy or less	-1 room occupancy or less (%)	Total Households	-1 room occupancy or less	-1 room occupancy or less (%)
York	76,926	3,887	5.1%	83,552	5,930	7.1%
England	20,451,427	1,457,512	7.1%	22,063,368	1,928,596	8.7%

Source: Census 2001 / Census 2011

Note: The definition of the Census 'bedroom standard' is slightly different from the 'occupancy rating' that informs the Government's Under-Occupancy Charges, i.e. the Census states that 'two persons of the same sex aged between 10 and 20' can occupy one bedroom, whilst the Under Occupancy Charge changes this to 'any two children of the same sex aged under 16'. It is possible that if the Government's policy continues into the long term, then changes will be made to the categorisation of the Census's Occupancy Rating to bring the two datasets into line.

1.28 The Census also recorded the number of concealed families (i.e. where there is more than one family present in a household). Nationally, this rose significantly between 2001 and 2011, at least in part due to the impact of the recession on younger households' ability to afford their own home. This meant that many younger people, including families, remained in the family home for longer than might have been expected in the past, either through choice (to save money) or through necessity.

1.29 At the time of the 2011 Census, 1.9% of all families in England were concealed; this represented 275,954 families. This is a rise compared to 2001 when 1.2% of families were concealed. In York, a lower percentage of families were concealed (1.1%) than nationally (1.9%). However, this represents a higher proportional rise, of almost two thirds, from the 2001 figure. This is presented in Table 1.4.

Table 1.4 Concealed Families in York, Yorkshire and Humber and England 2001-2011

	Concealed Families		Change (percentage points)	Change in %
	2001	2011		
York	330 (0.7%)	586 (1.1%)	+0.43	+65.7%
Yorkshire and the Humber	15,890 (1.1%)	25,410 (1.7%)	+0.57	+51.1%
England	161,254 (1.2%)	275,954 (1.9%)	+0.69	+59.2%

Source: Census 2011/2011

1.30 The levels of overcrowding and concealed households in York are moderate when compared with the national and regional averages but have increased at a higher rate (albeit from a lower base). While the level of overcrowding and number of concealed households is not so significant as to conclude that there is severe market pressure, it nevertheless highlights inadequacy reducing flexibility in the housing market.

1.31 The levels of overcrowding are likely to be a symptom associated with restricted incomes in York, with people either willing to accept sub-optimal living conditions (e.g. living in smaller houses to manage costs) or forced into accepting such housing outcomes (e.g. are priced out and have to share with friends/family). In such circumstances, overcrowding and concealed households may be indicative of insufficient supply to meet demand.

- 1.32 Table 1.5 indicates that York has a comparatively low number of homeless people in priority need, of just 97 (or 1.1 per 1,000 households), which is less than half the national rate. The fall in homelessness levels in the City has also been much more pronounced than elsewhere in England over the past ten years, although broadly comparable to Yorkshire and the Humber as a whole.

Table 1.5 Number accepted as being homeless and in priority need 2006/07-2016/17

	Homeless and in Priority Need		% Change	Absolute Change
	2006/07	2016/17		
York	213 (2.70 / 1,000 H'holds)	97 (1.1 / 1,000 H'holds)	-54%	-1.60 / 1,000 H'holds
Yorkshire and the Humber	8,220 (3.87 / 1,000 H'holds)	3,670 (1.60 / 1,000 H'holds)	-55%	-2.27 / 1,000 H'holds
England	73,360 (3.48 / 1,000 H'holds)	59,110 (2.54 / 1,000 H'holds)	-19%	-0.94 / 1,000 H'holds

Source: CLG Live Table 784: Local authorities' action under the homelessness provisions of the Housing Acts (P1e returns)

Synthesis of Market Signals

- 1.33 Drawing together the individual market signals above begins to build a picture of the current housing market in and around York; the extent to which demand for housing is not being met; and the adverse outcomes that are occurring because of this.
- 1.34 The performance of York against County and national comparators for each market signal is summarised in Table 1.6. When quantified, York has performed worse in market signals relating to both absolute levels and rates of change against North Yorkshire and England in 13 out of 28 measures.
- 1.35 It is clear that the City is currently facing very significant challenges in terms of house prices and private rental values causing affordability difficulties.

Table 1.6 Summary of York Market Signals against North Yorkshire and England

Market Signal	North Yorkshire		England	
	Absolute Figure	Rate of Change	Absolute Figure	Rate of Change
House Prices	Worse	Worse	Better	Worse
Affordability Ratios	Worse	Worse	Worse	Worse
Private Rents	Worse	Worse	Worse	Better
Past Development	~	~	~	~
Homelessness (Households in Temporary Accommodation)	Better	Better	Better	Better
Homelessness (Households in Priority Need)	Better	Better	Better	Better
Overcrowding (Overcrowded Households)	Worse	Worse	Better	Worse
Overcrowding (Concealed Families)	Same	Same	Better	Better

Source: Lichfields Analysis

Footnote: Worse = performing worse against the average
 Better = performing the same or better against the average
 ~ = data not available

- 1.36 To draw meaningful conclusions on the extent to which these market indicators show housing market stress within the City of York and a level of supply that is not meeting demand, the Practice Guidance suggests that comparisons of absolute levels and rates of change in such indicators should be made with comparator areas and nationally. For this reason, York has been compared and ranked against other local authority areas, and England as a whole.
- 1.37 These comparator areas have been chosen on the following basis:
- 1 Other nearby areas within the wider Yorkshire and the Humber Region:
 - a East Riding
 - b Hambleton
 - c Harrogate
 - d Hull
 - e Leeds
 - f Ryedale
 - g Selby
 - h Wakefield
 - 2 The Practice Guidance also states that market signals must be compared with authorities which are not necessarily close geographically, but which share characteristics in terms of economic and demographic factors. These authorities have been chosen by examining the ‘OAC Supergroup Area Classification Map’, produced by the ONS in 2015, which groups each local authority into various socio-economic classifications. York, as a ‘Coast and Heritage’ authority, has been compared with other communities similarly classified within this ranking and which share similar socio-economic characteristics:
 - a Bath and North East Somerset
 - b Canterbury
 - c Cheltenham
 - d Colchester
 - e Lancaster
 - f Scarborough
 - g Taunton Deane
 - h Worcester
- 1.38 England has been used as the final comparator for both sets of tables. A comparison across the range of housing market signals within the authorities identified above is presented in Table 1.7 and Table 1.8. A higher ranking in these tables suggests a worse, or comparatively poorer-performing, housing market for that indicator.

Table 1.7 York Market Signals Comparator Table [Neighbouring Authorities]

		House Prices (to year ending December)			Resident-based Affordability			Workplace-based Affordability			Rents		
Rank		2016	Change (£) 1999-2016	Change (%) 1999-2016	2016	Change (absolute) 2002-2016	Change (%) 2002-2016	2016	Change (absolute) 2002-2016	Change (%)	Sep 2017	Change (absolute) June 2011-Sep 2017	Change (%) June 2011-Sep 2017
Worsening housing market outcomes	1	Harrogate	Harrogate	York	Ryedale	Ryedale	gston upon Hull, Cit	Ryedale	Ryedale	gston upon Hull, Cit	York	England	England
	2	England	York	Harrogate	Harrogate	Harrogate	ast Riding of Yorkshi	Harrogate	York	Ryedale	Harrogate	Leeds	Leeds
	3	Hambleton	England	Ryedale	York	York	Wakefield	York	gston upon Hull, Cit	York	England	Harrogate	gston upon Hull, City of
	4	York	Hambleton	Selby	Hambleton	ast Riding of Yorkshi	England	Hambleton	England	ast Riding of Yorkshi	Leeds	gston upon Hull, Cit	Harrogate
	5	Ryedale	Ryedale	England	England	England	Ryedale	Selby	ast Riding of Yorkshi	England	Hambleton	York	Ryedale
	6	Selby	Selby	Hambleton	Selby	gston upon Hull, Cit	York	England	Harrogate	Wakefield	Ryedale	Ryedale	Selby
	7	Leeds	ast Riding of Yorkshi	gston upon Hull, Cit	ast Riding of Yorkshi	Selby	Harrogate	Selby	ast Riding of Yorkshi	Selby	Selby	Selby	York
	8	ast Riding of Yorkshi	Leeds	ast Riding of Yorkshi	Leeds	Wakefield	Leeds	Leeds	Hambleton	Leeds	Wakefield	ast Riding of Yorkshi	ast Riding of Yorkshi
	9	Wakefield	Wakefield	Leeds	Wakefield	Leeds	Selby	Wakefield	Wakefield	Harrogate	ast Riding of Yorkshi	Hambleton	Hambleton
	10	gston upon Hull, Cit	gston upon Hull, Cit	Wakefield	gston upon Hull, Cit	Hambleton	Hambleton	gston upon Hull, Cit	Leeds	Hambleton	gston upon Hull, Cit	Wakefield	Wakefield
		ONS Price Paid Data			ONS Affordability Data			ONS Affordability Data			VOA Private Rental Market Statistics		
Rank		2011	Change (% points)	Change (number)	2011	Change (% points)	Change (number)	~			~		
Worsening housing market outcomes	1	Leeds	York	England	England	gston upon Hull, Cit	England						
	2	England	England	Leeds	Leeds	England	Leeds						
	3	gston upon Hull, Cit	gston upon Hull, Cit	gston upon Hull, Cit	gston upon Hull, Cit	Selby	gston upon Hull, City of						
	4	York	Leeds	York	Wakefield	Leeds	Wakefield						
	5	Wakefield	Harrogate	ast Riding of Yorkshi	Selby	Wakefield	ast Riding of Yorkshi						
	6	Harrogate	Selby	Wakefield	York	York	York						
	7	Selby	ast Riding of Yorkshi	Harrogate	Hambleton	Hambleton	Selby						
	8	ast Riding of Yorkshi	Wakefield	Selby	ast Riding of Yorkshi	ast Riding of Yorkshi	Harrogate						
	9	Ryedale	Hambleton	Hambleton	Harrogate	Harrogate	Hambleton						
	10	Hambleton	Ryedale	Ryedale	Ryedale	Ryedale	Ryedale						
		Census			Census								
Better housing													

Table 1.8 York Market Signals Comparator Table ['Coast and Heritage' Authority Comparisons]

Rank	House Prices (to year ending December)			Resident-based Affordability			Workplace-based Affordability			Rents		
	2016	Change (£) 1999-2016	Change (%) 1999-2016	2016	Change (absolute) 2002-2016	Change (%) 2002-2016	2016	Change (absolute) 2002-2016	Change (%)	Sep 2017	Change (absolute) June 2011-Sep 2017	Change (%) June 2011-Sep 2017
1	and North East Som	and North East Som	Canterbury	and North East Som	and North East Som	Lancaster	Canterbury	Canterbury	York	and North East Som	Lancaster	Lancaster
2	Canterbury	Canterbury	York	Canterbury	Canterbury	and North East Som	and North East Som	York	England	Canterbury	and North East Som	and North East Somerset
3	Cheltenham	Colchester	Colchester	York	York	England	York	and North East Som	Lancaster	York	England	England
4	Colchester	Cheltenham	and North East Som	Colchester	Colchester	Canterbury	Cheltenham	England	Canterbury	Colchester	Colchester	Colchester
5	England	York	England	Taunton Deane	England	York	Cheltenham	Cheltenham	Cheltenham	Cheltenham	Worcester	Worcester
6	York	England	Lancaster	Worcester	Lancaster	Colchester	Taunton Deane	Lancaster	and North East Som	England	Cheltenham	Scarborough
7	Taunton Deane	Taunton Deane	Cheltenham	Cheltenham	Scarborough	Scarborough	Worcester	Worcester	Worcester	Taunton Deane	Scarborough	Cheltenham
8	Worcester	Worcester	Taunton Deane	England	Worcester	Worcester	England	Colchester	Scarborough	Worcester	Canterbury	Taunton Deane
9	Lancaster	Lancaster	Scarborough	Scarborough	Taunton Deane	Taunton Deane	Scarborough	Scarborough	Colchester	Lancaster	York	Canterbury
10	Scarborough	Scarborough	Worcester	Lancaster	Cheltenham	Cheltenham	Lancaster	Taunton Deane	Taunton Deane	Scarborough	Taunton Deane	York
11												
12												
13												
14												
	ONS Price Paid Data			ONS Affordability Data			ONS Affordability Data			VOA Private Rental Market Statistics		

Rank	Overcrowded households			Concealed families			~			~		
	2011	Change (% points)	Change (number)	2011	Change (% points)	Change (number)						
1	England	York	England	England	England	England						
2	Cheltenham	Colchester	York	Worcester	Canterbury	Canterbury						
3	Canterbury	Cheltenham	Colchester	Canterbury	York	Canterbury						
4	Colchester	England	and North East Som	Scarborough	Taunton Deane	Colchester						
5	York	Worcester	Canterbury	Lancaster	Scarborough	and North East Somerset						
6	and North East Som	and North East Som	Cheltenham	Taunton Deane	Worcester	Taunton Deane						
7	Worcester	Taunton Deane	Worcester	York	Colchester	Scarborough						
8	Scarborough	Canterbury	Taunton Deane	and North East Som	Lancaster	Lancaster						
9	Taunton Deane	Scarborough	Scarborough	Cheltenham	and North East Som	Worcester						
10	Lancaster	Lancaster	Lancaster	Colchester	Cheltenham	Cheltenham						
11												
12												
13												
14												
	Census			Census								

- 1.39 It is clear from this analysis that the housing market in the City of York is increasingly dysfunctional, with a very steep level of house price growth in recent years leading to significant affordability challenges generating adverse outcomes for residents who need to access the housing market. The comparative analysis suggests that when compared against neighbouring Yorkshire districts, York has experienced the highest rate of house price growth over the period 1999 to 2016, at levels significantly above the national average at a rate higher than the national level of growth. Only Harrogate and Hambleton have higher house prices, whilst only Harrogate and Ryedale have higher affordability ratios.
- 1.40 Median rental levels are also the highest of all the comparator Yorkshire authorities and the City has the highest rate of change of overcrowded households.
- 1.41 The performance of York's housing market relative to comparable authorities further afield (Table 1.8) which share similar socio-economic characteristics also suggests that the local housing market is under stress, with York amongst the very worst performing districts regarding rates of change in house prices, absolute and relative changes in affordability, median rents, and the rate of change in overcrowded households and concealed families.
- 1.42 The Practice Guidance, as well as providing general economic principles, points towards such factors as indicating that additional supply, over and above that solely needed by demographic change, may need to be delivered in order to address affordability and to reverse adverse housing market trends within the HMA.

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From: Claire Linley [Claire.Linley@dppukltd.com]
Sent: 04 April 2018 12:07
To: localplan@york.gov.uk
Cc: Jennifer Winyard (Linden Homes) (Jennifer.Winyard@gallifordtry.co.uk); Mark Lane
Subject: York Local Plan Reps - Site 926 (formerly H28)
Attachments: H28 Land to the north of North Lane Wheldrake Report and Appendices.pdf; H28 Forms.pdf

Good afternoon,

Please find attached our representations on behalf of Linden Homes Strategic Land in relation to the City of York Local Plan Publication Draft Regulation 19 Consultation. This submission relates to the site known as land to the north of North Lane, Wheldrake Site 926 (formerly H28).

Please can you confirm receipt.

Kind regards,

Claire Linley BA (hons) DIPTP MRTPI

Principal Planner

M 07870 997 841

T 0113 350 9865

www.dppukltd.com



City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

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What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

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- In all libraries in York.

Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

H28

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that the Local Plan is unsound, in that the Local Plan does not provide sufficient housing land to meet the needs of the housing market area and those sites identified will not deliver the units identified and as such the plan is not justified and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

To address the above H28 should be reintroduced into the plan and reallocated for housing development.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.¹

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.³

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on [01904 554145](tel:01904554145)

Signature



Date

04.04.18

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

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Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes

No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Local Plan does not provide a robust range and choice of housing land to meet the housing requirement and to diversify the house building sector and encourage more competition. On the basis of the above we consider that Policy H1 of the Local Plan is unsound and will not be effective and therefore will not deliver sustainable development in accordance with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

To address the above H28 should be reintroduced into the plan and reallocated for housing development under Policy H1.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

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Can I submit representations on behalf of a group or neighbourhood?

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Do I need to attend the Public Examination?

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes

No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that Policy H2 and the associated assumed yields applied to various allocations are unsound and not justified and will not ensure effective delivery of the housing requirement and is therefore inconsistent with national policy.

See attached report for full comments.

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After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We suggest that that net development density is reduced and that greater flexibility is included in the policy to allow for balanced developments to be created.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

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1. Personal Details		2. Agent's Details (if applicable)
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First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

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Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

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(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that Policy H3 is unsound as it will not be effective, it is not justified, and is not consistent with national policy.

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We suggest the policy should be modified to provide greater flexibility to allow for balanced developments to be created. In this regard we would suggest amending the policy to read "Proposals for residential development should assist in balancing the housing market, unless material considerations indicate otherwise, by including a mix of types of housing that respond to and reflects the diverse mix of need across the city and the character of the locality."

See attached report for full comments.

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
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No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

Lack of Safeguarded Land Allocation

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

The inclusion of H28 as a safeguarded land site as an alternative to a housing allocation.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

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7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

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Part C - How we will use your Personal Information

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
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Do I have to use the response form?

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Can I submit representations on behalf of a group or neighbourhood?

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Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

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Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded site to contrary to national policy.

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The inclusion of a safeguarded land policy and an appropriate quantum of safeguarded land sites.

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Address – line 2		1 City Square
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(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

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Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Local Plan is not 'sound' as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance.

See attached report for full comments.

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The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much-needed investment in new housing to meet the community's needs.

See attached report for full comments.

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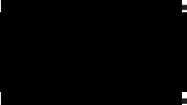
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1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph
no.

Policy
Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Local Plan does not provide sufficient housing land to meet needs of the housing market area and those sites allocated will not deliver the units identified and as the Site does not perform a Green Belt purpose it should not be included in the Green Belt. On the basis of the above we consider that the Local Plan is unsound, it is not justified and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

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H28 should be removed from the Green Belt and allocated for housing development or safeguarded land.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

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To elaborate on our written representations.

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Signature 

Date **04.04.18**

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

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Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

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Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

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Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

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Yes No

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5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST5

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider the allocation of ST5 to be unsound in that ST5 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

See attached report for full comments.

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We do not suggest that the allocation known as ST5 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST5 should be 410 units as set out in the Publication Draft (2014). This level of development is more realistic and achievable.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

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Signature

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

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(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

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Yes No

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Paragraph no.

Policy Ref.

Site Ref.

ST14

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We do not object to the principle of the allocation but we do consider the estimated yield from ST14 to be overly ambitious so as to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider the yield assumed for ST14 to be unsound in that ST14 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

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We do not suggest that the allocation known as ST14 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST14 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

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Part B - Your Representation

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3. To which document does your response relate? (Please tick one)

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Sustainability Appraisal/Strategic Environmental Assessment

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

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Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST15

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We do not object to the principle of the allocation but we do consider the estimated yield from ST15 to be unrealistic and to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider the yield assumed for ST15 to be unsound in that ST15 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We do not suggest that allocation known as ST15 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST15 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

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To elaborate on our written representations.

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Part C - How we will use your Personal Information

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Signature

Date

04.04.18

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³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

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Yes

No

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Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

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(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST33

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider the allocation of ST33 to be unsound as the site has no defensible green belt boundary to the south-west, there are unresolved outstanding issues relating to the impact of the adjacent industrial estate, access and no Habitat Regulation Assessment has been completed which is fundamentally required. We consider that ST33 is not justified and will not ensure effective delivery of the housing requirement and is therefore inconsistent with national policy.

See attached report for full comments.

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We suggest that the allocation known as ST33 should be deleted and H28 allocated in its place.

See attached report for full comments.

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No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

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RESPONSE TO YORK LOCAL PLAN PUBLICATION DRAFT

LINDEN HOMES STRATEGIC LAND

**SITE 926 (FORMERLY H28) - LAND TO
THE NORTH OF NORTH LANE,
WHELDRAKE**

RESPONSE TO YORK LOCAL PLAN PUBLICATION DRAFT

On behalf of: Linden Homes Strategic Land

In respect of: Site 926 (formerly H28) - Land to the north of North Lane, Wheldrake

Date: April 2018

Reference: CL/ML/2409le/R003cl

Author: Claire Linley

DPP Planning
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1 City Square
Leeds
LS1 2ES

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- Appendix 2 - Draft Housing Layout
- Appendix 3 - The Officers report The Local Plan Working Group (July 2017)
- Appendix 4 - A table of allocation densities
- Appendix 5 - Lichfields’ Technical Report on Housing Issues

Executive Summary

The Developer **objects** to the proposed deletion of the housing allocation known as Site 926 (formerly H28). The Developer also **objects** to the suggested housing requirement and to the lack of a safeguarded land policy. In the alternative to a housing allocation the Developer **objects** to the lack of a safeguarded land allocation. The Developer also **objects** to the density assumptions applied to allocated sites, particularly in rural villages, and the assumed delivery from ST15, ST14 and ST5.

The Council's position is clear, due to revisions to the evidence base, certain previously proposed allocations have been modified or deleted. This does not mean that these sites or parts of them are unsuitable or inappropriate for development. Rather it simply means that the Council now consider these sites or parts of them are less preferable than those allocated in the current version of the Local Plan. The allocation of the sites or the parts of those sites therefore must remain acceptable in principle.

The Site was assessed as part of the Council's rigorous site selection methodology and as a result of passing this site selection process the Site was proposed as a housing allocation in the Preferred Options draft and the Publication Draft versions of the plan. In this regard the Council must, at the time, have satisfied themselves that the Site was available, that the Site was suitable for development and the development was achievable at the point in time when the Site is intended to deliver development.

The Council must also accept that as the Site is a proposed housing allocation in the Preferred Options draft and the Publication Draft versions it serves no or a limited Green Belt purpose.

On the basis of the Council's revised evidence base, primarily the alleged lower housing requirement, the Council have sought to reduce the number of housing allocations and one of those sites that the Council are proposing to be removed is Site 926 (formerly H28).

Rather than simply saying the Council are proposing to remove Site 926 (formerly H28) because of the alleged reduction in the need for housing land the Local Plan also gives a technical or planning reason or reasons.

The reason given for the deallocation of the Site related solely to access concerns.

Representations to the Preferred Sites Consultation in September 2016 were made on behalf of the Developer to demonstrate that access could be achieved and that the comments made in the Preferred Sites Consultation documentation in relation to highway matters were unfounded. This representation was assessed by the Local Plan Working Group who stated that *"the representation and further technical evidence received through the consultation demonstrates that whilst the site has three potential access points via North Lane, Cranbrooks and Valley View that North Lane is the preferred access point and this is supported by the Transport Statement. Assessment through the technical officer groups confirms that there is no 'access' showstopper as the principle of access can be adequately demonstrated."* Officers consider therefore that the Site could be included as an allocation within the Local Plan.

We have shown that the Members' decision not to follow the recommendation of officers and include the Site in the Local Plan is based on one factor only that being the decision not to increase the housing requirement as recommended by the Council's own independent consultants.

Notwithstanding the above we have shown that the Council's objective assessment of housing need ('OAHN') is deficient and underestimates the level of need. This is exacerbated by the Council's assessment of housing supply, notably their over estimation of the delivery from certain sites, particularly ST5, ST14 and ST15. Consequently, we have shown that there is a need to allocate additional land for housing development.

As a consequence, we conclude that the Council should reinstate the proposed housing allocation known as Site 926 (formerly H28) as the Council have already concluded that this Site is available, that the land is suitable for development and that development is achievable.

To make the Local Plan sound we recommend the following:

- There are a number of significant deficiencies in the City of York SHMA and Addendum which means that the 867 dwellings per annum OAHN figure currently being pursued by the Council is not soundly based. We suggest that the OAHN should be 1,150 dwellings per annum;
- The Council needs to provide a justified trajectory for the proposed housing sites and it needs to reassess the assumed delivery from certain sites particularly ST5, ST14 and ST15;
- A wider range and choice of sites need to be allocated for residential development, particularly small and medium sized sites;
- Safeguarded land policy and allocations should be incorporated within the Local Plan. Allocations should be chosen from the safeguarded sites identified within the previous iterations of the Local Plan or from sites which had been previously allocated for housing and which are allegedly no longer required due to the purported decrease in the housing requirements within the District; and
- The Council should reinstate the proposed housing allocation known as Site 926 (formerly H28) or as an alternative allocate the site as safeguarded land under a new safeguarded land policy.

1.0 Introduction

- 1.1 We are submitting this representation on behalf of our client, Linden Homes Strategic Land (“the Developer”), in respect of various issues contained in the City of York Local Plan Publication Draft Regulation 19 Consultation (“the Local Plan”) and in particular their interests in relation to land to the north of North Lane, Wheldrake Site 926 (formerly H28) (“the Site”)
- 1.2 The Developer owns the Site which was formerly allocated for housing development and is known as Site 926 (formerly H28). The land that is in the ownership of the Developer is shown on the plan attached at **Appendix 1**.
- 1.3 City of York Council (“the Council”) published the Local Plan for public consultation in February 2018 together with its associated evidence base. The Local Plan proposes to delete the allocation known as Site 926 (formerly H28). The Developer **objects** to the proposed deletion of Site 926 (formerly H28).
- 1.4 On behalf of the Developer we have now had the opportunity to read the document and its associated evidence base and we have made a number of comments. For the purpose of this report the Site will be referred to as H28.

2.0 The Test of Soundness

2.1 Paragraph 182 of the NPPF indicates that a Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “**sound**” namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

3.0 The Site

- 3.1 The settlement of Wheldrake is located approximately 10km to the south east of the centre of York. Wheldrake contains a number of services and facilities including a shop, pub, a church and an undertaker.
- 3.2 The Site covers a total area of 3.15 ha and is relatively flat with levels ranging from 11m AOD to 14m AOD.
- 3.3 The southern boundary to the Site is formed by the rear curtilages of properties to the north of North Lane and North Lane itself. The northern section of the eastern boundary is formed by the rear curtilages of properties located on the Cranbrooks whereas the southern section of the eastern boundary is formed by existing field boundaries beyond which are the properties on the Cranbrooks. To the west the boundary is formed by a row of trees beyond which there are the curtilages and dwellings located off both Derwent Drive and Valley View. The northern most boundary is formed by a hedgerow beyond which there is an existing drainage ditch. The Site, in general, lies to the rear of residential dwellings off North Lane, Valley View, Derwent Drive and the Cranbrooks.
- 3.4 The Site comprises of five small fields which are currently in agricultural use, divided by trees and hedgerows. The north-east section of the Site is relatively open in nature. There are a number of trees located on Site, the majority of which are located in the north and west. The eastern part of the Site was recently in agricultural use whilst the western most part of the Site is overgrown grass land.

4.0 Suitability of the Site

- 4.1 Linden Homes Strategic Land have obtained a thorough knowledge of the technical issues relating to the development of H28 through commissioning the following reports and surveys: -
- A Topographical Survey;
 - A Geo-Environmental Appraisal;
 - An Existing Tree Survey;
 - Sustainability Statement & Code for Sustainable Homes Assessment;
 - A Flood Risk Assessment and Drainage Strategy;
 - A Desk Base Archaeological Assessment;
 - Geophysical Survey;
 - Archaeological Evaluation by Trail Trenching Report;
 - An Ecological Appraisal;
 - Transport Statement;
 - Travel Plan;
 - A Great Crested Newt survey;
 - A Bat Survey;
 - An Air Quality Survey and Report;
 - Landscape Appraisal; and a
 - Vegetation Survey.
- 4.2 These technical reports and surveys have informed the production of a draft layout which showed access being taken from North Lane. Access onto North Lane is the Developer's preferred access location. These technical reports and surveys together with the draft layout were submitted to the Council. The draft layout is attached at **Appendix 2**.
- 4.3 Through the production of the above reports and surveys the Developer has previously shown that the Site is available and suitable for residential development and that development can be achieved.
- 4.4 The Site was assessed as part of the Council's rigorous site selection methodology and as a result of passing this site selection process, the Site was proposed as a housing allocation in the Preferred Options (June 2013) and the Publication Draft (September 2014) versions of the local plan.
- 4.5 At the time the Council must have satisfied themselves that the Site was available, that the Site is suitable for development and the development is achievable at the point in time when the Site was intended to deliver development.
- 4.6 The suitability and appropriateness of the H28 for housing development until recently has not been questioned.

Soundness

- 4.8 H28 was previously considered to be a location suitable and appropriate for housing development and that the development of the land would not harm any important planning consideration. We consider that the deallocation of H28 is unjustified. On the basis of the above we consider that the Local Plan is unsound and will not be effective and therefore will not deliver sustainable development in accordance with national policy.

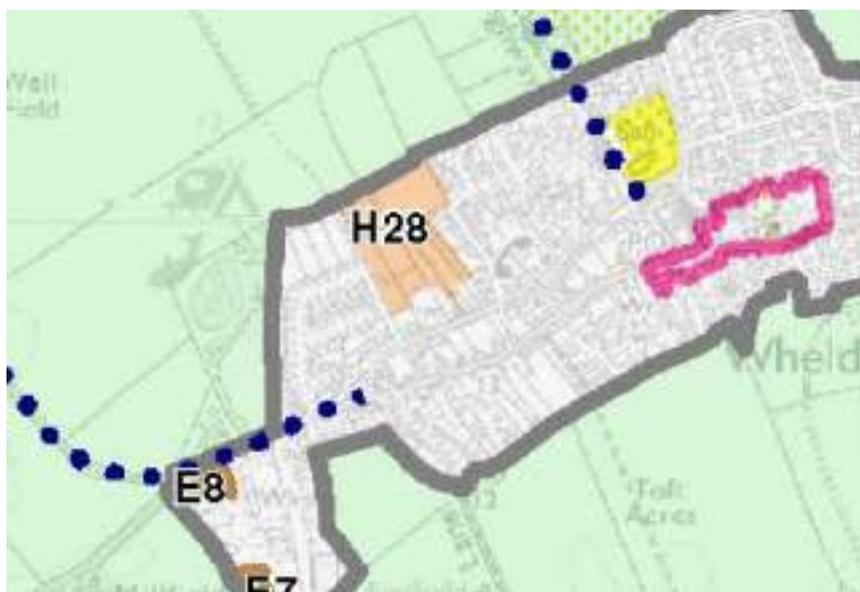
Modification

- 4.9 To address the above H28 should be reintroduced into the plan and reallocated for housing development.

5.0 Objection to the Deletion of H28

Preferred Options (June 2013)

- 5.1 The Council consulted on the Preferred Options draft and its supporting evidence base in summer 2013. The Preferred Options draft set out the spatial strategy for the City which included identifying land for housing and employment growth. The Site was a housing allocation within the Preferred Options draft.
- 5.2 Within this document the Site is identified by the Council as a housing allocation known as H28. The Site is shown as being 3.15ha in size and having an estimated capacity of 75 dwellings. The Preferred Options draft indicates that the Site is available for development in the short to medium term (1-10 years). The proposed allocation is shown below.



Further Sites Consultation (June 2014).

- 5.3 Following consultation on the Preferred Options draft the Council held a Further Sites Consultation (June 2014). This contained the results of the testing of the suggested modifications and new sites received as part of the previous Preferred Options draft consultation against the Council's rigorous site selection methodology.
- 5.4 The Preferred Options draft and Further Sites Consultation helped to develop and fine tune portfolio of sites to meet the identified housing and employment needs of the City for the Publication Draft version of the plan.

Publication Draft (September 2014)

- 5.5 The Publication Draft version of the plan was taken to a Local Plan Working Group on the Monday 22nd September which was followed by a Cabinet meeting on Thursday 25th September and the Publication Draft was presented to Scrutiny Panel on Wednesday 8th October 2014. At all of the above stages the Publication Draft was approved by members of the Council. However, following a Full Council meeting on 9th October progress on this plan was halted.
- 5.6 At the time that work on the Publication Draft plan was halted the Council had reaffirmed the allocation of the Site for housing. In the Publication Draft plan, the Site is shown to have the same site area of 3.15ha, however, the capacity increased to 88 dwellings. The Publication Draft plan again indicates that the Site is available for development in the short to medium term (1-10 years).
- 5.7 The proposed allocation contained within the Publication Draft version of the plan is shown below.



The Preferred Sites Consultation (July 2016)

- 5.8 Since 2014, the Council has been updating its evidence base in line with the agreed motion. This has included taking further papers to Members of the Local Plan Working Group in September 2015 in relation to the overall housing and employment requirements for York.
- 5.9 York then released a Preferred Sites Consultation in July 2016 and supporting evidence as approved by the Executive Members. This was consulted on between 18th July and 12th September 2016.
- 5.10 On the basis of the Council's revised evidence base, primarily the alleged lower objectively assessed housing need ("OAHN"), the Council sought to reduce the number of housing allocations and one of those sites that the Council proposed to be removed was H28.
- 5.11 Rather than simply saying the Council are proposing to remove H28 because of the alleged reduction in the need for housing land, the Preferred Sites Consultation gave a technical or planning reason or reasons. In the case of H28 the reason given in the Preferred Sites Consultation for the proposed removal of the housing allocation was as follows: -

'Further technical assessment has highlighted limited and difficult access opportunities via North Lane which would require further detailed survey or analysis. The submission of the site included proposed access option via Cranbrooks, North Lane or Valley View which need to be investigated further given they are narrow residential streets. There would also be visibility and footway issues given the narrow access options.'

- 5.12 The only concern regarding the allocation of the Site known as H28 therefore relates to technical access matters in respect of access from North Lane and some uncertainties regarding the width of the access from Cranbrooks and Valley View. There are no highway capacity issues.
- 5.13 DPP submitted representations to the Preferred Sites Consultation in September 2016 on behalf of the Developer to demonstrate that access could be achieved and that the comments made in the Preferred Sites Consultation documentation in relation to highway matters were unfounded.

Local Plan Working Group to update Members on work on the Ministry of Defence (MOD) sites and seek Members' views on progressing the Local Plan (10th July 2017)

- 5.14 The purpose of this report to the Local Plan Working Group was to provide an update to Members on the work undertaken on the MOD sites and to seek the views of Members on the methodology and studies carried out to inform the housing and employment land requirements that the City is tasked with accommodating and the most appropriate way of accommodating this future growth. Officers also sought approval of Members for officers to undertake the necessary work to produce a draft plan based on the recommendations of the Executive for the purposes of consultation along with associated technical papers.
- 5.15 The Local Plan Working Group assessed the information submitted by DPP to Preferred Sites Consultation. The Local Plan Working Group indicate that the Site was removed from the Preferred Sites Consultation (July 2016) due to concerns regarding site access which required further detailed survey/analysis. The Preferred Sites Consultation (July 2016) stated that the proposed access via Cranbrooks, North Lane or Valley View needed to be investigated further given they are narrow residential streets and that there were potential visibility and footways issues. The Local Plan Working Group goes onto state that: -

"The representation and further technical evidence received through the consultation demonstrates that whilst the site has three potential access points via North Lane, Cranbrooks and Valley View that North Lane is the preferred access point and this is supported by the Transport Statement. Assessment through the technical officer groups confirms that there is no 'access' showstopper as the principle of access can be adequately demonstrated."

- 5.16 Officers consider therefore that the Site could be included as an allocation within the Local Plan.
- 5.17 The Officers report to The Local Plan Working Group is attached at **Appendix 3**.

Executive Meeting (13th July 2017)

- 5.18 The report notes that if Members accept the recommendation of the GL Hearn Report then the additional sites and boundary revisions highlighted in Annex 3 would need to be incorporated within the local plan (including the MOD sites). Officers indicate that if Members do not agree with the GL Hearn Report the sites included in Annexes 3, 4 and 5 they will need to particularise concerns and consider whether they wish further work to be commissioned.
- 5.19 It was resolved that the recommendations prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.
- 5.20 It was further resolved that the increased figure of 867 dwellings per annum, be met by the changes to sites within Table 4 and by the following changes to sites from Table 5, the inclusion of Queen Elizabeth Barracks, Imphal Barracks, Nestle South, Grove House and the former Clifton Without Primary School, the deletion of Heworth Green North (H25) and Whiteland Field, Haxby (H54) and the change from a housing site to an employment site of Poppleton Garden Centre. It was resolved that the rest of the changes included in Table 5 should not be included.
- 5.21 The proposal to reinstate the allocation of H28 was included in Table 5. Members therefore resolved not to follow the recommendation of officers. The decision of members to not include the Site is plainly based on one factor only that being the decision not to increase the housing requirement as recommended by the Council's own independent consultants.
- 5.22 This is the only reason why H28 is not allocated for housing purposes.

Pre-Publication Draft Regulation 18 (September 2017)

- 5.23 The Council then published the Pre-Publication Draft of the local plan along with its evidence base in September 2017. Pre-Publication Draft plan showed H28 to be within the Green Belt and not to be allocated for housing development.
- 5.24 Within the evidence base was the 'Preferred Sites Consultation Statement' which summarised the consultation responses received in relation to the Preferred Sites Consultation Document (July 2016). Within the SHLAA which was also included within the evidence base these consultation responses were added to the comments of the Technical Officer Workshop and a full assessment of each site was provided.
- 5.25 Linden Homes provided comments on the assessment and provided further comment to demonstrate why the H28 allocation should not be deleted in October 2017. This representation is reiterated below.

- 5.26 Annex 1 of the SHLAA, which forms part of the Evidence Base to the Local Plan, summarises the consultation responses to the Preferred Sites Document and provides a summary of the findings of the Technical Officer Workshop.
- 5.27 The feedback from Officers stated that *“The representation and further technical evidence received through the consultation demonstrates that whilst the site has three potential access points via North Lane, Cranbrooks and Valley View that North Lane is the preferred access point and this is supported by the Transport Statement. Assessment through the technical officer groups confirms that **there is no access showstopper** as the principle of access can be adequately demonstrated”*. In relation to access, it is clear from Officer’s comments that access is not a showstopper to development on the Site.
- 5.28 Officers concluded that the Site could be reinstated as a housing allocation within the Local Plan.
- 5.29 Members, at the Executive Meeting, resolved not to follow the recommendation of officers. The decision of members to not include the Site in the Local Plan is based on one factor only that being the decision not to increase the housing requirement as recommended by the Council’s own independent consultants.
- 5.30 Linden Homes stated that The Council are not alleging that the Site performs any Green Belt purpose or function nor that the land needs to be kept permanently open. The Council are also not alleging that the Site is not available, suitable or that development is not achievable. The Council are not alleging that the allocation of the Site would cause harm to any other policy considerations or is part of a valued landscape. The reason that the Site is not a housing allocation relates solely to the housing requirement and the view of Members that the Site is not needed to meet the requirement as assessed by the Council.
- 5.31 Paragraph 85 of the Framework states that local planning authorities, when defining Green Belt boundaries (as we are here), should not include land which it is unnecessary to keep permanently open.
- 5.32 It is therefore plain that the Site should not be included within the Green Belt. The Site should be included within the settlement limits of Wheldrake and either allocated for housing development or identified as safeguarded land.
- 5.33 Given the Council’s thorough and robust examination of the Site and the conclusions that the Local Plan Working Group have reached regarding the Site there can be no reason to include the Site within the Green Belt.

Publication Draft Regulation 19 Consultation (February 2018)

- 5.34 The latest version of the Local Plan shows the Site of H28 to be within the Green Belt and not to be allocated for housing development.

Conclusion

- 5.35 As we have set out above, the Council are not alleging that the Site performs any Green Belt purpose or function nor that the land needs to be kept permanently open. The Council are also not alleging that the Site is not available, suitable or that development is not achievable. The Council are not alleging that the allocation of the Site would cause harm to any other policy considerations or is part of a valued landscape. The reason that the Site is not a housing allocation relates solely to the housing requirement and the view of Members that the Site is not needed to meet the requirement as assessed by the Council.
- 5.36 Later in this report we will demonstrate that the Local Plan is not 'sound' as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance.
- 5.37 On the basis of the above it is plain that H28 should be reinstated as a housing allocation.

Soundness

- 5.38 The Council accept that H28 is available, suitable and that development is achievable. The Council are not alleging that the allocation of the Site would cause harm to any other policy considerations including the Green Belt or it is part of a valued landscape. The reason that the Site is not a housing allocation relates solely to the housing requirement and the view of Members that the Site is not needed to meet the requirement as assessed by the Council. On the basis of the above we consider that the Local Plan is unsound, in that the Local Plan does not provide sufficient housing land to meet the needs of the housing market area and those sites identified will not deliver the units identified and as such the plan is not justified and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

Modification

- 5.39 To address the above H28 should be reintroduced into the plan and reallocated for housing development.

6.0 Objection to Policy SS1

Introduction

- 6.1 Lichfields has been commissioned by Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd & Bellway Homes [the Companies] to undertake a review of City of York Council's housing requirement and housing supply that has formed a key part of the evidence base to inform the Local Plan.

The City of York Strategic Housing Market Assessment

- 6.2 The Framework sets out that local planning authorities should use their evidence base to ensure they meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. To provide an objective assessment of housing need ("OAHN") the Council commissioned GL Hearn to produce the following reports and updates: -

- The City of York Strategic Housing Market Assessment (June 2016) ("SHMA")
- The Strategic Housing Market Assessment Addendum (June 2016) ("the Addendum"); and
- The Strategic Housing Market Assessment Update (September 2017) ("the Update")

Background

- 6.3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to prepare the SHMA. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of 841dpa.
- 6.4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However, in June 2016 GL Hearn produced an Addendum to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706dpa - 898dpa, and therefore the Council considered that it did not need to move away from the previous 841dpa figure.
- 6.5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. GL Hearn was asked by the Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation relating to OAN. The GL Hearn SHMA Update (September 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the demographic starting point from 783dpa (in the 2016 SHMA) to 867dpa. In their Update, GL Hearn

then applied a 10% uplift to the 867dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of 953dpa. However, a cover sheet to GL Hearn's Update, entitled '*Introduction and Context to objective Assessment of Housing Need*' was inserted at the front of this document by the Council. This states that 867dpa is the relevant baseline demographic figure for the 15-year period of the plan (2032/33). The Council rejected the 953dpa figure on the basis that GL Hearn's conclusions stating:

"...Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations."

- 6.6 As a result of this approach, the Publication Draft now states in Policy SS1: Delivering Sustainable Growth for York, the intention to:

"Deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38."

- 6.7 The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is *"an objectively assessed housing need"*

- 6.8 The Council therefore commissioned GL Hearn, an expert in the field, to produce a Strategic Housing Market Assessment in order to provide an OAHN and having done so the Council elected to ignore the findings of the Strategic Housing Market Assessment considering it to speculative and arbitrary. The Council provided no evidence to substantiate its claims that the Strategic Housing Market Assessment was speculative and arbitrary. The decision to ignore the advice of the Council's independent experts is flawed and unsound.

- 6.9 We will go onto explain why the Council decision to ignore the advice of the Council's independent experts is flawed and unsound.

Housing Requirement

- 6.10 There are a number of deficiencies in the Strategic Housing Market Assessment Update highlighted by Lichfields and these are summarised below.

- The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is considered to be fundamentally flawed. This is effectively a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the OAHN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.

- There are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
 - GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However, this demographic-led figure of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need. Lichfields agree with making an adjustment for demographic and household formation rates. However, it would be illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - Overall, the Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.
- 6.11 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within the Litchfields report provides alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 6.12 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates amongst younger age cohorts takes the demographic starting point to **871dpa**.
- 6.13 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, Lichfields considers that a greater **uplift of 20%** would be more appropriate in this instance. When applied to the **871dpa** re-based demographic starting point, this would indicate a need for **1,045dpa**. The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;
- 6.14 The scale of **affordable housing needs**, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045dpa set out above. It is considered that to

meet affordable housing needs in full (573dpa), the OAHN range should be adjusted to 1,910dpa @30% of overall delivery. It is, however, recognised that this level of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a **further 10% uplift** would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

- 6.15 Whilst it is accepted that limited weight can be attached to the MHCLG proposed standardised methodology figure this figure nevertheless reflects the direction of travel of Government policy. The MHCLG proposed standardised methodology figure is 1,070 dpa similar to the Lichfield figure which has been uplifted to address market signals but not be uplifted to address affordable housing need.
- 6.16 The Lichfields housing requirement allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Lichfields consider that using this figure would ensure compliance with paragraph 47 of the Framework by significantly boosting the supply of housing. It would also reflect paragraph 19 of the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.

Housing Land Supply

- 6.17 Lichfields have also assessed the Council's housing supply position. Lichfields raise issues and concerns about the following matters; -
- Lead in times;
 - Delivery rates;
 - Density assumptions;
 - The components of supply;
 - ST14 and ST15; and
 - Windfall.
- 6.18 Lichfields has undertaken an analysis of the Council's evidence base and question some of the assumptions in relation to the components of supply and conclude that some of the proposed delivery rates on sites are unfounded and unrealistic.
- 6.19 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall when assessed against the Lichfields assessment of the OAHN.
- 6.20 The Lichfield Report is attached at **Appendix 5**.

Soundness

- 6.21 In these circumstances, the Local Plan is not 'sound' as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance.

Modification

- 6.22 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much-needed investment in new housing to meet the community's needs.

7.0 Objection to Policy SS2 - Green Belt Designation

7.1 Policy SS2: The Role of York's Green Belt states:

"The primary purpose of the Green Belt is to safeguard the setting and the special character of York and delivering the Local Plan Spatial Strategy. New building in the Green Belt is inappropriate unless it is for one of the exceptions set out in policy GB1.

The general extent of the Green Belt is shown on the Key Diagram. Detailed boundaries shown on the proposals map follow readily recognisable physical features that are likely to endure such as streams, hedgerows and highways.

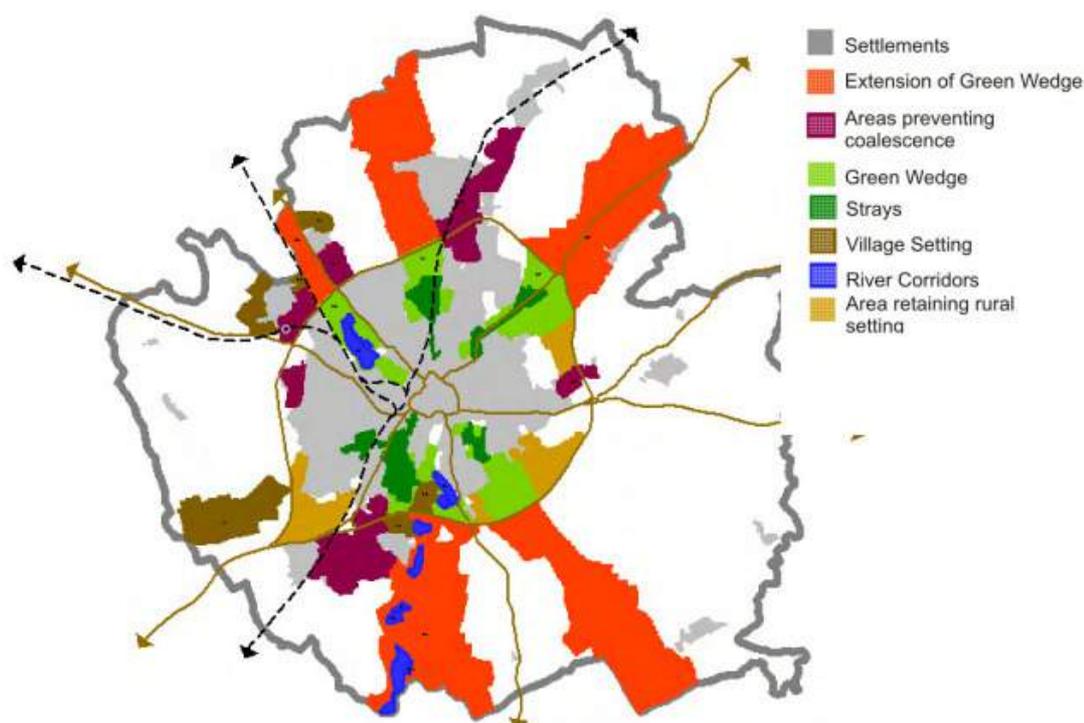
To ensure that there is a degree of permanence beyond the plan period sufficient land is allocated for development to meet the needs identified in the plan and for a further minimum period of five years to 2038."

7.2 Within the current version of the Local Plan H28 is shown to lie within the Green Belt.

7.3 Paragraph 80 of the NPPF states that the 5 purposes of including land within the Green Belt are as follows:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

7.4 An exercise was carried out by the Council in the preparation of the local plan which aimed to establish Green Belt Character Areas and highlighted the role and importance of the Green Belt surrounding Wheldrake.



- 7.5 The figure (shown above) was prepared following the production of a technical paper which looks at potential amendments to the Green Belt. The figure shows that the land to the west of Wheldrake is defined as an extension to the Green Wedge. The Green Belt which bounds Wheldrake to the north, south and east is not identified as having a particular Green Belt role. This clearly demonstrates that the Council considers that the land around the Site does not form any locally important Green Belt purpose.
- 7.6 Additionally, as the Site was allocated for development in the Preferred Options (2013) and the Publication Draft (2014) versions of the local plan, it is plain that the Council previously did not consider that the Site performed any significant Green Belt purpose and that it is not important to keep the Site permanently open.
- 7.7 Within the Council's Working Group assessment of the Site, which forms part of the evidence base to the Local Plan, we note that the Council are not alleging the development of H28 would conflict with any of the 5 purposes of including land within the Green Belt as set out in paragraph 80 of the NPPF. The Council therefore accept that the Site serves no Green Belt purpose and as such does not need to be kept permanently open.
- 7.8 Paragraph 85 of the Framework states that local planning authorities, when defining Green Belt boundaries (as we are here), should not include land which it is unnecessary to keep permanently open.
- 7.9 It is therefore plain that the Site should not be included within the Green Belt. The Site should be included within the settlement limits of Wheldrake and either allocated for housing development or identified as safeguarded land.

- 7.10 Given the Council's thorough and robust examination of the Site and the conclusions that the Local Plan Working Group have reached regarding the Site there can be no reason to include the Site within the Green Belt.
- 7.11 Linden Homes Strategic Land therefore object to the inclusion of the Site within the Green Belt.

Soundness

- 7.12 The Local Plan does not provide sufficient housing land to meet needs of the housing market area and those sites allocated will not deliver the units identified and as the Site does not perform a Green Belt purpose it should not be included in the Green Belt. On the basis of the above we consider that the Local Plan is unsound, it is not justified and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

Modifications

- 7.13 H28 should be removed from the Green Belt and allocated for housing development or safeguarded land.

8.0 Objection to Policy H1 - Housing Allocations

8.1 Linden Homes Strategic Land notes that the Local Plan is highly reliant on delivery from a number of very large sites. These are sites of a 1000 dwellings or more and include: -

Site	Site Name	Plan period capacity	Overall Capacity
ST5	York Central	1500	1700-2500
ST14	Land West of Wigginton Road	1200	1348
ST15	Land West of Elvington Lane	2200	3339
Total			6387-7187

8.2 If these sites are delayed or do not come forward as anticipated it will adversely affect the ability of the Council to deliver housing in a timely manner.

8.3 Further, the reliance on these large sites inhibits housing delivery in general as only the very large volume house builders can develop these sites thereby limiting the number of outlets and house builders operating in an area. This depresses housing delivery rather than boosting delivery.

8.4 This is recognised in the Government's white paper entitled 'Fixing our broken housing market' (2017). In this document, the Government encourages local planning authorities to make more land available for homes in the right places, by maximising the contribution from brownfield and surplus public land, regenerating estates, **releasing more small and medium-sized sites**, allowing rural communities to grow and making it easier to build new settlements.

8.5 The white paper goes onto recognise that promoting a good mix of sites and increasing the supply of land available to small and medium-sized housebuilders will help to diversify the housebuilding sector and encourage more competition.

8.6 To boost significantly the supply of housing, as required by the Framework, it is clear that the Local Plan needs to identify a range and choice of sites. It is considered that the Local Plan is overly reliant on a number of very large proposed housing allocations. As such it is considered that H28, which is a relatively small parcel of land associated with a sustainable community, should be allocated for development particularly as it does not perform a Green Belt purpose and it is accepted by the Council that the Site can be developed.

Soundness

8.7 The Local Plan does not provide a robust range and choice of housing land to meet the housing requirement and to diversify the house building sector and encourage more competition. On the

basis of the above we consider that Policy H1 of the Local Plan is unsound and will not be effective and therefore will not deliver sustainable development in accordance with national policy.

Modification

- 8.8 To address the above H28 should be reintroduced into the plan and reallocated for housing development under Policy H1.

9.0 Objection to Policy H2 - Density of Development

- 9.1 In addition to Lichfields' comments relating to the OAHN and the proposed housing land supply we also have concerns about the density of development that the Council believe can be delivered from the various allocated sites.
- 9.2 We welcome the clarification that this policy should be used as a general guide and that the density of any development will need to respond to its context.
- 9.3 We however have concerns about the density of development that the Council believe can be delivered from the various allocated sites.
- 9.4 We note that as a general trend the density of development on allocated sites increased in the Preferred Sites Consultation (2016) when compared to the Publication Draft (2014). These densities increased again when comparing the Preferred Sites Consultation (2016) to the Pre-Publication Draft. See the table attached at **Appendix 5**.
- 9.5 It would appear that the Council have changed their approach to calculating development densities between the various draft iterations of the local plan. For example, in the Preferred Options (2013) it was assumed that in the villages and rural areas development would occur at 30 dwellings per hectare. In the Publication Draft (2014) it is assumed that development in the villages and rural areas would occur at 35 dwellings per hectare. We feel that for villages and rural areas a development density of 30 dwellings per hectare would be more appropriate.
- 9.6 The development density for suburban areas, which includes Haxby and Wigginton, is identified as 40 dwellings per hectare. Given the character and form of some suburban areas it is considered that such a density of development could be harmful particularly if a balanced development is to be provided. A development density of 40 dwellings per hectare is more characteristic of high density urban living rather than an extension to sustainable suburban areas and villages. It implies a high proportion of small tight knit dwellings which would be uncharacteristic of locations adjoining urban areas and villages which have typically been developed at about 25 dwellings per hectare. It would be reasonable to expect a development density above 30 dwellings per hectare but 40 dwellings per hectare is too high.
- 9.7 As to the proposed development densities of 50 dwellings per hectare for urban areas and 100 dwellings per hectare within the city centre, these densities of development are considered ambitious particularly where there is a need to incorporate open space. Development at this density may limit the marketability of the product and if this is the case it would not boost housing delivery.
- 9.8 The proposed densities and the increases in the yields from individual sites needs to be fully explained and justified.

- 9.9 The Council need to justify the density of development in the various areas and the increases in the yields from various sites in order to ensure that they are robust and are not going to lead to a shortfall in housing delivery.
- 9.10 On the basis of the above we object to the proposed development densities being applied in policy H2 and on individual sites.

Soundness

- 9.11 We consider that Policy H2 and the associated assumed yields applied to various allocations are unsound and not justified and will not ensure effective delivery of the housing requirement and is therefore inconsistent with national policy.

Modification

- 9.12 We suggest that that net development density is reduced and that greater flexibility is included in the policy to allow for balanced developments to be created.

10.0 Objection to Policy H3 – Housing Market

- 10.1 This policy is related to balancing the housing market. We do not object to the principle of this policy and indeed we welcome the acknowledgement in the Local Plan that the Council will *“seek to balance the housing market across the plan period”*. In this regard we welcome the use of the word *“seek”*. However, the policy then says that the applicants *“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”*. The use of the word *“required”* is onerous and is not reflective of the tone of the policy when read as a whole. For example, the policy goes on to state that *“the final mix of dwelling types and sizes will be subject to negotiation with the applicant”*.
- 10.2 Further, we also feel that it is unreasonable for an applicant to provide sufficient evidence to support their proposals particularly where a developer is providing a housing mix which is broadly in accordance with the identified need. This should be deleted.

Soundness

- 10.3 We consider that Policy H3 is unsound as it will not be effective, it is not justified, and is not consistent with national policy.

Modification

- 10.4 We suggest the policy should be modified to provide greater flexibility to allow for balanced developments to be created. In this regard we would suggest amending the policy to read *“Proposals for residential development should assist in balancing the housing market, unless material considerations indicate otherwise, by including a mix of types of housing that respond to and reflects the diverse mix of need across the city and the character of the locality.”*

11.0 Objection to the Allocation of ST33

- 11.1 This Site was not included as a housing site at Preferred Options (June 2013) or Further Sites Consultation (June 2014). Further evidence was submitted during the Further Sites Consultation and the site was reassessed. The Preferred Sites Consultation (July 2016) indicates that the site was reassessed and then identified as a draft housing allocation (H49) for 108 dwellings in the Publication Draft (September 2014) version of the local plan.
- 11.2 The site was indeed considered as part of the Further Sites Consultation and is assessed in Appendix 2: Residential Site Assessment Proformas (June 2014) of that document. The site however is identified as failing criteria 4, residential access to services, and was not moved to Technical Officer Assessment stage.
- 11.3 It is unclear, having failed the Council's own rigorous site assessment methodology how the site became a draft housing allocation in the Publication Draft (September 2014) and was then enlarged in the Preferred Options Consultation (July 2016).
- 11.4 In the Preferred Options Consultation (July 2016) the site is identified as a housing allocation referred to as H49. This allocation constitutes 6ha of land at Station Yard, Wheldrake. The site has an indicative capacity of 147 dwellings, of which all are to be constructed over the plan period (to 2032/33).
- 11.5 The site is bounded by residential development to the north and east with Millfield Industrial estate to the north-west. The south western boundary of the site is open to the Green Belt. In the technical summary of Annex 1 of the SHLAA, Council officers note that the south-western boundary appears to be open with no defensible boundary above ground.
- 11.6 As the site adjoins the Millfield Industrial Estate there is significant potential for noise, dust and other forms of pollution that could seriously impact upon the suitability of the site for residential development. There is also a serious concern that the location of residential properties on the site would restrict any further growth/new tenants on the industrial estate.
- 11.7 Further access to the site would need to be taken between two existing residential properties. The Preferred Options Consultation document notes that information is required to confirm that there is sufficient land available to widen the existing access into the site.
- 11.8 Further, H49, as part of this site was previously referred to in the HRA submitted in September 2014. Subsequently the site previously known as H49 was expanded to include additional Green Belt land and it became known as ST33.
- 11.9 The RSPB note that no Habitat Regulations Assessment ("HRA") has been completed for the allocation known as ST33 and therefore the allocation is at risk of being neither legally compliant with the Conservation of Habitats and Species Regulations 2010 nor sound, as it may not be effective, justified or consistent with national planning policy.

- 11.10 The Council's own documentation recognises the fact that in order to comply with the Conservation of Habitats and Species Regulations 2010 each stage of a new local plan must be accompanied by a HRA to establish whether the allocation of a site could affect the integrity of such sites, the likely impacts of a site and their significance, whether mitigation is needed to protect the sites and whether the adverse impacts can be offset.
- 11.11 With no HRA having been completed for the site the impacts of allocating site ST33 are unknown and the allocation does not comply with statutory legislation.

Soundness

- 11.12 We consider the allocation of ST33 to be unsound as the site has no defensible green belt boundary to the south-west, there are unresolved outstanding issues relating to the impact of the adjacent industrial estate, access and no Habitat Regulation Assessment has been completed which is fundamentally required. We consider that ST33 is not justified and will not ensure effective delivery of the housing requirement and is therefore inconsistent with national policy.

Modification

- 11.13 We suggest that the allocation known as ST33 should be deleted and H28 allocated in its place.

12.0 Objection to the Allocation of ST5

- 12.1 The Local Plan identifies this site as having a total site area of 78ha and a net developable area of 35ha. The Local Plan suggests that this proposed allocation will be a mixed-use development allegedly providing 1700 to 2500 dwellings of which a minimum of 1,500 will be delivered in the plan period and 100,000 sqm of office space (B1a).
- 12.2 We note that this will be an extremely challenging site to bring forward. Indeed, we are aware that Network Rail and its predecessors have been trying to develop the site since the 1960's/1970's (some fifty years) but development has never been brought forward. Given the length of time that this site has been theoretically available there is quite a considerable amount of doubt as to its viability and deliverability.
- 12.3 Our concern here is exacerbated by the fact that we still do not believe that there is any developer interest. The site is not attractive to the private sector due to the high risks of development.
- 12.4 We understand that the Council are seeking to de-risk the development with public funds but this will not necessarily bring the site forward as there is no or little track record within the City of York of large scale grade 'A' office space or high rise residential accommodation particularly for private purchasers. There are therefore few or no comparable projects to give developers confidence to invest in proposals for development on the site even if public funds are invested.
- 12.5 To make the scheme work there is a need to create high density, high rise family apartment accommodation (apartment blocks of between 6 and 8 storeys in height and houses of between 2 and 4 storeys) on the site and there is no or little comparable market information for this type of development in York. Therefore, the market is likely to be nervous of this type of development. Indeed, family apartments of the type envisaged by the Council on the York Central site may end up being more expensive than other housing options in and around the City. Therefore, people who wish to live at York Central will do so as a life style choice and this will limit sales and further depress developer interest.
- 12.6 Without confidence in the market place, interest in speculative development is likely to be slow. This would suggest to us that the proposed development, even if allocated, will take a considerable period of time to deliver – if at all.
- 12.7 Furthermore, given the historic importance of this skyline in York we are also concerned that a large cluster of tall buildings would have an adverse impact on the skyline and would be found to be unacceptable by Historic England and the Council's own heritage department.
- 12.8 In conclusion, there is currently no developer interest and insufficient evidence to demonstrate that site ST5 is suitable for the type and scale of development proposed or when the site will be genuinely available for development and that the proposed development is achievable in the timescales and quantum set out.

Soundness

- 12.9 We consider the allocation of ST5 to be unsound in that ST5 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 12.10 We do not suggest that the allocation known as ST5 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST5 should be 410 units as set out in the Publication Draft (2014). This level of development is more realistic and achievable.

13.0 Objection to the Allocation of ST14

Introduction

- 13.1 This allocation constitutes a new standalone settlement, or 'garden village' to the east of Skelton. The site has an indicative capacity of 1,348 dwellings, of which 1,200 dwellings are to be constructed over the plan period (to 2032).
- 13.2 This site was previously included within the Publication Draft (2014) as a strategic site with a total site area of 157 hectares and a total site capacity of 2,800 dwellings. This site was revised due to concerns relating to the Green Belt, historic character and setting.
- 13.3 The site is isolated from existing settlements and located within the agreed general extent of the York Green Belt. It is unclear why this site is considered appropriate to be removed from the Green Belt, and not smaller more sustainable sites which sit at the edge of existing settlements and which could deliver housing promptly and sustainably and thereby boosting housing supply in accordance with national policy.
- 13.4 We are not sure how the change in the size of the allocation has overcome these technical and policy concerns

Our Concerns

- 13.5 Our principle concern however relates to the delivery of the site and in particular the estimated yield within the plan period.
- 13.6 The Council have indicated in their letter to the Secretary of State in January 2018 and the Local Development Scheme (2017) that the Local Plan will be submitted to the Secretary of State at the end of May and that the plan will be examined between June and August 2018 with the Inspector's report being available towards the end of 2018. The Council have indicated that they hope to adopt the Local Plan in February 2019.
- 13.7 Lichfields, who have produced a well-considered and robust publication on the delivery of large scale housing schemes¹ estimate lead in times for developments. Lead in times relate to matters such as: -
- Securing outline planning permission;
 - Negotiations on S106;
 - The approval of reserved matters;
 - The discharge of conditions;
 - Completion of land purchases
 - Mobilisation; and

¹ Start to Finish – How Quickly do Large-Scale Housing Site Deliver? November 2016

- Infrastructure works.

13.8 Lead in times vary in relation to the stage that a proposal has reached and by the size of the site. The larger the site the more difficult the negotiations and matters that need to be resolved. The following table sets out a general and robust methodology for calculating lead in times.

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

13.9 To date no planning application has been submitted and the development of this site will require significant infrastructure works, particularly to obtain access, and extensive community facilities in order to deliver the proposed development and to make it sustainable.

13.10 ST14 is a large proposal which will generate a significant increase in traffic on the A1237. Capacity enhancements will need to be made to roads and junctions within the vicinity of the site in order to accommodate this development and these works will need to be undertaken in advance of the completion of any units. Providing sufficient access to and mitigating the impacts of the development will require substantial infrastructure to be put in place and this will take time to deliver.

13.11 If you apply the standard methodology adopted by Lichfields it is possible that a start of development works will occur 4 years from the point of assessment or 3.5 years after the submission of the outline application which is likely to be sometime in the future. For the purpose of this exercise we have assumed 4 years from April 2018. Therefore, a start of works can be assumed as April 2022.

13.12 In a similar fashion Lichfields' estimated delivery rates based on the size of the site. Lichfields indicate that small sites, less than 100 units, tend to be built by local or regional builders. On sites of less than 250 units only one volume house builder is normally active but on sites up to 500 units there may a second volume house builder and on sites over 500 units there may be a third volume house builder. See the table below.

	0-100 units	100-250 units`	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

- 13.13 We assume that there will be 3 different house builders on ST14. We have therefore assumed a delivery rate of 90 dwellings per annum.
- 13.14 If the lead in time is 4 years the residual Local Plan period will be 10 years. Building at 90 dwellings per annum and assuming a remaining 10 plan period ST14 would deliver 900 dwellings. A shortfall of 300 dwellings in comparison to the Local Plan's estimated yield.
- 13.15 There is a need to allocate a wide range and choice of housing sites throughout the District and the allocation of several extremely large sites, notably ST14 and ST15, does little to ensure a robust and longer-term level of housing delivery. In fact, the allocation of these two sites limits the number of outlets and the geographical distribution of sites and as a consequence it hinders housing land supply and delivery rather than boosting it.
- 13.16 As a consequence, it is considered that the Council should reinstate the proposed housing allocation known as H28 as the Council have already concluded that this Site is available, that the land is suitable for development and that development is achievable.

Soundness

- 13.17 We do not object to the principle of the allocation but we do consider the estimated yield from ST14 to be overly ambitious so as to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider the yield assumed for ST14 to be unsound in that ST14 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 13.18 We do not suggest that the allocation known as ST14 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST14 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

14.0 Objection to the Allocation of ST15

Introduction

- 14.1 This allocation is, to all intents and purposes, an entirely new settlement located within the open countryside to the west of Elvington. The site has an indicative site capacity of 3,339 dwellings, of which 2,200 dwellings will be constructed over the plan period (to 2032/33).
- 14.2 The site is currently located within the agreed general extent of Green Belt around the City of York. It is unclear why the Local Plan considers it to be appropriate to remove this large site from the Green Belt and not allocate other smaller more sustainable sites which are situated on the edge of existing settlements and which could deliver housing promptly and sustainably and thereby boosting housing supply in accordance with national policy.

Our Concerns

- 14.3 Our principle concern however relates to the delivery of the site and in particular the estimated yield within the plan period.
- 14.4 The Council have indicated in their letter to the Secretary of State in January 2018 and the Local Development Scheme (2017) that the Local Plan will be submitted to the Secretary of State at the end of May and that the plan will be examined between June and August 2018 with the Inspector's report being available towards the end of 2018. The Council have indicated that they hope to adopt the Local Plan in February 2019.
- 14.5 Lichfields, who have produced a well-considered and robust publication on the delivery of large scale housing schemes² estimate lead in times for developments. Lead in times relate to matters such as: -
- i) Securing outline planning permission;
 - ii) Negotiations on S106;
 - iii) The approval of reserved matters;
 - iv) The discharge of conditions;
 - v) Completion of land purchases
 - vi) Mobilisation; and
 - vii) Infrastructure works.
- 14.6 Lead in times vary in relation to the stage that a proposal has reached and by the size of the site. The larger the site the more difficult the negotiations and matters that need to be resolved. The following table sets out a general and robust methodology for calculating lead in times.

² Start to Finish – How Quickly do Large-Scale Housing Site Deliver? November 2016

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

- 14.7 ST15 is a large-scale proposal located in an isolated position within the open countryside and the Green Belt. No planning application has been submitted and the development of this site will require significant infrastructure works, particularly to obtain access, and extensive community facilities in order to deliver the proposed development and to make it sustainable.
- 14.8 If you apply the standard methodology adopted by Lichfields it is possible that a start of development works will occur 4 years from the point of assessment or 3.5 years after the submission of the outline application which is likely to be sometime in the future. For the purpose of this exercise we have assumed 4 years from April 2018. Therefore, a start of works can be assumed as April 2022.
- 14.9 In a similar fashion Lichfields' estimated delivery rates based on the size of the site. Lichfields indicate that small sites, less than 100 units, tend to be built by local or regional builders. On sites of less than 250 units only one volume house builder is normally active but on sites up to 500 units there may be a second volume house builder and on sites over 500 units there may be a third volume house builder. See the table below.

	0-100 units	100-250 units`	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

- 14.10 We assume that there will be 3 different house builders on the site. We have therefore assumed a delivery rate of 90 dwellings per annum.
- 14.11 If the lead in time is 4 years the residual Local Plan period will be 10 years. Building at 90 dwellings per annum and assuming a remaining 10 year plan period then ST15 would deliver 900 dwellings. A shortfall of 1300 dwellings in comparison to the Local Plan's estimated yield.
- 14.12 There is a need to allocate a wide range and choice of housing sites throughout the District and the allocation of several extremely large sites, notably ST14 and ST15, does little to ensure a robust and longer-term level of housing delivery. In fact, the allocation of these two sites limits the number of outlets and the geographical distribution of sites and as a consequence it hinders housing land supply and delivery rather than boosting it.

- 14.13 As a consequence, it is considered that the Council should reinstate the proposed housing allocation known as H28 as the Council have already concluded that this Site is available, that the land is suitable for development and that development is achievable.

Soundness

- 14.14 We do not object to the principle of the allocation but we do consider the estimated yield from ST15 to be unrealistic and to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider the yield assumed for ST15 to be unsound in that ST15 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 14.15 We do not suggest that allocation known as ST15 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST15 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

15.0 Objection to Lack of Safeguarded Land Policy

- 15.1 The NPPF states in paragraph 79 that the *'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence'*. It is clear from the above that a Green Belt should be permanent.
- 15.2 The NPPF does not define the term permanence or how long a Green Belt should remain unaltered. However, it is at least 5 years beyond the end of the plan period but more commonly it is 10 years.
- 15.3 Paragraph 83 of the NPPF indicates that authorities should consider Green Belt boundaries having regard to their intended permanence in the long term so that they can be capable of enduring beyond the plan period. Whilst the term permanence is not defined it is clear that a Green Belt should endure for a period longer than the plan period which, in this case, ends in 2032.
- 15.4 By the time that the plan is adopted it will be at least 2019 leaving a residual plan period of only 13 or 14 years.
- 15.5 In accordance with paragraph 84 of the NPPF, when drawing up or reviewing Green Belt boundaries local authorities are required to take account of the need to promote sustainable patterns of development.
- 15.6 In order to do this, paragraph 85 of the NPPF indicates that local planning authorities should:
- *"Ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
 - *Not include land which it is unnecessary to keep permanently open;*
 - *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;*
 - *Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
 - *Satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
 - *Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent."*
- 15.7 The above means that: -
- To achieve sustainable development a local authority needs to take account of the objectively assessed need for development and provide sufficient land to accommodate this need.
 - The guidance advises that local planning authorities should not include land that does not need to be kept permanently open.
 - It is also apparent from paragraph 85 that when defining a Green Belt, a local authority needs to consider the development needs of the district which are to be met during the plan period

as well as the longer-term development needs of the district. The term “*stretching well beyond the plan period*” is significant. Well beyond implies a period greater than a few years.

- The ‘*where necessary*’ term in paragraph 85 of the NPPF applies, in our view, to situations where there is a need to allow for longer term development. So that this need can be met in due course, land should be safeguarded for the purposes of development and by identifying such land ‘*the Green Belt can be protected from encroachment thus ensuring its boundaries remain permanent.*’

15.8 What is clear from the NPPF is that when defining a Green Belt, the Green Belt should be permanent and endure well beyond the plan period and that a local authority should meet its identified development needs both during the plan period and beyond without needing to undertake an early review of the plan.

15.9 Within the Local Plan no safeguarded land is proposed. The reason given for this is that there are a few Strategic Sites identified within the document that have an anticipated build out time beyond the plan period. However, the number of the strategic sites available to provide for the longer-term development needs of the City is severely limited. Some of the identified sites are small and as allocations there is nothing stopping them being built out during the plan period.

15.10 The table below provides details of the strategic sites that the Council have identified to provide the additional housing capacity after the plan period has finished:

Site	Site Name	Plan period capacity	Overall Capacity	Additional capacity following plan period
ST5	York Central	1500	1700-2500	200- 1000
ST14	Land West of Wigginton Road	1200	1348	148
ST15	Land West of Elvington Lane	2200	3339	1139
ST36	Imphal Barracks, Fulford Road	0	769	769
Total				2306 - 3056

15.11 Only four strategic sites are identified by the Council as delivering residential development at the end of the plan period.

15.12 The City of York Council identify ST5 and ST15 as the two sites which will provide the majority of the additional housing with ST14 contributing a smaller but significant quantity.

15.13 Site ST36 is not proposed to come forward until after the plan period as The Defence Infrastructure Organisation are not intending to dispose of the Site until 2031. There are several potential issues with the delivery of this site relating to historic interest and archaeology which will need to be

investigated in detail to allow the site to come forward and may result in delays to development and/or a reduction in developable area.

- 15.14 This raises some serious concerns. The NPPF requires local planning authorities to maintain a 5-year housing land supply. It is clear from the above that even if the 4 sites identified by the Council were to deliver housing in the period 2032/33 to 2037/38 these 4 sites would not be sufficient to enable the Council to demonstrate a 5-year housing land supply as there is only so many units that can be delivered from any one site. There are simply not enough potential outlets in the supply to achieve a 5-year housing land supply. Further as two thirds of the total supply is in two sites and as we anticipate that these sites will deliver about 90 dwellings per annum it is clear that they will be delivering completions well beyond 2037/38. This further reduces the 5-year housing land supply. Effectively it would mean that before the end date of the plan period the Council would need to undertake a review of the plan to identify additional sites to ensure that the Council could maintain a 5-year housing land supply. If there is no 5-year housing land supply the Green Belt will have to be amended in 2032 or before resulting in the Green Belt not enduring for a minimum of 20 years.
- 15.15 Consequently, the life of the Green Belt around York, from adoption to modification, will be no more than 12 to 13 years and probably less. This short period of time cannot be regarded as comprising a permanent Green Belt around York. Consequently, the approach in the Local Plan of not providing a wide range and choice of safeguarded land sites is contrary to the NPPF.

Soundness

- 15.16 We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded site to contrary to national policy.

Modification

- 15.17 The inclusion of a safeguarded land policy and an appropriate quantum of safeguarded land sites.

16.0 Objection to Lack of Safeguarded Land Allocation

- 16.1 In previous iterations of the Local Plan, the Council have accepted that the sites allocated for development performed little or no Green Belt purposes. Paragraph 85 of the NPPF indicates that land should not be kept within the Green Belt which is unnecessary to be kept permanently open. The Council have therefore already accepted that the sites previously allocated for housing development do not need to be kept permanently open.
- 16.2 At the very least, and in the alternative to a housing allocation in the Local Plan, it is clear that the sites that were previously identified as housing allocations should now be allocated as safeguarded land.

Soundness

- 16.3 We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

Modification

- 16.4 The inclusion of H28 as a safeguarded land site as an alternative to a housing allocation.

Appendix 1 – Site Location Plan



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Appendix 2 – Draft Housing Layout



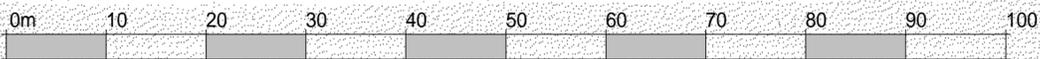
Accommodation

Type	Name	Description	Area	Total
WE	Welton	2 bed semi/terrace	645ft ²	13no 8385ft ²
RU	Russet	3 bed semi/terrace	884	7no 6188
WE	Welton	2 bed semi/terrace	645	7no 4515
MA	Marston	3 bed semi	843	4no 3372
MA	Marston	3 bed det house	843	6no 5058
EV	Everingham	3 bed det house	1012	3no 3036
CO	Conisholme	3 bed det house	1143	4no 4572
BU	Burnby	4 bed det house	1176	5no 5880
HU	Hunsley	4 bed det house	1436	3no 4308
AL	Allerthorpe	4 bed det house	1360	3no 4080
RI	Ripplingham	4 bed det house	1603	3no 4809
C2	C2	4 bed det house	1781	2no 3562
HA	Hayton	4 bed det house	1822	3no 5466
PO	Poppleton	5 bed det house (2.5st)	2034	2no 4068
C1	C1	5 bed det house (2.5st)	2211	1no 2211
TOTAL				66no 69510ft²

Approximate Areas

- Gross site: 2.69ha (6.65acres)
 - Green space: 0.476ha (1.18acres)
 - Easment/pump st: 0.101ha (0.25acres)
 - Net site: 2.113ha (5.22acres)
- Density: 24.5/ha gross; 31.2/ha net
 Coverage: 10453ft²/acre gross; 13316ft²/acre net

Sketch Layout 2
North Lane, Wheldrake



1:500 @ A2

Appendix 3 – The Officers Report from the Local Plan Working
Group (July 2017)

Allocation Reference	Site Name	Officer Commentary
Site H25 Cont...	Heworth Green North Continued....	<p>boundaries to the site. To the north east is the Heworth Gas Works allocation (H1). Representation from landowners confirms that the site is partly in flood zone 2 and not 3a and that this should not be a showstopper as can be mitigated through design. Site boundary submitted through PSC consultation shows site with reduced boundary due to road alignment. This reduces the site area to 0.19ha and therefore is under the 0.2ha site allocation threshold for Local Plan allocation. If the site was to come forward through the planning application process it would therefore be treated as a small site windfall.</p> <p>Officers consider therefore that the site should be deleted as an allocation within the Plan as it is under threshold. See map on page 87.</p>
Site H28	Land to north of North Lane, Wheldrake	<p><u>Deleted H28: Land North of North Lane, Wheldrake</u></p> <p>Total Representations: 7 Supports: 5 Objections: 1 Comments: 1</p> <p>Those supporting the site's removal from the plan do so principally on the grounds that the site is currently Greenfield/ draft green belt and would result in the loss of natural open space. Further access issues and highway safety concerns have been raised. Drainage/sewerage is noted as being a problem in the North Lane area.</p> <p>The prospective developer (Linden Homes) objects to the site's proposed deletion. They consider that the site serves no (or limited) green belt purpose, and that (in response to particular issues raised in PSC, 2016) there are two available vehicular access points to serve the site. On this basis there is no constraint to development and as such it should be allocated for housing.</p> <p>The site was removed from the PSC due to concerns regarding site access which required further detailed survey/analysis. The PSC stated that the proposed access via Cranbrooks, North Lane or Valley View needed to be investigated further given they are narrow residential streets and that there were potential visibility and footways issues. The representation and</p>

Allocation Reference	Site Name	Officer Commentary
Site H28 Cont...	Land to north of North Lane, Wheldrake Continued....	<p>further technical evidence received through the consultation demonstrates that whilst the site has three potential access points via North Lane, Cranbrooks and Valley View that North Lane is the preferred access point and this is supported by the Transport Statement. Assessment through the technical officer groups confirms that there is no 'access' showstopper as the principle of access can be adequately demonstrated.</p> <p>Officers consider therefore that the site could be included as an allocation within the Plan see map on page 88.</p>
Site H37	Land at Greystones, Haxby	<p><u>Deleted H37: Greystones, Haxby</u></p> <p>Total Representations: 7 Supports: 6 Objections: 1 Comments: 0</p> <p>General support for the site's removal from the emerging Plan, including from Haxby Town Council and Strensall with Towthorpe PC, given the likely impact of the scale of development on Haxby's road network.</p> <p>The Developer/landowner refute objections raised to the site's development, namely in relation to technical constraints identified (drainage, green belt and transport). They point to the Council's earlier support for the site as an allocation (Publication stage (Sept 2014)). They consider that, as is the case with any new development, it will be required to address any infrastructure deficiencies through appropriate CIL payments at a future planning application stage. The site is promoted alongside a generous provision of enhanced, public open space (incorporating a woodland walk, balancing ponds and reed beds) which is proposed to be dedicated to York City Council/ or Haxby Town Council in perpetuity and to remain within the green belt.</p> <p>The site was removed from the PSC primarily due to potential drainage and flood risk issues. The site contains elements of flood risk 2 and is adjacent to flood risk zone 3b. The representation confirms that the total site area is 3.57ha with a 1.95ha developable area</p>

Appendix 4 – A Table of Allocation Densities

Housing Density Table

Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)	
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		
H1	3.54	283	80	3.54	336	95	+19%	2.87	271	94	-1%	2.87	271	94	0	
								0.67	65	97	+2%	0.67	65	97	0	
H2A	2.33	98	42	Deleted				Deleted				Deleted				
H2B	0.44	18	41	Deleted				Deleted				Deleted				
H3	2.7	25	9	3.9	81	21	+133%	1.9	72	38	+81%	1.9	72	38	0	
H4	2.56	157	60	Deleted				Deleted				Deleted				
H5	2.24	72	32	3.64	137	38	+19%	3.64	162	45	+18%	3.64	162	45	0	
H6	1.53	49	32	Deleted				1.53	Specialist Housing use class C3b – supported housing			1.53	Specialist Housing use class C3b – supported housing			
H7	1.72	73	42	1.72	86	50	+19%	1.72	86	50	0	1.72	86	50	0	
H8	1.57	50	32	1.57	60	38	+19%	1.57	60	38	0	1.57	60	38	0	
H9	1.3	42	32	Deleted				Deleted				Deleted				
H10	0.78	187	240	0.96	Deleted	195	-19%	0.96	187	195	0	0.96	187	195	0	
H11	0.78	33	42	Deleted				Deleted				Deleted				
H12	0.77	33	43	Deleted				Deleted				Deleted				
H13	1.30	55	42	Deleted				Deleted				Deleted				
H14	0.55	220	400	Deleted				Deleted				Deleted				

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H15	0.48	27	56	Deleted				Deleted				Deleted			
H16	1.76	57	32	Deleted				Deleted				Deleted			
H17	0.80	37	46	Deleted				Deleted				Deleted			
H18	0.39	13	33	Deleted				Deleted				Deleted			
H19	0.36	16	44	Deleted				Deleted				Deleted			
H20	0.33	15	45	0.33	17	52	+16%	0.33	56	170	+8%	0.33	56	170	0
H21	0.29	11	38	0.29	12	41	+8%	Deleted				Deleted			
H22	0.29	13	45	0.29	15	52	+16%	0.29	15	52	0	0.29	15	52	0
H23	0.25	11	44	Deleted				0.25	11	44	-	0.25	11	44	0
H25	0.22	20	90	Deleted				Deleted				Deleted			
H26	4.05	114	28	Deleted				Deleted				Deleted			
H27	4.00	102	25.5	Deleted				Deleted				Deleted			
H28	3.15	88	28	Deleted				Deleted				Deleted			
H29	2.65	74	28	2.65	88	33	+18%	2.65	88	33	0	2.65	88	33	0
H30	2.53	71	28	Deleted				Deleted				Deleted			
H31	2.51	70	28	2.51	84	34	+21%	2.51	76	30	-12%	2.51	76	30	0
H32	2.22	47	21	Deleted				Deleted				Deleted			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H33	1.66	46	28	Deleted				Deleted				Deleted			
H34	1.74	49	28	Deleted				Deleted				Deleted			
H35	1.59	44	28	Deleted				Deleted				Deleted			
H37	3.47	34	10	Deleted				Deleted				Deleted			
H38	0.99	28	28	0.99	33	33	+18%	0.99	33	33	0	0.99	33	33	0
H39	0.92	29	32	0.92	32	35	+9%	0.92	32	35	0	0.92	32	35	0
H40	0.82	26	32	Deleted				Deleted				Deleted			
H43	0.25	8	32	0.25	12	48	+50%	Deleted				Deleted			
H46	4.16	118	28	2.74	104	38	+36%	2.74	104	38	0	2.74	104	38	0
H47	1.11	37	33	Deleted				Deleted				Deleted			
H48	0.42	15	36	Deleted				Deleted				Deleted			
H49	3.89	108	30	Deleted				Deleted				Deleted			
H50	2.92	70	24	Deleted				Deleted				Deleted			
H51	0.23	10	43	0.23	12	52	+21%	Deleted				Deleted			
H52	n/a			0.2	10	50	-	0.2	15	75	+50%	0.2	15	75	0
H53	n/a			0.33	11	33	-	0.33	4	12	-64%	0.33	4	12	0
H54	n/a			1.3	46	35	-	Deleted				Deleted			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H55	n/a			0.2	20	100	-	0.2	20	100	0	0.2	20	100	0
H56	n/a			4	190	48	-	4	70	18	-63%	4	70	18	0
H57	n/a			2.8	93	33	-	<i>Deleted</i>			<i>Deleted</i>				
H58	n/a			n/a				0.7	25	36	-	0.7	25	36	0
H59	n/a			n/a				1.34	45	34	-	1.34	45	34	0
ST1	40.70	1140	28	40.7	1140	28	0	46.3	1,200	26	-7%	46.3	1,200	26	0
ST2	10.43	289	28	10.4	292	28	0	10.4	266	26	-7%	10.4	266	26	0
ST3	7.80	197	25	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST4	7.54	230	30.5	7.54	211	28	-8%	7.54	211	28	0	7.54	211	28	0
ST5	10.55	410	38.9	35	1250	36	-7%	35	845	24	-33%	35	1,700	49	+101%
ST7	113.28	1800	16	34.5	805	23	+44%	34.5	845	24	+4%	34.5	845	24	0
ST8	52.28	1400	27	39.5	875	22	-18%	39.5	968	24	+9%	39.5	968	24	0
ST9	33.48	747	22	35	735	21	-5%	35	735	21	0	35	735	21	0
ST11	13.76	400	29	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST12	20.08	421	21	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST13	5.61	125	22	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST14	157.09	2800	18	55	1348	25	+36%	55	1348	25	0	55	1348	25	0

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
ST15/ST34)	392.58	4680	12	159	3339	21	+75%	159	3339	21	0	159	3339	21	0
ST16	10.23	395	39	2.04	89	44	+156%	2.18	Phase 1: 22	10	+16%	2.18	Phase 1: 22	10	0
ST16	10.23	175	17						Phase 2: 33	15			Phase 2: 33	15	
									Phase 3: 56	26			Phase 3: 56	26	
ST17 (N)	7.16	315	44	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST17 (S)		130	18	6.8	315	46	+5%	2.35	Phase 1: 263	112	+422%	2.35	Phase 1: 263	112	0
							4.7	Phase 2: 600	128	4.7		Phase 2: 600	128		
ST22	34.59	655	19	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST23 (P 2)	21.91	117	5	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST23 (P 3&4)		342	16	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST24	10.32	10	1	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST28	5.09	87	17	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST29	5.75	135	24	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
ST30	5.92	165	28	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST31	n/a			8.1	170	21	-	8.1	158	20	-5%	8.1	158	20	0
ST32	n/a			4.8	305	64	-	2.17	328	151	+136%	2.17	328	151	0
ST33 (H45)	n/a			6	147	25	-	6	147	25	0	6	147	25	0
ST35	n/a			n/a				28.8	578	20	-	28.8	500	17	-14%
ST36	n/a			n/a				18	769	43	-	18	769	43	0

Appendix 5 – Lichfields' Technical Report on Housing Issues

City of York Local Plan Publication Draft

Technical Report on Housing Issues

Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd and Bellway Homes

March 2018

LICHFIELDS

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1.0 Introduction

- 1.1 Lichfields has been commissioned by Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd & Bellway Homes [the Companies] to undertake a review of City of York Council's housing requirement and housing supply that has formed a key part of the evidence base to inform the City of York Local Plan Publication [LPP] Draft Consultation (March 2018).
- 1.2 Specifically, this report updates our September 2017 Technical Report on Housing Issues and provides a critique of the Objective Assessment of Housing Needs [OAHN] set out in the City of York Strategic Housing Market Assessment [SHMA] Assessment Update (September 2017, prepared by GL Hearn) following previous representations on behalf of the Companies on the 2016 SHMA and 2016 SHMA Addendum.
- 1.3 It also provides high level comments on the Council's housing land supply based on the evidence set out in the following documents:
- 1 The City of York Strategic Housing Land Availability Assessment [SHLAA] (September 2017);
 - 2 The City of York Local Plan Publication Draft (March 2018);
 - 3 Half Year Housing Monitoring Update for Monitoring Year 2017/18 (1st April 2017 to 30th September 2017); and,
 - 4 The City of York Windfall Allowance Technical Paper 2017 (SHLAA Annex 5).
- 1.4 Lichfields considers that on the basis of the contents of this report, the City of York Council is not providing sufficient land to meet the housing needs of the City and further sites should be allocated for housing development as part of the emerging Local Plan.
- 1.5 The remainder of this report is set out as follows:
- 1 **Section 2.0** - This section considers the approach which needs to be taken to calculating Objectively Assessed Housing Need [OAHN] and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
 - 2 **Section 3.0** – This section provides an overview of the findings of the 2016 SHMA and 2016 SHMA addendum, a summary of Lichfields response to these documents, and an overview of the findings of the September 2017 SHMA Assessment Update;
 - 3 **Section 4.0** - Provides a critique of the September 2017 SHMA Assessment Update. This Section sets out the extent to which the document fulfils the necessary requirements previously discussed and whether it represents the full, objectively assessed housing need for the City of York. **Appendix 1** sets out Lichfields' assessment of Market Signals in the City of York;
 - 4 **Section 5.0** - Considers the approach which needs to be taken to assessing housing land supply and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
 - 5 **Section 6.0** – Provides an overview of the Council's housing supply evidence;
 - 6 **Section 7.0** – Identifies the relevant housing requirement figures to be used for both the 5-year assessment and the plan period assessment;
 - 7 **Section 8.0** - Assesses the adequacy of the deliverable and developable supply of housing sites to meet the requirement for the plan period and 5-year period. It draws on the information supplied by the Council in the LPP and associated evidence base;
 - 8 **Section 9.0** - Assesses the housing supply against the OAHNs for York identified by the Council and by Lichfields; and,

- 9 **Section 10.0** Summarises the key issues within the Councils evidence base and sets out why it is not compliant with the requirements for an OAHN calculation and housing land supply.

2.0 Approach to Identifying OAHN

Introduction

- 2.1 This section sets out the requirements of the Framework and the Practice Guidance in objectively assessing housing needs. This will provide the benchmark against which the SHMA Assessment Update will be reviewed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of an OAHN calculation in a legal context.

Policy Context

National Planning Policy Framework

- 2.2 The Framework outlines a two-step approach to setting housing requirements in Local Plans. Firstly, to define the full objectively assessed need for development and then secondly, to set this against any adverse impacts or constraints which would mean that need might not be met. This is enshrined in the approach defined in the Framework which sets out the presumption in favour of sustainable development:

“For plan-making this means that:

- *LPAs should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”¹*

- 2.3 The Framework goes on to set out that in order to 'boost significantly' the supply of housing, LPAs should:

“use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the framework...”²

- 2.4 The Framework sets out the approach to defining such evidence which is required to underpin a local housing requirement. It sets out that in evidencing housing needs:

“LPAs should have a clear understanding of housing needs in their area. They should:

- *prepare a SHMA to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:*
 - *meets household and population projections, taking account of migration and demographic change;*

¹ Framework - §14

² Framework - §47

- *addresses the need for all types of housing, including affordable housing and the needs of different groups in the community...; and*
- *caters for housing demand and the scale of housing supply necessary to meet this demand... ”³*

2.5 Furthermore, the core planning principles set out in the Framework⁴ indicate that a planned level of housing to meet objectively assessed needs must respond positively to wider opportunities for growth and should take account of market signals, including housing affordability.

Draft National Planning Policy Framework

2.6 The Framework draft text for consultation was published in March 2018. It has an unequivocal emphasis on housing, with the introduction to the consultation proposals clarifying that the country needs radical, lasting reform that will allow more homes to be built, with the intention of reaching 300,000 net additional homes a year. The draft states that to support the Government’s objective of ‘significantly boosting the supply of homes’, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay [§60].

2.7 In particular:

“In determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment, conducted using the standard method in national planning guidance – unless there are exceptional circumstances that justify an alternative approach which also reflects current and future demographic trends and market signals. In establishing this figure, any needs that cannot be met within neighbouring areas should also be taken into account”. [§61]

2.8 The draft also makes it clear that when identifying the housing need, policies should also break the need down by size, type and tenure of homes required for different groups in the community (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes) [§62].

2.9 Paragraphs 68 - 78 also set out how Councils should identify and maintain a five years’ worth of housing against their housing requirement.

2.10 In terms of the weight that can be attached to this draft document, it is accepted that only limited weight can be attached to the document at present as it is still out for consultation. In this regard, paragraph 209 to Annex 1 of the draft Framework states that the policies in the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before the date which is 6 months after the final Framework’s publication. *“in these cases the examination will take no account of the new Framework”*.

2.11 However the draft Framework remains a useful indicator of the direction of travel, not least with the approach to be taken to defining housing need, which has already been the subject of an earlier consultation (*‘Planning for the right homes in the right places’*, September 2017), to which MHCLG published a summary of consultation responses and its view on the way forward in March 2018.

³ Framework - §159

⁴ Framework - §17

National Planning Practice Guidance

- 2.12 The Framework is supplemented by the Practice Guidance which provides an overarching framework for considering housing needs, but also acknowledges that:

“There is no one methodological approach or use of a particular dataset(s) that will provide a definitive assessment of development need”⁵.

- 2.13 The Guidance states that household projections published by CLG should provide the starting point estimate of overall housing need⁶.

- 2.14 Although the Practice Guidance notes that demographic trends should be applied as a starting point when assessing the OAHN, it goes on to state that consideration should also be given to the likely change in job numbers. This supports the importance that the Framework⁷ places on the economy and the requirement to *“ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals”*. A failure to take account of economic considerations in the determination of the OAHN would be inconsistent with this policy emphasis.

- 2.15 The Inspector at the Fairford Inquiry⁸ recognised the role of economic factors in the assessment of the OAHN for Cotswold District:

“The Council has not provided a figure for OAN which takes account of employment trends. The Council argues that the advice in the PPG does not require local planning authorities to increase their figure for OAN to reflect employment considerations, but only to consider how the location of new housing or infrastructure development could help address the problems arising from such considerations. I disagree. In my view, the PPG requires employment trends to be reflected in the OAN, as they are likely to affect the need for housing. They are not “policy on” considerations but part of the elements that go towards reaching a “policy off” OAN, before the application of policy considerations. There is no evidence that the Council’s figures reflect employment considerations” [IR. §19].

- 2.16 This view reflects the position expressed by the Inspector (and confirmed by the Secretary of State) in the Pulley Lane Inquiries in Droitwich Spa⁹. The Inspector’s report (which was accepted by the SoS) states that:

“The Council’s case that “unvarnished” means arriving at a figure which doesn’t take into account migration or economic considerations is neither consistent with the (Gallagher) judgment, nor is it consistent with planning practice for deriving a figure for objectively assessed need to which constraint policies are then applied. Plainly the Council’s approach is incorrect. Clearly, where the judgement refers to ‘unvarnished’ figures (paragraph 29) it means environmental or other policy constraints. There is nothing in the judgement which suggests that it is not perfectly proper to take into account migration, economic considerations, second homes and vacancies”. [IR. §8.45]

- 2.17 Housing need, as suggested by household projections, should be adjusted to reflect appropriate market signals, as well as other market indicators of the balance between the demand for and supply of dwellings. Relevant signals may include land prices, house prices, rents, affordability (the ratio between lower quartile house prices and the lower quartile income or earnings can be

⁵ Practice Guidance – ID:2a-005-20140306

⁶ Practice Guidance – ID:2a-015-20140306

⁷ Framework - §158

⁸ Land South of Cirencester Road, Fairford (PINS Ref No: APP/F1610/A/14/2213318) (22 September 2014).

⁹ Land at Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (APP/H1840/A/13/2199085) and Land north of Pulley Lane, Newland Road and Primsland Way, Droitwich Spa (PINS Ref No: APP/H1840/A/13/2199426) (2 July 2014).

used to assess the relative affordability of housing), rate of development and, overcrowding¹⁰:

“Appropriate comparisons of indicators should be made. This includes comparison with longer term trends (both in absolute levels and rates of change) in the: housing market area; similar demographic and economic areas; and nationally. A worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections.”¹¹

- 2.18 In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be¹².
- 2.19 The Guidance recognises that market signals are affected by a number of economic factors, and plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period¹³.
- 2.20 The Practice Guidance concludes by suggesting that the total need for affordable housing should be identified and converted into annual flows by calculating the total net need (subtracting total available stock from total gross need) and converting total net need into an annual flow.
- 2.21 The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments:

“An increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes.”¹⁴

Draft Planning Practice Guidance

- 2.22 Following on from the draft Framework, on 9th March 2018 MHCLG published its draft Planning Practice Guidance for consultation. This provides further detail on 6 main topic areas: viability; housing delivery; local housing need assessments; Neighbourhood Plans; Plan-making and Build-to-rent.
- 2.23 Regarding housing delivery, the draft Practice Guidance sets out how local authorities should identify and maintain a 5-year supply of specific deliverable sites, bringing the Guidance into line with recent Ministerial statements and High Court Judgements. In particular, it clarifies that along with older peoples’ housing, all student accommodation can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market.
- 2.24 Furthermore, LPAs should deal with deficits or shortfalls against planned requirements within the first 5 years of the plan period (i.e. the ‘Sedgefield’ approach to backlog).
- 2.25 In terms of the Local Housing Need Assessment, this takes forward the approach set out in CLG’s September 2017 consultation on *“Planning for the right homes in the Right Places”*. The proposed approach to a standard method for calculating local housing need, including transitional arrangements, is set out and as before, consists of three components. The starting point would continue to be a demographic baseline using the latest CLG household projections

¹⁰ Practice Guidance – ID:2a-019-20140306

¹¹ Practice Guidance – ID:2a-020-20140306

¹² Practice Guidance – ID:2a-020-20140306

¹³ *ibid*

¹⁴ Practice Guidance – ID: 2a-029-20140306

(over a 10-year time horizon), which is then modified to account for market signals (the median price of homes set against median workplace earnings). The modelling proposes that each 1% increase in the ratio of house prices to earnings above 4 results in a ¼% increase in need above projected household growth.

2.26 The uplift is then capped to limit any increase an authority may face when they review their plan:

- a *“for those authorities that have reviewed their plan (including a review of local housing need) or adopted their plan in the last five years, a cap may be applied to their new annual local housing need figure at 40 per cent above the average annual requirement figure currently set out in their plan; or*
- b *for those authorities that have not reviewed their plan (including a review of local housing need) or adopted their plan in the last five years, a cap may be applied to their new annual local housing need figure at 40% above whichever is higher of the projected household growth for their area over the 10 years (using Office for National Statistics’ household projections), or the annual housing requirement figure set out in their most recent plan if one exists.” [page 25]*

2.27 The various stages are set out in Figure 2.1.

Figure 2.1 Proposed methodology for determination of OAHN



Source: Lichfields

2.28 In terms of the ability of LPAs to deviate from this proposed new methodology, this is discouraged unless there are compelling circumstances not to adopt the approach. For example:

“There may be circumstances where it is justifiable to identify need above the need figure identified by the standard method. The need figure generated by the standard method should be considered as the minimum starting point in establishing a need figure for the purposes of plan production. The method relies on past growth trends and therefore does not include specific uplift to account for factors that could affect those trends in the future. Where it is likely that additional growth (above historic trends identified by household

projections) will occur over the plan period, an appropriate uplift may be applied to produce a higher need figure that reflects that anticipated growth. Circumstances where an uplift will be appropriate include, but are not limited to; where growth strategies are in place, strategic level infrastructure improvements are planned, funding is in place to promote and facilitate growth (i.e. Housing Deals, Housing Infrastructure Fund). In these circumstances, the local housing need figure can be reflected as a range, with the lower end of the range being as a minimum the figure calculated using the standard method. Where an alternative approach identifies a need above the local housing need assessment method, the approach will be considered sound, unless there are compelling reasons to indicate otherwise.” [page 26]

2.29 As to whether LPAs can identify a lower level of need, as York City Council is suggesting:

“Plan-making authorities should use the standard method for assessing local housing need unless there are exceptional circumstances to justify an alternative approach. Any deviation which results in a lower housing need figure than the standard approach will be subject to the tests of soundness and will be tested thoroughly by the Planning Inspectorate at examination. The plan-making authority will need to make sure that the evidence base is robust and based on realistic assumptions, and that they have clearly set out how they have demonstrated joint working with other plan-making authorities. In such circumstances, the Planning Inspector will take the number from the standard method as a reference point in considering the alternative method.” page 26]

2.30 Lichfields notes the following with regard to the weight to be can be attached to MHCLG’s proposed new method:

- 1 **Status of the document:** MHCLG’s document is currently out for consultation, has yet to be finalised and may be subject to significant numbers of objections from interested parties;
- 2 **Proposed Transitional Arrangements:** As noted in the draft Framework above, the policies in the previous Framework will apply for the purposes of examining plans, where those plans are submitted on or before the date which is 6 months after the final Framework’s publication.

Recent Legal Judgements

2.31 There have been several key recent legal judgments of relevance to the identification of OAHN, and which provide clarity on interpreting the Framework:

- 1 ‘St Albans City and District Council v (1) Hunston Properties Limited and (2) Secretary of State for Communities and Local Government [2013] EWCA Civ 1610’ referred to as “Hunston”;
- 2 ‘(1) Gallagher Homes Limited and (2) Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283’ referred to as “Solihull”;
- 3 ‘Satnam Millennium Limited and Warrington Borough Council [2015] EWHC 370’ referred to as “Satnam”; and,
- 4 ‘Kings Lynn and West Norfolk Borough Council v (i) Secretary of State for Communities and Local Government and (ii) Elm Park Holdings [2015] EWHC 1958’ referred to as “Kings Lynn”.

Hunston

- 2.32 “Hunston” [EWCA Civ 1610] goes to the heart of the interpretation of the Framework¹⁵. It relates to an appeal decision in respect of a scheme predominantly comprising housing on a Green Belt site. Its relevance is that it deals with the question of what forms the relevant benchmark for the housing requirement, when policies on the housing requirement are absent, silent or out of date as referred to in the Framework¹⁶.
- 2.33 Hunston establishes that §47 applies to decision-taking as well as plan-making and that where policies for the supply of housing are out of date, objectively assessed needs become the relevant benchmark.
- 2.34 Sir David Keene in his judgment at §25 stated:
- “... I am not persuaded that the inspector was entitled to use a housing requirement figure derived from a revoked plan, even as a proxy for what the local plan process may produce eventually. The words in paragraph 47(1), “as far as is consistent with the policies set out in this Framework” remind one that the Framework is to be read as a whole, but their specific role in that sub-paragraph seems to me to be related to the approach to be adopted in producing the Local Plan. If one looks at what is said in that sub-paragraph, it is advising local planning authorities:*
- “...to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework.”*
- “That qualification contained in the last clause quoted is not qualifying housing needs. It is qualifying the extent to which the Local Plan should go to meet those needs. The needs assessment, objectively arrived at, is not affected in advance of the production of the Local Plan, which will then set the requirement figure.”*
- 2.35 Crucially Hunston determined that it is clear that constraints should not be applied in arriving at an objective assessment of need. Sir David Keene in Hunston goes on to set out that [§§26-27]:
- “... it is not for an inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure. An inspector in that situation is not in a position to carry out such an exercise in a proper fashion, since it is impossible for any rounded assessment similar to the local plan process to be done... It seems to me to have been mistaken to use a figure for housing requirements below the full objectively assessed needs figure until such time as the Local Plan process came up with a constrained figure.”*
- “It follows from this that I agree with the judge below that the inspector erred by adopting such a constrained figure for housing need. It led her to find that there was no shortfall in housing land supply in the district. She should have concluded, using the correct policy approach, that there was such a shortfall. The supply fell below the objectively assessed five year requirement.”*

Solihull

- 2.36 “Solihull” [EWHC 1283] is concerned with the adoption of the Solihull Local Plan and the extent to which it was supported by a figure for objectively assessed housing need. Although related to

¹⁵ Framework - §47

¹⁶ Framework - §14

plan-making, it again deals with the Framework¹⁷ and draws upon, and reiterates, the earlier Hunston judgment.

2.37 The judgment of Hickinbottom J in Solihull sets out a very useful summary of the staged approach to arriving at a housing requirement, providing some useful definitions of the concepts applied in respect of housing needs and requirements [§37]:

*“i) **Household projections:** These are demographic, trend-based projections indicating the likely number and type of future households if the underlying trends and demographic assumptions are realised. They provide useful long-term trajectories, in terms of growth averages throughout the projection period. However, they are not reliable as household growth estimates for particular years: they are subject to the uncertainties inherent in demographic behaviour, and sensitive to factors (such as changing economic and social circumstances) that may affect that behaviour...”*

*“ii) **Full Objective Assessment of Need for Housing:** This is the objectively assessed need for housing in an area, leaving aside policy considerations. It is therefore closely linked to the relevant household projection; but is not necessarily the same. An objective assessment of housing need may result in a different figure from that based on purely demographics if, e.g., the assessor considers that the household projection fails properly to take into account the effects of a major downturn (or upturn) in the economy that will affect future housing needs in an area. Nevertheless, where there are no such factors, objective assessment of need may be – and sometimes is – taken as being the same as the relevant household projection.”*

*“iii) **Housing Requirement:** This is the figure which reflects, not only the assessed need for housing, but also any policy considerations that might require that figure to be manipulated to determine the actual housing target for an area. For example, built development in an area might be constrained by the extent of land which is the subject of policy protection, such as Green Belt or Areas of Outstanding Natural Beauty. Or it might be decided, as a matter of policy, to encourage or discourage particular migration reflected in demographic trends. Once these policy considerations have been applied to the figure for full objectively assessed need for housing in an area, the result is a “policy on” figure for housing requirement. Subject to it being determined by a proper process, the housing requirement figure will be the target against which housing supply will normally be measured.”*

2.38 Whilst this is clear that a housing requirement is a “policy on” figure and that it may be different from the full objectively assessed need, Solihull does reiterate the principles set out in Hunston, namely that where a Local Plan is out of date in respect of a housing requirement (in that there is no Framework-compliant policy for housing provision within the Development Plan) then the housing requirement for decision taking will be an objective assessment of need [§88]:

“I respectfully agree with Sir David Keene (at [4] of Hunston): the drafting of paragraph 47 is less than clear to me, and the interpretative task is therefore far from easy. However, a number of points are now, following Hunston, clear. Two relate to development control decision-taking.

i) “Although the first bullet point of paragraph 47 directly concerns plan-making, it is implicit that a local planning authority must ensure that it meets the full, objectively assessed needs for market and affordable housing in the housing market, as far as consistent with the policies set out in the NPPF, even when considering development

¹⁷ Framework - §14 & §47

control decisions.”

- ii) *“Where there is no Local Plan, then the housing requirement for a local authority for the purposes of paragraph 47 is the full, objectively assessed need.”*

2.39 Solihull also reaffirms the judgment in Hunston that full objectively assessed needs should be arrived at, and utilised, without the application of any constraining factors. At §91 of the judgment the judge sets out:

“... in the context of the first bullet point in paragraph 47, policy matters and other constraining factors qualify, not the full objectively assessed housing needs, but rather the extent to which the authority should meet those needs on the basis of other NPPF policies that may, significantly and demonstrably outweigh the benefits of such housing provision.”

Satnam

2.40 “Satnam” [EWHC 370] highlights the importance of considering affordable housing needs in concluding on full OAHN. The decision found that the adopted OAHN figure within Warrington’s Local Plan was not in compliance with policy in respect of affordable housing because (as set out in §43) the assessed need for affordable housing need was never expressed or included as part of OAHN.

2.41 The decision found that the “*proper exercise*” had not been undertaken, namely:

- “(a) having identified the OAN for affordable housing, that should then be considered in the context of its likely delivery as a proportion of mixed market/affordable housing development; an increase in the total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes;”*
- “(b) the Local Plan should then meet the OAN for affordable housing, subject only to the constraints referred to in NPPF, paragraphs 14 and 47.”*

2.42 In summary, this judgment establishes that full OAHN has to include an assessment of full affordable housing needs.

Kings Lynn

2.43 Whilst “Satnam” establishes the fact that full OAHN must include affordable housing needs, “Kings Lynn” [EWHC 1958] establishes how full affordable housing needs should be addressed as part of a full OAHN calculation. The judgment identifies that it is the function of a SHMA to address the needs for all types of housing including affordable, but not necessarily to meet these needs in full. The justification of this statement is set out below in §35 to §36 of the judgment.

“At the second stage described by the second sub-bullet point in paragraph 159, the needs for types and tenures of housing should be addressed. That includes the assessment of the need for affordable housing as well as different forms of housing required to meet the needs of all parts of the community. Again, the PPG provides guidance as to how this stage of the assessment should be conducted, including in some detail how the gross unmet need for affordable housing should be calculated. The Framework makes clear these needs should be addressed in determining the FOAN, but neither the Framework nor the PPG suggest that they have to be met in full when determining that FOAN. This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being

developed. It is no doubt for this reason that the PPG observes at paragraph ID 2a-208-20140306 as follows:

"i The total affordable housing need should then be considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments, given the probable percentage of affordable housing to be delivered by market housing led developments. An increase in total housing figures included in the local plan should be considered where it could help deliver the required number of affordable homes."

"This consideration of an increase to help deliver the required number of affordable homes, rather than an instruction that the requirement be met in total, is consistent with the policy in paragraph 159 of the Framework requiring that the SHMA "addresses" these needs in determining the FOAN. They should have an important influence increasing the derived FOAN since they are significant factors in providing for housing needs within an area."

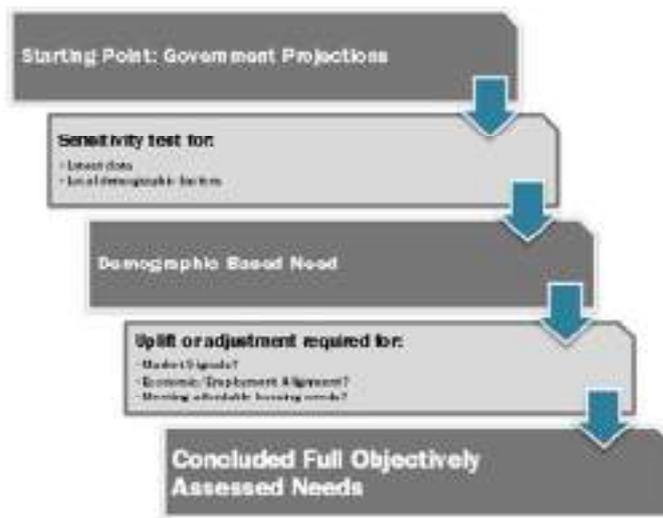
- 2.44 The judgment is clear that the correct method for considering the amount of housing required to meet full affordable housing needs is to consider the quantum of market housing needed to deliver full affordable housing needs (at a given percentage). However, as the judgment sets out, this can lead to a full OAHN figure which is so large that a LPA would have *"little or no prospect of delivering [it] in practice"*. Therefore, it is clear from this judgment that although it may not be reasonable and therefore should not be expected that the OAHN will include affordable housing needs in full, an uplift or similar consideration of how affordable needs can be 'addressed' is necessary as part of the full OAHN calculation. This reflects the Framework¹⁸.

Conclusion

- 2.45 It is against this policy context that the housing need for the City of York must be considered. In practice, applying the Framework and Practice Guidance to arrive at a robust and evidenced OAHN is a staged and logical process. An OAHN must be a level of housing delivery which meets the needs associated with population, employment and household growth, addresses the need for all types of housing including affordable and caters for housing demand.
- 2.46 Furthermore, a planned level of housing to meet OAHN must respond positively to wider opportunities for growth and should take account of market signals, including affordability. This approach has been supported by the recent Legal Judgements summarised above. This approach is summarised in Figure 2.2.

¹⁸ Framework - §158

Figure 2.2 The Framework and Practice Guidance Approach to Objectively Assessing Housing Needs



Source: Lichfields based upon the Framework / Practice Guidance

3.0 City of York Council's OAHN Evidence

Introduction

- 3.1 Before setting out a critique of CYC's housing OAHN evidence base, it is important to recognise that the Council has never had an adopted Local Plan for the City (under the 1971 Act, the 1990 Act or the 2004 Act) and progress on the current draft Local Plan has been, it is not unfair to say, glacial.
- 3.2 The development plan for York comprises two policies¹⁹ and the Key Diagram of the partially revoked Yorkshire and Humber Regional Strategy (2008) [YHRS]. There is no adopted Local Plan for York that forms part of the development plan. Instead, there is a long history of failed attempts to produce an adopted Local Plan.
- 3.3 The Council published the '*York Local Plan - Preferred Options*' document for consultation in summer 2013, followed by a 'Further Sites' consultation for six weeks in summer 2014 which included potential new sites and changes to the boundaries of some of the sites originally identified. Following these consultations, a '*Publication Draft Local Plan and Proposals Map*' was considered by the Local Plan Working Group [LPWG] and by Cabinet in September 2014²⁰. With the intention of progressing a Framework compliant Local Plan, the Cabinet resolved to carry through the LPWG's recommendations and approve the Local Plan Publication Draft for public consultation, subject to amendments circulated at the Cabinet meeting and to instruct officers to report back following the consultation with a recommendation on whether it would be appropriate to submit the Publication Draft for public examination.
- 3.4 However, at the Full Council on 9 October 2014²¹ a resolution was made to halt the public consultation on the Local Plan Publication Draft in order to reassess and accurately reflect objectively assessed housing requirements. The resolution also instructed officers to produce a report on the housing trajectory to be brought back to the next meeting of the LPWG in November 2014 along with the relevant background reports. The intention was for the report to allow the LPWG to agree an accurate analysis of the housing trajectory that is objective, evidence based and deliverable. The analysis was to be used to "*inform housing allocations and a new proposed Local Plan to be brought back to the next LPWG for discussion and recommendation to Cabinet in November.*"
- 3.5 The Council published the following 'further work' on the Local Plan relating to housing needs since the Full Council resolution to halt the Publication Draft Local Plan in 2014:
- 1 In December 2014, the LPWG considered a report on '*Housing Requirements in York*' which was based on two background documents produced by Arup²². The report set out four different housing requirement figures that were considered sound against the evidence base and three options for progressing the work on housing requirements. The LPWG members agreed a housing requirement figure of 926dpa²³;
 - 2 In September 2015 the LPWG considered an update on the '*Objective Assessment of Housing Need*' [OAHN] report produced by Arup²⁴ and a report on '*Economic Growth*'²⁵. The Arup report concluded that the housing 'requirement' should be in the range of 817

¹⁹ Both relating to Green Belt, requiring its inner boundaries to be defined in a plan and confirming that the general extent is about 6 miles out from the City centre

²⁰ Cabinet Meeting Thursday 25 September, 2014 - Minutes

²¹ Resolutions and proceedings of the Meeting of the City of York Council held in Guildhall, York on Thursday, 9th October, 2014

²² Assessment of the Evidence on Housing Requirements in York (Arup, May 2013) & Housing Requirements in York: Evidence on Housing Requirements in York: 2014 Update (Arup, September 2014)

²³ Local Plan Working Group 17 December 2014 - Minutes

²⁴ Evidence on Housing Requirements in York: 2015 Update – Arup (August 2015)

²⁵ York Economic Forecasts – Oxford Economics (May 2015)

dwellings per annum [dpa] to 854dpa between 2012 and 2031. The LPWG's recommendations were that the Executive Committee note the Arup OAHN report and endorse further work, including an evaluation of any spatial and delivery implications, on two scenarios for economic growth that would be reported back to the LPWG in due course;

- 3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to undertake a Strategic Housing Market assessment [SHMA]²⁶. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of 841dpa.
- 4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However in June 2016 GL Hearn produced an Addendum²⁷ to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706dpa - 898dpa, and therefore the Council considered that it did not need to move away from the previous 841dpa figure.
- 5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. GL Hearn was asked by City of York Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation [PSC] relating to OAN. The GL Hearn SHMA Addendum Update (May 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the demographic starting point from 783dpa (in the 2016 SHMA) to 867dpa. In their Update, GL Hearn then applied a 10% uplift to the 867dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of 953dpa. However, a cover sheet to GL Hearn's Update, entitled 'Introduction and Context to objective Assessment of Housing Need' was inserted at the front of this document by the Council. This states that 867dpa is the relevant baseline demographic figure for the 15 year period of the plan (2032/33). The Council rejected the 953dpa figure on the basis that GL Hearn's conclusions stating:

"...Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations."

- 3.6 As a result of this approach, the February 2018 City of York Publication Draft now states in Policy SS1: Delivering Sustainable Growth for York, the intention to:

"Deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38."

- 3.7 The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is "*an objectively assessed housing need*" [§3.3].

- 3.8 The remainder of this section provides an overview of the findings of the 2016 SHMA and 2016 SHMA addendum, a summary of Lichfields response to these documents, and an overview of the findings of the September 2017 SHMA Assessment Update.

²⁶GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment

²⁷GL Hearn (June 2016): City of York Council Strategic Housing Market Assessment - Addendum

Overview of the City of York SHMA

- 3.9 The emerging City of York Local Plan is currently underpinned by three key housing need documents:
- 1 City of York Strategic Housing Market Assessment [SHMA], prepared on behalf of CYC by GL Hearn in June 2016;
 - 2 City of York SHMA Addendum, prepared on behalf of CYC by GL Hearn in June 2016; and,
 - 3 City of York September 2017 SHMA Assessment Update prepared on behalf of CYC by GL Hearn.
- 3.10 These documents follow on from previous reports prepared to inform the emerging Local Plan including the *'City of York Council Housing Requirements in York Evidence on Housing Requirements in York: 2015 Update'* (August 2015) prepared by Arup and the *'North Yorkshire Strategic Housing Market Assessment'* (November 2011) prepared by GVA.
- 3.11 A review of these documents and Lichfields' previous submissions on the City of York SHMA (June 2016) and the SHMA Addendum (June 2016) has been provided below in order to provide the context to the issues raised in this Technical Report.

City of York SHMA (June 2016)

- 3.12 GL Hearn states that the SHMA was prepared *'essentially to sensitivity check'* the Arup August 2015 Housing Requirements in York report. However, it departs significantly from the Arup approach and undertakes an entirely new set of modelling using the 2012-based SNPP and 2012-based SNHP for the period 2012-2032. The subsequent Addendum was prepared to understand the implications on the earlier SHMA analysis of the publication of the 2014-based Sub-National Population Projections [SNPP] on 25th May 2016.
- 3.13 The SHMA concludes (Section 2.0) that the HMA which covers the City of York also extends to include Selby. However:
- "While we propose a HMA which links to Selby and York we are not considering housing need across the HMA. Selby has recently produced its own SHMA and this assessment does not seek to replicate it"* [§2.106]
- 3.14 GL Hearn undertook a number of demographic modelling scenarios including the 2012-based SNPP; long term migration trends and 2012-based SNPP adjusted to take into account the (higher) 2014 MYE. GL Hearn concluded that the SNPP *"is a sound demographic projection from a technical perspective"* [page 83], although they attached greater weight to a higher figure of 833 dpa based on a projection which takes into account the 2013 and 2014 Mid-Year Population Estimates [MYE] and rolls forward the SNPP.
- 3.15 The SHMA concluded that one of the most noteworthy findings from the analysis was the relatively small increase in the population aged 15-29 (which includes the vast majority of students):
- "Whilst over the 2001-2014 period this age group increased by 12,600, there is only projected to be a 2,500 increase over the 20-years to 2032. Such a finding is consistent with this age group not being expected to see any notable changes at a national level in the future...At the time of writing York University was not expecting significant increases in the student population, whilst St Johns was only expecting a modest increase. With this knowledge, and the age specific outputs from the SNPP we can have reasonable confidence that the SNPP is a realistic projection."* [§§4.31-4.32]
- 3.16 The projections are set out in Table 3.1.

Table 3.1 Summary of the City of York SHMA (June 2016) Range of Scenarios (2012-2032)

	Change in Households	Dwellings per annum (2012-2032)	Job growth per annum (2012-2032)
2012-based SNPP	15,093	783 dpa	(not provided)
2014-based	18,458	958 dpa	
UPC adjusted	12,676	658 dpa	
10-year migration	13,660	709 dpa	
2012-based SNPP (as updated)	16,056	833 dpa	
OE Baseline	15,019	780 dpa	609
OE Re-profiling			635
OE – higher migration	15,685	814 dpa	868
YHREM	15,356	797 dpa	789

Source: City of York SHMA (June 2016)

- 3.17 The analysis also considered future economic growth performance by accessing forecasts from Oxford Economics [OE] and Experian (via the Yorkshire and the Humber Regional Economic Modelling [YHREM]). The forecasts range from 609 jobs per annum (OE baseline) to 868 (OE higher migration).
- 3.18 The GL Hearn modelling concluded that this would support a level of population growth broadly in line with the 2012-based SNPP generating between 780-814dpa, which it considered to be below the level of need identified from the most recent MYE data:
- “On balance there is no justification for an uplift to housing numbers in the City to support expected growth in employment” [page 87].*
- 3.19 The SHMA proceeds to identify a relatively high level of affordable housing need, of 573dpa, above the 486dpa need identified by GVA in the 2011 SHMA. It states:
- “The analysis undertaken arguably provides some evidence to justify considering an adjustment to the assessed housing need to address the needs of concealed households, and support improvements [sic] household formation for younger households; although any adjustment will also need to take account of any future changes already within the household projections (e.g. in terms of improving household formation). The issue of a need for any uplift is considered alongside the analysis of market signals which follows.” [§6.112]*
- 3.20 However, the SHMA concludes that whilst the affordable housing need represents 69% of the need identified in the demographic-led projections, it is not appropriate to directly compare the need as they are calculated in different ways:
- “The analysis does not suggest that there is any strong evidence of a need to consider housing delivery higher than that suggested by demographic projections to help deliver more affordable homes to meet the affordable housing need.”*
- “However, in combination with the market signals evidence some additional housing might be considered appropriate to help improve access to housing for younger people. A modest uplift would not be expected to generate any significant population growth (over and above that shown by demographic projections) but would contribute to reducing*

concealed households and increasing new household formation. The additional uplift would also provide some additional affordable housing.” [page 115]

- 3.21 GL Hearn’s market signals analysis in the SHMA indicates that there are affordability pressures in the City of York:
- 1 Lower quartile to median income ratio is around 7.89 (compared to 6.45 nationally);
 - 2 House prices are also very high and tripled in the pre-recession decade. Private rental levels in York, at £675pcm, which are higher than comparator areas and nationally (£600pcm in England);
 - 3 Over-occupied dwellings increased by 52% between 2001 and 2011: “which is high relative to that seen at a regional or national level” [§8.34].
 - 4 Housing delivery in York:
“...has missed the target each year since 2007” [§8.38].
- 3.22 In this regard, GL Hearn concludes that:
- “It would therefore be appropriate to consider a modest upward adjustment to the demographic assessment of housing need to improve affordability over time.” [§8.99]*
- 3.23 To consider what level of uplift might be appropriate, GL Hearn sought to assess the degree to which household formation levels had been constrained for younger age groups, and what scale of adjustment to housing provision would be necessary for these to improve. This was derived on the assumption that household formation rates of the 25-34 age group would return to 2001 levels by 2025 (from 2015). This resulted in an increase in the annual housing provision of 8 homes per annum across the City for each of the aforementioned scenarios.
- 3.24 The SHMA confirms that this sensitivity analysis represents “*the market signals adjustment*” [§8.111], although in the light of GL Hearn’s conclusions concerning affordable housing needs (see above), this 8dpa uplift would also appear to be geared towards improving access to housing for younger people in the City.
- 3.25 The SHMA therefore concludes that applying an 8dpa uplift to the 833dpa preferred demographic scenario results in an overall housing OAHN of 841dpa over the 2012-2032 period.

SHMA Addendum (June 2016)

- 3.26 The Addendum revisits parts of the earlier City of York SHMA analysis following the publication of the 2014-based SNPP by ONS on 25th May 2016. The report found that the latest projections suggest a higher level of population growth, at levels around 28% higher than in the 2012-based SNPP.
- 3.27 GL Hearn’s analysis states that the difference between the 2014-based SNPP and the 2012-based SNPP “*is around 4,000 people, with around the same number being an additional increase in the 15-29 age group (4,200 of the difference)*” [§1.10].
- 3.28 GL Hearn considers that the growth in the younger age group is likely to reflect the strong growth in the student population in the City between 2008 and 2014 as a result of a new campus opening (the University of York expanded by 3,500 students over the period). The Update quotes an ONS response to CYC during the consultation to the latest projections, which suggests that some locally specific issues (such as the recorded outflow of male students from the city of York) may be under-estimated and should be treated with care.
- 3.29 This is in contrast to GL Hearn’s previous conclusions on the 2012-based SNPP (as set out in the earlier 2016 SHMA), where they considered that the 2012-based SNPP was a realistic projection because it forecast limited growth in the 15-29 age group going forward.

- 3.30 GL Hearn revisited the modelling using a revised long term migration trend and the 2014-based SNPP (Table 3.2).

Table 3.2 Summary of the city of York SHMA Addendum (June 2016) Range of Scenarios (2012-2032)

	2012-based SNHP Headship Rates		+ uplift to the 25-34 age group headship rates
	Change in Households	Dwellings per Annum	
2012-based SNPP	15,093	783	792
2012-based SNPP (updated)	16,056	833	841
2014-based SNPP	17,134	889	898
10-year Migration Trend	13,457	698	706

Source: City of York SHMA Addendum (June 2016)

- 3.31 Using the latest available data and including a “*market signals adjustment*” [§1.32] of 8dpa as contained in the SHMA “*and recognising concerns around the impact of historic student growth, this addendum identifies an overall housing need of up to 898dpa*”. [§1.20].
- 3.32 An update to the affordable housing need model increases the ‘*bottom line estimate of affordable housing need*’ from 573dpa to 627dpa.
- 3.33 The Addendum draws the following conclusions on OAHN:

“There are concerns relating to historic growth within the student population and how this translates into the SNPP projections. This looks to be a particular concern in relation to the 2014-based SNPP where there is a relatively strong growth in some student age groups when compared with the 2012-based version (which looks to be sound for those particular age groups). Some consideration could be given to longer term dynamics although this does need to recognise that the evidence suggests some shift in migration patterns over the more recent years – a 10 year migration trend using the latest available evidence calculates a need for 706dpa, although as noted this will not fully reflect some of the more recent trends. This projection is therefore not considered to be an appropriate starting point for which to assess housing need although it can be used to help identify the bottom end of a reasonable range.

“Given that the full SHMA document identifies an OAN for 841dpa which sits comfortably within this range set out in this addendum (706dpa – 898dpa) it is suggested that the Council do not need to move away from this number on the basis of the newly available evidence – particularly given the potential concerns about the impact of student growth in the 2014-based SNPP and also longer term trends not reflecting the most recent trends.” [§§1.33-1.34].

Lichfields Previous SHMA Representations

- 3.34 A review of the June 2016 Strategic Housing Market Assessment [SHMA], and the subsequent SHMA Addendum (June 2016) was submitted by Lichfields (then branded as Nathaniel Lichfield & Partners) on behalf of the Companies in September 2016 in response to the City of York Local Plan – Preferred Sites Consultation.
- 3.35 This review provided objective evidence on the local need and demand for housing in the City of York and its Housing Market Area [HMA]. It established the scale of need for housing in the

City of York based upon a range of housing, economic and demographic factors, trends and forecasts, based on the application of Lichfields' HEaDROOM framework.

3.36 More specifically it:

- 1 Considered the approach which needs to be taken to calculating OAHN and sets out the requirements of the Framework, the Practice Guidance and relevant High Court judgments in this context;
- 2 Provided a critique of the 841 dwellings per annum [dpa] identified as the City of York's OAHN in the June 2016 Strategic Housing Market Assessment [SHMA] for the City, and the subsequent SHMA Addendum which recommended a broader OAHN range of 706dpa to 898dpa and considered whether they represent the full, objectively assessed housing need for the City of York;
- 3 Set out the approach taken by Lichfields to define a new OAHN for the City of York, using the latest demographic evidence and economic forecasts and affordable housing needs;
- 4 Provided an analysis of market signals in the City;
- 5 Identified a revised OAHN for the City of York, based on Lichfields' PopGroup modelling; and,
- 6 Summarised the key issues within the SHMA and subsequent Addendum and sets out why it is not compliant with the requirements for an OAHN calculation.

3.37 The review concluded that the SHMA documents make a number of assumptions and judgements which Lichfields considered to be flawed, or which do not properly respond to the requirements of policy and guidance. As a result, the recommended OAHN was not robust and was inadequate to meet need and demand within the HMA.

3.38 The review noted that there were a number of significant deficiencies in the City of York SHMA and Addendum which means that the 841dpa OAHN figure currently being pursued by CYC is not soundly based. In particular:

- 1 The demographic modelling downplayed the robustness of the 2014-based SNPP which were not supported by the evidence in other aspects of the document;
- 2 As a result, the Council's 841dpa OAHN figure was actually below the demographic starting point in the latest 2014-based SNHP of 853hpa even before any adjustments were made;
- 3 Adjustments to headship rates had been conflated with the uplift for market signals. The SHMA did not apply a separate uplift for market signals, but instead made an adjustment to the demographic modelling based on changes to headship rates which should be part of a normal adjustment to the demographic starting point before market signals are considered. As a result, there was no adjustment for market signals at all despite the significant and severe market signal indicators apparent across the City of York;
- 4 A 'black-box' approach had been taken to the economic-led modelling, with key evidence relating to how the job projections had been factored into any PopGroup model being unpublished; and,
- 5 No explicit consideration or uplift applied in respect of delivering more homes to meet the needs of households in affordable housing need. This was despite the SHMA and Addendum indicating a level of affordable housing need (of 573dpa and 627dpa respectively) which would only be met well in excess of the concluded OAHN.

3.39 In combination, the judgements and assumptions applied within the SHMA sought to dampen the level of OAHN across the City of York. Fundamentally, it was considered that the OAHN(s) identified in the SHMA and Addendum failed to properly address market signals, economic or affordable housing needs, as envisaged by the Framework and Practice Guidance as clarified by High Court and Court of Appeal judgements.

- 3.40 Lichfields undertook its own analysis of housing need for the City of York. Based on the latest demographic data, and through the use of the industry standard PopGroup demographic modelling tool, it was Lichfields' view that the OAHN for York was at least 1,125dpa, although there was a very strong case to meet affordable housing needs in full, in which case the OAHN would equate to 1,255dpa (rounded).
- 3.41 If long term migration trends were to continue into the future, this would justify a higher OAHN of 1,420dpa, although due to uncertainties regarding the level of international net migration into York it was considered that less weight should be attached to this figure.
- 3.42 This allowed for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework²⁸ by significantly boosting the supply of housing. It would also reflect the Framework²⁹, which seeks to ensure the planning system does everything it can to support sustainable development.

September 2017 SHMA Assessment Update

- 3.43 The stated purpose of GL Hearn's Assessment Update is to review the housing need in York taking into account of the latest demographic information. In particular, it reviews the impact of the 2014-based SNHP and the 2015 Mid-Year Estimates (both published June 2016).
- 3.44 The Assessment Update also reviews the latest evidence on market signals within the City. The report states that this is not a full trend-based analysis but rather a snapshot of the latest evidence to be read in conjunction with the full SHMA document. As such, the report does not revisit the affordable housing need for the City, nor does it update analysis on the mix of housing required or the needs for specific groups.
- 3.45 The report [§2.2] finds that over the 2012-32 period, the 2014-based SNPP projects an increase in population of around 31,400 people (15.7%) in York. This is somewhat higher than the 2012-based SNPP (12.2%) and also higher than the main 2016 SHMA projection (which factored in population growth of 13.7%).
- 3.46 The report [§2.11] states that the official population projections (once they are rebased to include the latest 2015 MYE) indicate a level of population growth which is higher than any recent historic period or any trend based forecast of growth. It should therefore be seen as a positive step to consider these as the preferred population growth starting point.
- 3.47 The analysis [§2.17] finds that by applying the headship rates within the 2014-based SNHP the level of housing need would be for 867dpa – this is c.4% higher than the figure (833dpa) derived in the 2016 SHMA for the main demographic based projection.

Table 3.3 Projected Household Growth 2012-32 - Range of demographic based scenarios

	Change in households	Dwellings (per annum)
2014-based SNPP	17,120	867
2014-based SNPP (+MYE)	17,096	866

Source: SHMA Assessment Update (September 2017)

- 3.48 The report [§2.19] notes that within the SHMA, analysis was also undertaken (as part of the

²⁸ Framework - §47

²⁹ Framework - §19

market signals analysis) to recognise a modest level of suppressed household formation – this essentially took the form of returning the household formation/headship rates of the 25-34 age group back to the levels seen in 2001 (which is when they started to drop). With an uplift to the household formation rates of the 25-34 age group, the housing need (when linked to 2014-based projections when updated) increases to 873dpa. When the mid-year estimates are factored in, the housing need decreases slightly to 871dpa.

Table 3.4 Projected Household Growth 2012-32 - Range of demographic based scenarios (with uplift to headship rates for 25-34 age group)

	Change in households	Dwellings (per annum)
2014-based SNPP	17,232	873
2014-based SNPP (+MYE)	17,209	871

Source: SHMA Assessment Update (September 2017)

3.49 The SHMA Assessment Update [§5.3-5.4] states:

“Furthermore there is also the clear desire of the Government to boost housing delivery, and therefore setting an OAN that is below the most recent official projections while justifiable might be difficult to support.”

“There is however an apparent continued suppression of household formation rates within younger age groups within the official projections. In order to respond to this we have increased the household formation rates in this age group to the levels seen in 2001. The housing need (when linked to 2014-based projections) increases to 873 dwellings per annum. When the mid-year estimates are included the housing need decreases to 871dpa. This should be seen as the demographic conclusions of this report”.

3.50 GL Hearn therefore clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this ‘demographic conclusion’ of 871dpa does not appear to have been carried forward by GL Hearn through to the next steps of calculating the resultant housing need, as summarised below.

3.51 With regard to market signals and affordable housing the Assessment Update [§3.19] notes that:

“On balance, the market signals are quite strong and there is a notable affordable housing need. Combined these would merit some response within the derived OAN. This is a departure from the previous SHMA and the Addendum which did not make any market signals or affordable housing adjustment.”

3.52 The report considers a single adjustment to address both of these issues on the basis that they are intrinsically linked. The Assessment Update [§3.28] states:

“Given the balance of judgement it would appear that a 10% adjustment could be justified in York on the basis of the previously established affordable housing need the updated market signals evidence.”

3.53 With regard to this matter the Assessment Update [§5.6-5.7] draws the following conclusions:

“In response to both market signals and affordable housing need we have advocated a 10% uplift to the OAN. In line with the PPG this was set against the official starting point of 867dpa. The resultant housing need would therefore be 953dpa for the 2012-32

period.”

“The level of housing need identified is someway higher than the previous SHMA reflecting the increased starting point but also the inclusion of a market signals uplift. This OAN would meet the demographic growth in the City as well as meet the needs of the local economy”.

- 3.54 Lichfields agrees with making an adjustment for demographic and household formation rates to get to 871dpa. However, it is illogical to then revert back to the unadjusted projections of 867dpa and then apply the adjustment for market signals and affordable housing to this lower, discredited figure.
- 3.55 Moving on, GL Hearn models a series of economic growth forecasts. In this regard, they conclude that the level of housing associated with the economic growth projections are lower than the 867/871dpa demographic need, the Assessment Update considers that there is no justification for an uplift to housing numbers in the City to support the expected growth in employment.
- 3.56 As such, the report concludes that by applying a 10% uplift to the demographic starting point of 867dpa results in an OAHN of 953dpa for York City for the 2012-2032 period. However, as noted above, the Council has inserted an ‘Introduction and Context to Objective Assessment of Housing Need’ to the front of the Assessment Update which contests the need for any adjustment to the 2014-based SNHP figure.
- 3.57 It notes that Members of the Council’s Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867dpa.

4.0 Critique of the SHMA Update

Introduction

- 4.1 The Companies have serious concerns and wish to raise strong objections to the way in which the Council has chosen to identify an OAHN of 867dpa and the subsequent identification of this need as the housing requirement in Policy SS1 of the LPP. As noted above, the ‘Introduction and Context to Objective Assessment of Housing Need’ (inserted by the Council at the front of the SHMA Update Assessment) states [page 2]:

“Members of the Council’s Executive at the meeting on 13th July 2017 resolved that on the basis of the housing analysis set out in paragraphs 82 - 92 of the Executive Report, the increased figure of 867 dwellings per annum, based on the latest revised sub national population and household projections published by the Office for National Statistics and the Department of Communities and Local Government, be accepted.”

“Executive also resolved that the recommendation prepared by GL Hearn in the draft Strategic Housing Market Assessment, to apply a further 10% to the above figure for market signals (to 953 dwellings per annum), is not accepted on the basis that Hearn’s conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations.”

- 4.2 This is effectively a ‘policy-on’ intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that OAHN is ‘policy off’ and does not take into account supply pressures. The judgment of Hickinbottom J in Solihull sets out the definition of OAHN [§37]:

“Full Objective Assessment of Need for Housing: This is the objectively assessed need for housing in an area, leaving aside policy considerations (Lichfields emphasis). It is therefore closely linked to the relevant household projection; but is not necessarily the same. An objective assessment of housing need may result in a different figure from that based on purely demographics if, e.g., the assessor considers that the household projection fails properly to take into account the effects of a major downturn (or upturn) in the economy that will affect future housing needs in an area. Nevertheless, where there are no such factors, objective assessment of need may be – and sometimes is – taken as being the same as the relevant household projection.”

- 4.3 With regard to this matter, the SHMA Assessment Update [§§5.8-5.9] clearly states:

“The official projections should be seen a starting point only and housing delivery at this level (867dpa) would only meet the demographic growth of the City. It would not however address the City’s affordability issues.”

“Without the 10% uplift for market signals/affordable housing need the City’s younger population would fail to form properly. This would result in greater numbers residing with parents or friends or in share accommodations such as HMOs.”

- 4.4 GL Hearn is therefore clear that the 867dpa figure is not an appropriate OAHN. On one level, it is the incorrect demographic starting point in any case, which according to GL Hearn’s work is 871dpa following suitable adjustments to the 2014-based SNHP to incorporate the 2015 MYE and accelerated household formation rates. On the second level, there is an array of evidence, which we examine in further detail below, that York City is one of the least affordable local authority areas in Northern England. A market signals uplift of 10% is the very least that would

be appropriate, and indeed we provide evidence that suggests that an even higher uplift, of 20% should actually be applied.

- 4.5 It is therefore not acceptable for the Council to ignore its own housing expert's advice. The Council's approach to identifying an OAHN of 867dpa, as set out in the front section of the SHMA Assessment Update, is policy-on driven and is therefore contrary to the guidance provided by the Courts. The calculation of OAHN should be based on the normal 'policy-off' methodology.
- 4.6 Notwithstanding these points, the remainder of this section provides a detailed critique of GL Hearn's SHMA Assessment Update.

Starting Point and Demographic-led Needs

Population Change

- 4.7 The Practice Guidance³⁰ sets out that in assessing demographic-led housing needs, the CLG Household Projections form the overall starting point for the estimate of housing need, but these may require adjustments to reflect future changes and local demographic factors which are not captured within the projections, given projections are trend based. In addition, it states that account should also be taken of ONS' latest Mid-Year Estimates [MYEs]³¹.
- 4.8 The SHMA Assessment Update applies the 2014-based SNPP which projects an increase in population of around 31,400 people (15.7%) in York. This is higher than the 2012-based SNPP (12.2%) and also higher than the main SHMA projection (which had population growth of 13.7%). It also considers longer term migration trend using the latest available evidence from the 2014-SNPP and the 2015 Mid-Year Estimate.
- 4.9 The SHMA Assessment Update considers housing need based on the (then) latest CLG 2014-based household projections over the period 2012 to 2032.
- 4.10 The Companies agree with the overall principle of taking the 2014-based SNPP as the demographic starting point and rebasing population growth off the latest Mid-Year Population Estimates.
- 4.11 However, it is important to note that the household projections upon which York's OAHN is based relate to C3 uses only, and not C2. Specifically, and of particular relevance to the City of York, CLG's household projections do not include an allowance for students who might be expected to reside in Halls of Residence (termed, along with people living in nursing homes, military barracks and prisons, as the 'Institutional population').
- 4.12 As summarised by CLG in its 2014-based household projections Methodological Report (July 2016), the household projections are based on the projected household population rather than the total population. The difference between the two is the population in communal establishments, also termed the 'institutional' population. This population comprises all people not living in private households and specifically excludes students living in halls of residence:
- "The institutional population is subtracted from the total resident population projections by age, sex and marital status to leave the private household population, split by sex, age and marital status in the years required for household projections."* [page 12]
- 4.13 This is important for the City of York, because it means that if the household projections are used as the basis for calculating the OAHN (which GL Hearn's methodology does), it specifically excludes a substantial proportion of specialised student accommodation needs.

³⁰ Practice Guidance - ID 2a-015-20140306

³¹ Practice Guidance - ID 2a-017-20140306

Household Formation Rates

4.14 The Practice Guidance³² indicates that in respect of household projections:

“The household projections are trend based, i.e. they provide the household levels and structures that would result if the assumptions based on previous demographic trends in the population and rates of household formation were to be realised in practice...”

“...The household projection-based estimate of housing need may require adjustment to reflect factors affecting local demographic and household formation which are not captured in past trends...rates may have been suppressed historically by under-supply and worsening affordability of housing...”

4.15 The SHMA Assessment Update notes that there is no material difference 2014-based SNHP headship rates and the household formation rates from the 2012-based version.

4.16 The SHMA [§2.19] accepts that there has been a level of suppressed household formation arising from the 25-34 age group and in relation to this matter states [§§5.3-5.4]:

“Furthermore there is also the clear desire of the Government to boost housing delivery, and therefore setting an OAN that is below the most recent official projections while justifiable might be difficult to support.”

“There is however an apparent continued suppression of household formation rates within younger age groups within the official projections. In order to respond to this we have increased the household formation rates in this age group to the levels seen in 2001. The housing need (when linked to 2014-based projections) increases to 873 dwellings per annum. When the mid-year estimates are included the housing need decreases to 871 dpa. This should be seen as the demographic conclusions of this report.”

4.17 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. We agree with this. However this adjusted demographic figure of 871dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below.

4.18 Lichfields agrees with making an adjustment for demographic and household formation rates. However, it is illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when an adjusted demographic need of 871dpa has been identified.

Market Signals

4.19 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:

“Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.” [S17]

4.20 The Practice Guidance³³ requires that the housing need figure as derived by the household

³² Practice Guidance - ID 2a-015-20140306

³³ Practice Guidance - ID 2a-019-20140306

projections be adjusted to take into account market signals. It indicates that comparisons should be made against the national average, the housing market area and other similar areas, in terms of both absolute levels and rates of change. Worsening trends in any market signal would justify an uplift on the demographic-led needs. In addition, the Practice Guidance³⁴ highlights the need to look at longer terms trends and the potentially volatility in some indicators.

4.21 The Practice Guidance also sets out that:

“...plan-makers should not attempt to estimate the precise impact of an increase...rather they should increase planning supply by an amount that, on reasonable assumptions...could be expected to improve affordability...”³⁵.

4.22 This clearly distinguishes between the demographic-led need for housing (generated by population and household growth) and the market signals uplift which is primarily a supply response over and above the level of demographic need to help address negatively performing market signals, such as worsening affordability.

4.23 The SHMA Assessment Update (Section 3) examines a range of market signals as set out in the Practice Guidance, comparing the City of York to Ryedale, Hambleton, Yorkshire and the Humber region and England. It states that the update is a targeted update to the market signals section looking using recently published data, not a full update, as many of the datasets used have not been updated since publication of the SHMA. Attached at Appendix 1 is Lichfields’ own assessment of market signals in City of York which has been used for comparison purposes.

4.24 The findings of the SHMA Assessment Update can be summarised (with Lichfields’ commentary included) as follows:

- 1 **Land Prices** – No analysis has been presented, as was the position on the 2016 SHMA. As noted in our market signals assessment in Appendix 1, CLG land value estimates suggest a figure of £2,469,000 per hectare, well above the equivalent figure for England (excluding London) of £1,958,000.
- 2 **House Prices** – The 2016 SHMA outlined significant house price growth in the HMA between 2011 and 2007. By Q4 2014 house prices in York had reached £195,000 and by Q2 2016 this had increased to £225,000. The Assessment Update notes that, based on 2016 data, the average (median) house price in York was £215,000, compared to £148,000 across the Yorkshire and Humber region. Our market signals analysis in Appendix 1 suggests that the average (median) house price in York in 2016 was £220,000 compared to £199,995 for the North Yorkshire region. It is particularly important to note that over the previous 17 years (1999-2016), median house prices have increased by 244% (or £156,000) in York, compared to 204% nationally and 199% across North Yorkshire as a whole.

As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York’s median house prices have effectively tripled in 17 years, from £64,000 in 1999 to £220,000 in 2016, and have risen at a much faster rate than comparable national and sub-regional figures, suggests that the local market is experiencing considerable levels of stress.

- 3 **Rents** – The Assessment Update [§3.8] notes that the most recent data shows that England has grown to £650 (+8%), while York has seen median rental prices increase to £700 (+4%). In contrast rents in the region only grew by 1% to £500 per month. The Assessment Update [§3.9] finds that the most recent data shows a strong upward trend in the number of rental transactions in York although they have been falling over the last six months. In York rental transactions are currently 73% higher than in September 2011, showing a

³⁴ Practice Guidance - ID 2a-020-20140306

³⁵ *ibid*

continued return to the longer term trend than seen in the previous SHMA. By comparison, in Yorkshire and the Humber rental volumes are still slightly above (6%) past figures. Nationally, over this period there has been a slight downward trend.

Our market signals analysis in Appendix 1 shows that Median rents in York are £725 per month, with median rents ranging from £595 per month for a 1 bed flat, to £1,500 per month for a 4+ bed house. All of these figures are significantly higher than the national average, with overall average rents comprising £675 across England, and £585 for North Yorkshire. Rental levels are therefore 7.4% higher than comparable national figures. High and increasing private sector rents in an area can be a further signal of stress in the housing market.

- 4 **Affordability** – The Assessment Update [§3.10] acknowledges the affordability issues faced within the HMA with the Median Ratio being 8.3 times earnings in 2015 (compared to 7.6 nationally), whilst the Lower Quartile [LQ] ratio is 8.9 times earnings (compared to 7.0 nationally). However, it does not discuss this stark indicator of supply/demand imbalance, preferring to note instead that much of the growth in (un)affordability took place prior to 2005, with limited changes to affordability in the past decade[§3.11].

Lichfields' market signals analysis in Appendix 1 shows that although the ratio fell substantially from a peak of 8.14 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than North Yorkshire as a whole. This suggests that levels of affordability are declining in York at a pace which is not the case for the rest of the sub-region (and indeed, for the country as a whole). In 2016, the median house price in York City was approximately 9.0-times the LQ workplace-based income, compared to 7.8 for North Yorkshire and 7.2 nationally.

Our analysis shows the over the past 19 years, the ratio of lower quartile house prices to lower quartile earnings in York has been consistently above the national average, with the gap widening over time. Indeed, the rate of increase is worrying – between 2002 and 2016, the affordability ratio increased by 39%, significantly above the comparable growth rate for North Yorkshire (+27%) and England (+37%).

The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

- 5 **Rates of Development** – the Practice Guidance is clear that historic rates of development should be benchmarked against the planned level of supply over a meaningful period. The Assessment Update [§3.13] examines housing completions data for York dating back to 2004/05 and sets these against the annual housing target from 2004/05 to 2015/16. With the exception of the last year, housing delivery in York has missed the target each year since 2007. Overall delivery targets for these years was missed by 20% which equals 2,051 units below the target level. GL Hearn notes [§3.14] that under-delivery may have led to household formation (particularly of younger households) being constrained and states that this point is picked up in the report which uses a demographic projection based analysis to establish the level of housing need moving forward.

The Assessment Update [§3.15] considers that this past under-delivery is not a discrete part of the analysis but is one of the various market signals which indicate a need to increase provision from that determined in a baseline demographic projection. It notes that that this market signal will require upward adjustment through consideration of migration and household formation rates rather than just a blanket increase based on the level of 'shortfall'.

It is clear from the Council's own evidence that the City has consistently under-delivered housing, with a failure to deliver anything more than 525 dwellings in any single year between 2007 and 2015. The policy benchmarks suggest that the level of past under-

delivery is 1,793 dwellings over the past 12 years. Furthermore, the Council's already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures. For example, CYC's 2012/13 Annual Monitoring Report states that 482 (net) dwellings were completed in 2012/13, but this figure includes 124 student cluster flats. The 6 months completions data set out in CYC's Housing Monitoring Update (Table 3, October 2017) suggested that the Council was continuing to rely on student housing completions to boost its housing numbers, with 637 of the total 1,036 net completions during the first half of the 2017/18 monitoring year comprising privately managed off-campus student accommodation.

- 6 **Overcrowding** - No analysis has been presented. Our market signals analysis in Appendix 1 shows overcrowding against the occupancy rating in York is not severe, with 7.10% of households living in a dwelling that is too small for their household size and composition. This compares to 8.7% nationally. However, it represents a significant increase of 2 percentage points on the 5.1% recorded in York in 2001, which is above the national trend (which had increased by 1.6 percentage points from 7.1% in 2011). From our analysis we also note that when compared against neighbouring Yorkshire districts, York is the worst performing district regarding the rate of change in overcrowded households.

4.25 In response to both market signals and affordable housing need, the Assessment Update advocates a 10% uplift to the OAN [§3.31].

4.26 Lichfields agrees that based on the market signals analysis there are clear housing market pressures, particularly regarding affordability within the HMA. The Practice Guidance³⁶ is clear that any market signals uplift should be added to the demographic-led *needs* as an additional *supply* response which could help improve affordability, and further goes on to clarify that:

"...plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions...could be expected to improve affordability..." (Lichfields emphasis)

4.27 The Practice Guidance³⁷ is also clear that:

"...the more significant the affordability constraints...and the stronger the other indicators of high demand... the larger the improvement in affordability needed and, therefore the larger the additional supply response should be."

4.28 Whilst it is not clear cut from the Practice Guidance how an upwards adjustment should be calculated, some recent Local Plan Inspector's findings have provided an indication as to what might be an appropriate uplift. The Inspector's Report into the Eastleigh Borough Local Plan (11th February 2015)³⁸ provide interpretation of the Practice Guidance in terms of a reasonable uplift on demographic-led needs in light of market signals:

"It is very difficult to judge the appropriate scale of such an uplift. I consider a cautious approach is reasonable bearing in mind that any practical benefit is likely to be very limited because Eastleigh is only a part of a much larger HMA. Exploration of an uplift of, say, 10% would be compatible with the "modest" pressure of market signals recognised in the SHMA itself." [§§40-41].

4.29 The Eastleigh Inspector ultimately concluded that a modest uplift of 10% is a reasonable proxy for quantifying an increase from purely demographic based needs to take account of 'modest' negatively performing market signals. Furthermore, Inspectors have used figures of up to 20% for 'more than modest' market signal indicators, notably in the case of Canterbury, where the

³⁶ Practice Guidance - ID:2a-020-20140306

³⁷ Practice Guidance - ID:2a-020-20140306

³⁸ http://www.eastleigh.gov.uk/pdf/ppi_Inspectorsreport12Feb15.pdf

Inspector concluded that:

“Taking these factors in the round it seems to me that 803dpa would achieve an uplift that took reasonable account of market signals, economic factors, a return to higher rates of household formation and affordable housing needs.”³⁹

4.30 From the indicators set out by Lichfields in Appendix 1, as shown in Table 4.1, and from the commentary and analysis undertaken by GL Hearn, we consider that the current levels of market stress should be considered more severe than the ‘modest’ uplift the SHMA suggests. An application of other approaches (discussed above) would suggest an uplift of 20% could be appropriate for the City of York.

4.31 Drawing together the individual market signals above begins to build a picture of the current housing market in and around York; the extent to which demand for housing is not being met; and, the adverse outcomes that are occurring because of this. The performance of York against County and national comparators for each market signal is summarised in Table 4.1. When quantified, York has performed worse in market signals relating to both absolute levels and rates of change against North Yorkshire and England in 13 out of 28 measures.

Table 4.1 Summary of York Market Signals against North Yorkshire and England

Market Signal	North Yorkshire		England	
	Absolute Figure	Rate of Change	Absolute Figure	Rate of Change
House Prices	Worse	Worse	Better	Worse
Affordability Ratios	Worse	Worse	Worse	Worse
Private Rents	Worse	Worse	Worse	Better
Past Development	~	~	~	~
Homelessness (Households in Temporary Accommodation)	Better	Better	Better	Better
Homelessness (Households in Priority Need)	Better	Better	Better	Better
Overcrowding (Overcrowded Households)	Worse	Worse	Better	Worse
Overcrowding (Concealed Families)	Same	Same	Better	Better

Source: Lichfields Analysis

Footnote: Worse = performing worse against the average
 Better = performing the same or better against the average
 ~ = data not available

4.32 It is clear that the City is currently facing very significant challenges in terms of house prices and private rental values and under delivery, causing affordability difficulties. The GL Hearn analysis is an improvement from the 2016 SHMA and clearly is an improvement from the Council’s approach to identifying an OAHN of 867dpa, but even so, is inadequate to address the current housing crisis. For the aforementioned reasons a 20% uplift is preferable.

4.33 Whilst it can only be applied limited weight at the current time, Lichfields also note that the CLG methodology, based on the median workplace based affordability ratio, would suggest an uplift of 27% for market signals.

4.34 GL Hearn also conflates market signals and affordable housing in the 10% uplift, which is a fundamental misreading of the Practice Guidance, and should be addressed separately (see below for affordable housing commentary).

³⁹Canterbury District Council Local Plan Examination August 2015, Inspector’s Letter and Note on main outcomes of Stage 1 Hearings, paragraph 26.

Economic Growth

- 4.35 With regards to considering the need to uplift a housing figure to take account of the economic potential of the local authority, the Framework sets out the following:
- “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.” [S19]*
- 4.36 The SHMA Assessment Update presents no alternative to the work in the June 2016 SHMA. It states [S4.3] that the housing need required to meet the economic growth is lower than the demographic need. Furthermore evidence of more recent forecasts suggests that the economic growth will be even lower than anticipated. Therefore GL Hearn considers that on balance, there is unlikely to be any justification for an uplift to housing numbers in the City to support expected growth in employment. The Update states that the uplift for market signals would see the likelihood for an economic uplift reduce.
- 4.37 Lichfields considers that this approach fails to address the concerns raised in our previous submissions on behalf of the Companies to the Preferred Sites Consultation. Included in those submissions was ‘Technical Report 1’ which noted that June 2016 SHMA presents a suppressed picture of likely economic growth, drawing upon economic forecasts produced in 2014, which are outdated. The submission noted that we could only provide a limited analysis on the robustness of GL Hearn’s assessment of the implications of the job forecasts as they had not set out their assumptions in detail, and we reserved the right to review these assumptions if/when they were provided by GL Hearn.
- 4.38 Given that the SHMA Assessment Update provides no further information on this matter it has not been possible for Lichfields to make any further analysis at this stage. On this basis, the concerns raised on behalf of the Companies in Technical Report 1 still stand, particularly as the LPP Policy SS1 identifies a specific target to provide sufficient land to accommodate an annual provision of around 650 new jobs to support sustainable economic growth.

Affordable Housing Needs

- 4.39 In line with the Framework⁴⁰, LPAs should:
- “...use their evidence based to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing...”*
- “...prepare a SHMA which...addresses the need for all types of housing, including affordable.”*
- 4.40 The Practice Guidance⁴¹ sets out a staged approach to identifying affordable housing needs, and states that affordable housing need should be:
- “...considered in the context of its likely delivery as a proportion of mixed market and affordable housing developments...an increase in the total housing figures included in the plan should be considered where it could help deliver the required number of affordable homes.”*
- 4.41 As set out in Section 2.0, two High Court Judgements go to the heart of addressing affordable housing within the identification of OAHN. ‘Satnam’ establishes that affordable housing needs are a component part of OAHN, indicating that the ‘proper exercise’ is to identify the full

⁴⁰ Framework - Paragraphs 47 and 159

⁴¹ Practice Guidance - ID: 2a-022-20140306 to 2a-029-20140306

affordable housing needs and then ensure that this is considered in the context of its likely delivery as a proportion of mixed market/affordable housing development. ‘Kings Lynn’ builds on ‘Satnam’, identifying that affordable housing needs “*should have an important influence increasing the derived OAHN since they are significant factors in providing for housing needs within an area.*” [§36] This is clear that affordable housing needs are a substantive and highly material driver of any conclusion on full OAHN.

4.42 The SHMA Assessment Update states that it does not review affordable housing need but the situation is unlikely to have changed significantly from the 2016 SHMA. The 2016 SHMA identified a net affordable housing need of 573 homes per annum or 12,033 dwellings over the 2012-2033 period. This suggests a worsening situation when compared with the previous figure of 486 affordable homes per annum needed in the previous 2011 SHMA, produced by GVA.

4.43 The SHMA Assessment Update [§3.3] suggests that large parts of this need are either existing households (who do not generate need for additional dwellings overall) or newly forming households (who are already included within the demographic modelling).

4.44 It further states [§§3.17-3.18] that:

“The City of York Council currently have an affordable housing policy of up to 30%. The SHMA identified a net affordable housing need of 573 dwellings. Based on this level of need and the current policy the City would require to deliver 1,910 dwellings per annum. To put this in context the City has only delivered more than 1000 homes once since 2004-5. Using a lower policy target would result in an even higher need.”

“While there is clearly an affordable housing issue in the City many of the households in need are already in housing (just housing that is not suitable for some reason such as overcrowding) and therefore do not generate a need for additional dwellings”.

4.45 The provision of the net affordable housing need identified is likely to be unrealistic given past dwelling completions in City of York. With regard to this matter the SHMA Assessment Update states [§3.28]:

“Given the balance of judgement it would appear that a 10% adjustment could be justified in York on the basis of the previously established affordable housing need the updated market signals evidence.”

4.46 In taking this approach, GL Hearn is effectively conflating the uplift resulting from affordable housing need with uplift resulting from market signals analysis. These are two separate steps in the Practice Guidance and should not be combined in this manner.

4.47 Lichfields has not analysed in detail the figures forming the assessment of affordable housing needs, due in part to limitations on access to the underlying data; instead, Lichfields has focused on how this need has informed the OAHN conclusion.

Addressing Affordable Housing Needs

4.48 Having identified the affordable housing needs, the Practice Guidance requires an assessment of its likely delivery to consider whether there is a need to uplift or adjust the OAHN and planned housing supply in order to address affordable housing needs. This is what the ‘Satnam’ judgment calls the ‘proper exercise’ and is undertaken by the 2016 SHMA within Figure 30. This concludes that to meet affordable housing need in full the City of York would need to deliver 573dpa. At a delivery rate of 30% of overall housing, this means that the City would need to deliver 1,910dpa to address affordable housing needs in full.

4.49 Taking into account affordable need within the calculation of OAHN does not necessarily involve a mechanistic uplift, or an indication that such identified needs must be met in full. It

has to be a scenario which, on a reasonable basis, could be expected to occur. This is set out in the Kings Lynn judgment which concluded:

"...This is no doubt because in practice very often the calculation of unmet affordable housing need will produce a figure which the planning authority has little or no prospect of delivering in practice. That is because the vast majority of delivery will occur as a proportion of open-market schemes and is therefore dependent for its delivery upon market housing being developed." [§35]

This is also consistent with the Practice Guidance⁴² which sets out the assessment of need "does not require local councils to consider purely hypothetical future scenarios, only future scenarios that could be reasonably expected to occur."

- 4.50 However, in line with the High Court Judgments, this still needs to be an uplift of consequence, insofar as it can reasonably be expected to occur. This will inevitably need to involve judgement, based on relevant evidence, as to the extent to which any scale of uplift could be reasonably expected to occur.
- 4.51 The SHMA ultimately does not use the identified acute affordable housing needs in a way in which it has "an important influence in increasing the derived F[ull] OAN" as per the Kings Lynn judgment.
- 4.52 The Local Plan Expert Group [LPEG], in its Report to the Secretary of State for Communities and Local Government in March 2016, recommended various changes to the Practice Guidance with the remit of considering how local plan-making could be made more efficient and effective. Although very limited weight can be given to the LPEG approach given that it is not policy or endorsed by Government, it is at least helpful in seeking to understand the general 'direction of travel' of defining OAHN and what an appropriate response might be to define the influence of market signals and affordable housing needs. LPEG recommended changes to the preparation of SHMAs and determination of OAHN.
- 4.53 With regard to affordable housing need in the preparation of SHMAs and determination of OAHN it proposed that where the total number of homes that would be necessary to meet affordable housing need is greater than the adjusted demographic-led OAHN, then this figure (953dpa) should be uplifted by a further 10%. The 10% uplift was intended to provide a streamline approach that removes judgement and debate from the process of setting OAHN (as opposed to what might be the most accurate under current Practice Guidance).
- 4.54 Given the significant affordable housing need identified in City of York Lichfields considers that this 10% uplift would be appropriate in this instance and should be applied to the OAHN.

MHCLG Standardised Approach to OAHN

- 4.55 As noted in Section 2, MHCLG has recently published for consultation the draft Planning Practice Guidance, which sets out the standard method for calculating local housing need, including transitional arrangements first set out in "Planning for the right homes in the Right Places" ..
- 4.56 Whilst relatively limited weight can be attached to this document at present given its consultation status, for the City of York, if adopted as MHCLG proposes, the approach would mean that the OAHN over the period 2016-2026 is 1,070 dpa.
- 4.57 This is based on an annual average level of household growth of 844 dpa between 2016 and 2026, uplifted by a very substantial 27% to address the fact that the latest median workplace-based affordability ratio is 8.3.

⁴² Practice Guidance - ID:2a-003-20140306

Conclusions on the City of York's Housing Need

- 4.58 The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is fundamentally flawed. This is a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the FOAN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.
- 4.59 There are a number of significant deficiencies in the SHMA Assessment Update which means that even the higher 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
- 1 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this demographic conclusion of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below. Lichfields agree with making an adjustment for demographic and household formation rates. However, it is illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - 2 The Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - 3 Given the significant affordable housing need identified in City of York Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN.
- 4.60 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 1 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates amongst younger age cohorts takes the demographic starting point to 871 dpa.
 - 2 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, for the reasons set out above, Lichfields considers that a greater uplift of 20% would be more appropriate in this instance. When applied to the 871 dpa re-based demographic starting point, this would indicate a need for 1,045 dpa.
- The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the Blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;
- The scale of affordable housing needs, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045 dpa set out above. It is considered that to meet affordable housing needs in full (573 dpa), the OAHN range should be adjusted to 1,910 dpa @30% of overall delivery. It is, however, recognised that this level

of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

This is **7.5% higher** than the MHCLG proposed standardised methodology figure of 1,070 dpa.

- 4.61 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework by significantly boosting the supply of housing. It would also reflect the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.
- 4.62 It is emphasised again that CLG's household projections explicitly exclude the housing needs of students living in halls of residence. GL Hearn has used the latest CLG 2014-based household projections to underpin its housing OAN for York. The market signals adjustment it makes does not address the separate specialised housing needs of students, which would be additional to the target identified.

5.0 **Approach to Assessing Housing Land Supply**

Introduction

- 5.1 This section sets out the requirements of the Framework and the Practice Guidance in establishing the supply of housing land to meet the housing needs of an area. This will provide the benchmark against which the SHLAA and emerging Local Plan will be assessed, to ensure the necessary requirements are met. In addition, relevant High Court judgments have been referenced to set out the requirements of a housing supply calculation in a legal context.

Policy Context

National Planning Policy Framework

- 5.2 The Framework outlines a two-step approach to setting housing requirements in Local Plans. Firstly, to define the full objectively assessed need for development and then secondly, to set this against any adverse impacts or constraints which would mean that need might not be met. This is enshrined in the approach defined in the Framework⁴³ which sets out the presumption in favour of sustainable development.

- 5.3 The Framework⁴⁴ stresses the intention of the Government to significantly boost the supply of housing. As a consequence, the focus of national policy is to ensure the delivery of housing and, in that context, the Framework requires LPAs to:

"identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15..."⁴⁵

- 5.4 There is therefore a need for the Council to identify both a 5-year supply and a longer-term supply as part of the preparation of the Local Plan.

- 5.5 For the purpose of the supply assessment, the Framework advises that only deliverable sites should be included within the first 5-years. To be considered deliverable:

"...sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing

⁴³ Framework - §14

⁴⁴ Framework - §47

⁴⁵ Framework - §47

plans.”⁴⁶

- 5.6 The Framework states that for the period 5-15 years developable sites may be included, which are sites that are:

“...in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.”⁴⁷

- 5.7 The Framework sets out the approach to defining such evidence which is required to underpin a local housing supply. It sets out that in evidencing housing supply:

“LPAs should have a clear understanding of housing needs in their area. They should:

...

“...prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.”⁴⁸

National Planning Practice Guidance

- 5.8 The Practice Guidance⁴⁹ provides further guidance on how an assessment of the housing supply is to be undertaken. It urges LPAs to assess the suitability, availability and achievability of sites, including whether the site is economically viable, to determine whether a site can be considered deliverable over the plan period.

- 5.9 In this context the Practice Guidance makes it clear that a site will be considered available when:

“...there is confidence that there are no legal or ownership problems, such as unresolved multiple ownerships, ransom strips tenancies or operational requirements of landowners. This will often mean that the land is controlled by a developer or landowner who has expressed an intention to develop, or the landowner has expressed an intention to sell. Because persons do not need to have an interest in the land to make planning applications, the existence of a planning permission does not necessarily mean that the site is available. Where potential problems have been identified, then an assessment will need to be made as to how and when they can realistically be overcome. Consideration should also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions.”⁵⁰

- 5.10 The Practice Guidance indicates that a site is considered achievable for development where:

“...there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a site, and the capacity of the developer to complete and let or sell the development over a certain period.”⁵¹

- 5.11 The LPA, when preparing a Local Plan, is urged to use the information on suitability, availability, achievability and constraints to assess the timescale within which each site is capable of development. The Practice Guidance suggests that this may include indicative lead-in times and build-out rates for the development of different scales of sites. On the largest sites

⁴⁶ Framework – Footnote 11

⁴⁷ Framework – Footnote 12

⁴⁸ Framework - §159

⁴⁹ Practice Guidance – ID:3-018-20140306

⁵⁰ Practice Guidance – ID:3-020-20140306

⁵¹ Practice Guidance – ID:3-021-20140306

allowance should be made for several developers to be involved. The Practice Guidance⁵² makes it clear that the advice of developers and local agents will be important in assessing lead-in times and build-out rates by year.

- 5.12 The Practice Guidance⁵³ accepts that a windfall allowance may be justified if a local planning authority has compelling evidence as set out in the Framework. In addition, it states that:

*“Local planning authorities have the ability to identify broad locations in years 6-15, which could include a windfall allowance based on a geographical area (using the same criteria as set out in paragraph 48 of the National Planning Policy Framework).”*⁵⁴

- 5.13 The Practice Guidance requires LPAs to collate this above information and present it in an indicative trajectory which:

*“...should set out how much housing and the amount of economic development that can be provided, and at what point in the future. An overall risk assessment should be made as to whether sites will come forward as anticipated.”*⁵⁵

- 5.14 In relation to the assessment of whether sites are deliverable within the first 5-years the Practice Guidance⁵⁶ indicates that deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5-years. It goes on to state:

*“...planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.”*⁵⁷

Recent Legal Judgments

- 5.15 The High Court decision in the case of Exeter City Council and Secretary of State⁵⁸ is relevant to York as it considers the appropriateness of including student accommodation in the calculation of the housing supply in accordance with the Framework. Exeter is a University City similar to York and included student accommodation within their housing land supply.

- 5.16 The Inspector who determined the appeal⁵⁹ considered the inclusion of student accommodation in the 5-year supply based on the Practice Guidance which states:

*“All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can be included towards the housing requirement, based on the amount of accommodation it releases in the housing market. Notwithstanding, local authorities should take steps to avoid double counting.”*⁶⁰

⁵² Practice Guidance – ID:3-023-20140306

⁵³ Framework - §48

⁵⁴ Practice Guidance – ID:3-024-20140306

⁵⁵ Practice Guidance – ID:3-025-20140306

⁵⁶ Practice Guidance – ID:3-031-20140306

⁵⁷ Practice Guidance – ID:3-031-20140306

⁵⁸ Exeter City Council v Secretary of State for Communities and Local Government [2015] EWHC 1663 (Admin)

⁵⁹ Land at Home Farm, Church Hill, Pinhoe – Insp. Decision 29.10.14 [Ref: APP/Y1110/A/14/2215771]

⁶⁰ Practice Guidance – ID:3-036-20140306

5.17 The Inspector, in her decision letter, stated:

“The Council submit that the provision of student accommodation releases housing that would otherwise be occupied by students and thereby indirectly releases accommodation within the housing market. For this reason it believes that all student accommodation should be included within the housing delivery and housing land supply figures. This view is not consistent with the PPG because it is not based on any assessment of the extent to which the provision of student accommodation has released general market housing.”

5.18 She went on:

“Where student population is relatively stable, and the number of general market dwellings occupied by students declines as a consequence of the provision of student accommodation, I consider the inclusion of such accommodation as part of the housing supply would be consistent with the guidance within the PPG. However, within Exeter, due to the considerable increase in the number of students relative to the provision of purpose-built student accommodation, there has not been a reduction in the number of general market dwellings occupied by students. On the contrary, there has been a significant increase...”⁶¹

5.19 The High Court agreed that the Council did not set out any specific evidence to justify that the development of student accommodation would release housing to the market elsewhere. It stated that:

“...it simply relied upon paragraph 3.38 of the PPG in support of its proposition that, irrespective of the extent (if any) that student accommodation was included in the housing requirement figure adopted.”⁶²

5.20 As a consequence, the High Court stated that the Appeal Inspector:

“... was correct not to accede to the Council’s submission that all student accommodation supplied should or could be set off against the housing requirement. She was correct not to be persuaded by the Developers’ contention that she could not under any circumstances take into account student accommodation. She was correct to look at the facts of this case and determine whether, on the evidence before her, there was any basis for taking any of the new student accommodation into account ... she properly accepted (in paragraph 47) that, although there was currently no evidence to show that the provision of student accommodation has released housing into the general market in Exeter, the situation may in the future change if (e.g.) the delivery of student accommodation significantly exceeded the increase in student population.”⁶³

Conclusion

5.21 It is against this policy context that the proposed housing supply should be considered. In practice, applying the Framework and Practice Guidance to achieve a robust supply that will meet the needs of the community is an evidence based process which should use transparent and justifiable assumptions on lead-in times, delivery rates and density. In addition, it should be clear that the sites are available and achievable over the plan period.

5.22 In the case of York, there are inherent dangers in including student housing in the supply if there is no evidence that there has been a reduction in the number of general market dwellings

⁶¹ Land at Home Farm, Church Hill, Pinhoe – Insp. Decision 29.10.14 [Ref: APP/Y1110/A/14/2215771] - §44 & §47

⁶² Exeter City Council v Secretary of State for Communities and Local Government [2015] EWHC 1663 (Admin) - §37

⁶³ Ibid - §44

occupied by students as a direct result of the provision of purpose-built student accommodation.

6.0 Council's Housing Supply Evidence

Introduction

6.1 Detailed representations on the Council's housing land supply evidence were submitted on behalf of the Companies to the City of York Local Plan - Preferred Sites Consultation (in 'Technical Report 2: Housing Supply'). These representations concluded the following:

- 1 The Council had not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence had therefore been produced to demonstrate the Council's housing supply position.
- 2 The assessment of the balance between the housing requirement and supply demonstrated that there was a significant shortfall for both the plan period and 5-year period. In these circumstances, the emerging plan was not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 3 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that would deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

These concerns have not been addressed and reference is accordingly made below in Lichfields' assessment of the Council's latest evidence.

6.2 Before considering the adequacy of the Council's supply, it is important to consider the nature and extent of the Council's evidence base in relation to the supply. Evidence on the Council's supply is contained in a number of different places:

- 1 The City of York Strategic Housing Land Availability Assessment [SHLAA] (September 2017);
- 2 The City of York Local Plan Publication Draft (March 2018);
- 3 Half Year Housing Monitoring Update for Monitoring Year 2017/18 (1st April 2017 and 30th September 2017); and,
- 4 The City of York Windfall Allowance Technical Paper 2017 (SHLAA Annex 5).

Housing Completions

6.3 The Council has provided detailed site by site delivery figures for the past five monitoring years (2012/13 to 2016/17). In addition, the Council's annual completion figures since 2007/08 are contained in the September 2017 Half Year Housing Monitoring Update.

6.4 The Council has included student specific accommodation within their completions figures and their forward supply figures. Based on recent High Court decisions it is clear that robust evidence must be provided to justify the inclusion of student accommodation in the housing supply, specifically that the accommodation will release housing into the general market.

6.5 York Council has not provided any evidence to demonstrate that the provision of additional student accommodation would result in the release of housing into the market as required by national policy. Furthermore, the Council's June 2016 SHMA outlines that the York St John University is, over the next five years, seeking to "*grow our student numbers from 6,400 to 7,300*"⁶⁴. This reflects an aim to achieve growth in student numbers of 14.1% by 2020.

⁶⁴ City of York, June 2016 Strategic Housing Market Assessment, §10.71

- 6.6 Based on national policy, the recent High Court decision coupled with the expected growth in student numbers in York, it is considered that it is inappropriate to include student accommodation within the Council's supply. This is because there is no justification regarding how it will result in the release of current housing into the general housing market.
- 6.7 In this context, the Council has included the delivery of 124 units in monitoring year 2012/13 from the site at 6-18 Hull Road. However, a total of 97 of the units are not self-contained and share communal/living areas. As such, these bedspaces cannot contribute towards the Council's housing completion figures as there is no evidence that they have released housing to the general market. That said, we have included the delivery of 27 units from this site as they are self-contained studio apartments which could be sold on the open market at some stage in the future.
- 6.8 The Council has also included the delivery of 91 units in the monitoring year 2016/17 for the site at Hallfield Road. The majority of the units on this scheme are not self-contained and share communal/living areas. As such, these bedspaces cannot also contribute towards the Council's housing completion figures as there is no evidence that they have released housing to the general market. However approximately 9% of these units are studio apartments which could be sold on the open market at some stage in the future, so we have included 8 units from this scheme on this basis.
- 6.9 Table 6.1 sets out the Council's past completion figure and provides a cumulative running total since 2012/13. It also sets out Lichfields' assumed completions figures and provides a running total.

Table 6.1 Housing Completions

Year	Council Position		Lichfields' Position	
	Comp.	Cum +/-	Comp.	Cum +/-
2012/13	482	482	385	385
2013/14	345	827	345	730
2014/15	507	1,334	507	1,237
2015/16	1,121	2,455	1,121	2,358
2016/17	977	3,432	894	3,252
Totals	3,432		3,252	

Source: City of York Council

2017 SHLAA

- 6.10 The Framework⁶⁵ sets out that local planning authorities should prepare a SHLAA to establish assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period. Furthermore, the Practice Guidance⁶⁶ outlines that the assessment of land availability is an important step in the preparation of Local Plans. The provision of an up to date SHLAA approach ensures that all land is assessed together as part of plan preparation to identify which sites or broad locations are the most suitable and deliverable for a particular use.
- 6.11 The Council has published its City of York Strategic Housing Land Availability Assessment

⁶⁵ Framework - §159⁶⁶ Practice Guidance - ID: 12-018-20140306

September 2017. This document supersedes previous versions of the SHLAA to present the sites assessed for their development potential to form part of the evidence base for York's Local Plan. The 2017 SHLAA accompanied the Local Plan Pre Publication [LPPP] Draft, setting out the methodology for site selection in the plan, and detail of which sites have been allocated.

Site Selection

- 6.12 The 2017 SHLAA outlines the previous consultation undertaken by City of York Council in relation to site identification and consultation/engagement. It states [§2.3.1] that a two stage suitability process was undertaken in order to sieve out the potential sites most suitable for development:
- 1 Stage 1: Sustainable Location Assessment which uses the shapers set out in the emerging Spatial Strategy to assess potential site suitability. The SHLAA states that the methodology was also informed by work on the Sustainability Appraisal.
 - 2 Stage 2: Technical Officer Group which considers more site specific suitability of sites which successfully passed Stage 1 and determined whether they should progress as development sites. The SHLAA states that any sites which were wholly or partly removed from the site selection process following the Stage 1 analysis will be given the opportunity to respond to the assessment with supporting evidence.
- 6.13 Further details on the scoring process and methodology used are provided in Annex 3 of the SHLAA. As the site selection and criteria assessment process was developed in 2013, the SHLAA indicates that subsequent guidance on Impact Risk Zones for SSSIs, Flood Risk and Agricultural Land Value has been taken into consideration. It also explains the basis on which the availability and deliverability of sites has been determined.
- 6.14 The SHLAA [§§2.5.1-2.5.2] outlines how the availability of sites has been determined. It states:
- “The majority of sites assessed were received through the Call for Sites process or subsequent Local Plan consultations. Through this process we asked that landowner details were provided to us to ensure that we could confirm availability and that the site had a willing landowner. We also asked for details of whether the site had been promoted commercially or by an agent as well as when the site would be become available for development. Since 2012, the availability of sites has been reconfirmed through consultation.”*
- “For the allocated sites set out in the Section 3.3, availability of the site has been confirmed and the timescales reflect our understanding of when the site will be brought forward in the plan period”.*
- 6.15 The SHLAA [Section 2.6] sets out a series of archetypes which have been used to determine the scale of potential development on sites less than 5ha (non-strategic sites). It notes that for Strategic Sites (over 5 ha) a bespoke approach is taken to reflect the site characteristics and detailed work undertaken.

Housing Supply

- 6.16 A summary of housing completions and permissions for the period April 2016 to March 2017 is provided.
- 6.17 The SHLAA identifies a windfall allowance of 169 dwellings per annum and states that windfalls will be included from year 4 of the trajectory. Included at Annex 5 of the SHLAA is City of York Local Plan Windfall Allowance Technical Paper (2017) which explains how the windfall figure has been derived.
- 6.18 The SHLAA does not provide any detailed calculation to demonstrate how a 5-year housing land

supply is achieved. This is wholly unacceptable and does not demonstrate the deliverable 5 year housing land supply as required by national guidance.

City of York Local Plan Publication Draft [LPP]

- 6.19 The Council published its LPP in February 2018 for public consultation. Policy H1 identifies the sites which have been allocated to meet the housing requirement set out in Policy SS1 over the plan period 2017/18 to 2032/33 (867dpa).
- 6.20 Table 5.1 in the LPP identifies the sites which have been allocated in the LPP and provides the estimated dwelling yield and estimated phasing for these sites (i.e. Short Term: Years 1-5, Medium Term: Years 1 -10 etc.). For those sites where the phasing extends beyond years 1-5, the anticipated delivery of the sites in each 5 year phase is not confirmed.
- 6.21 The LPP (Figure 5.1 and Table 5.2) provides housing trajectories for the period April 2017 to March 2033 (16 years) against the identified housing target of 867dpa. The LPP [5.6] states that the trajectory shows there is an adequate supply to meet the objectively assessed need throughout the plan period. However, there is a lack of detailed evidence on the supply to demonstrate this position.
- 6.22 Lichfields notes that the period March 2017 to April 2018 has been identified as Year '0', rather than Year '1', which would be the usual approach. Years 0 to 4 (rather than Years 1 to 5) is therefore the period against which the Framework requirement of achieving a 5-year supply would be assessed.
- 6.23 The information provided in the trajectories is high level. They do not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total completion figure for all sites each year without detailed reasoning on the methodology for deriving this figure. In addition, there is a lack of evidence in the SHLAA on lead-in times and delivery rate assumptions for the Council's unimplemented permissions and draft allocations.
- 6.24 With regard to providing a rolling 5 year supply of deliverable sites the LPP [5.9] states:

“The Council accepts that there has been persistent under delivery of housing as defined in the NPPF and consequently has included enough land in the early years of the trajectory to ensure there is a 20% buffer in the 5 year supply. This land has been brought forward from later in the plan period. Progress on meeting delivery targets will be assessed through the authority monitoring report and the 20% buffer will be rolled forward within the 5 year supply until such time as the under delivery has been satisfactorily addressed. This does not mean that overall more land has been allocated in the plan, what it does mean is that the development trajectory (see Figure 5.1) ensures that in the early years of the plan additional land is available to address previous under delivery”.

However, as with the SHLAA, the LPP does not provide any detailed calculation to demonstrate how the 5-year housing land supply is achieved.

- 6.25 With regard to site yield and delivery, the LPP [5.12] notes that the yield for each of the strategic sites has been established through working with site promoters to produce an individual assessment of the yield for each site. For non-strategic sites the LPP refers to the yield archetypes identified in the SHLAA [2.6.2].
- 6.26 With regard to the delivery and phasing of allocated sites the LPP [5.13-5.14] states:

“Each allocated site has been assessed for its likelihood of being delivered to ensure that we are satisfied that each site is likely to come forward for development during the plan period, although ultimately this can be dependent upon external factors such as finance”.

availability for house builders, mortgage availability for purchasers and the aspirations of landowners. In all cases there have been discussions with the land owner about their current plans. We have at this stage placed each allocated site within a timescale of short (1-5 years), medium (6-10 years), long term (11-15 years) or life time of the plan (1-21 years). The timescale of each site is an indication of when we think the site is likely to come forward and reflects the timescale put forward by the landowner or developer in the discussions referred to above, the requirement to develop the most sustainable sites within a settlement first and viability”.

“The phasing of sites is important for the successful delivery of the plan’s priorities and sites should only come forward in different phases if they would not prejudice the delivery of other allocated sites. For example where the construction of essential infrastructure is linked to the delivery of a package of sites, these sites will need to be brought forward in an orderly fashion to ensure the infrastructure is in place to mitigate the impacts of development”.

- 6.27 As with the SHLAA, there is a lack of evidence in the LPP on lead-in times and delivery rate assumptions for the Council’s unimplemented permissions and draft allocations. This is a flawed approach which does not meet the requirements of national guidance.

Conclusion

- 6.28 The Council has compiled and recently published housing completions figures for the past ten monitoring years as well as published detailed site by site completion figures for the past 5 years. However, the Council’s housing land supply figures do not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total delivery figure for each site without detailed reasoning on the methodology for deriving this figure.
- 6.29 Insufficient information has also been provided on the assumptions used to derive the Council’s proposed delivery in the LPP and associated evidence base documents. There is a distinct lack of evidence on lead-in times and delivery rate assumptions for the Council’s unimplemented permissions and draft allocations.
- 6.30 Furthermore, the Council includes several student sites in its future supply, which is inappropriate, as there is no justification regarding how these developments will result in the release of housing into the general housing market as required by the Practice Guidance. In particular, no robust evidence has been provided to clearly demonstrate that there has been a reduction in the number of general market dwellings occupied by students as a direct result of the provision of purpose-built student accommodation. As a result, the Council’s land supply figures risk being severely distorted.

7.0 Housing Requirement

Introduction

- 7.1 The Framework⁶⁷ and Practice Guidance require LPAs to demonstrate a developable 5-year supply and a deliverable supply for the period 5-15 years. This requires an understanding of the relevant housing requirements for each of these time periods.
- 7.2 This Technical Report sets out a critique of the Council's OAHN and the need to increase the target to meet the needs of the local community. This section briefly sets out the relevant figures to be used for both the 5-year assessment and the plan period assessment.

Plan Period Housing Requirement

- 7.3 The Council's SHMA Assessment Update seeks to provide the evidence to justify the housing requirement for the City of York Local Plan. It sets the Plan period as 2012-2032.
- 7.4 This Technical Report sets out the flaws in the SHMA Assessment Update and the Council's approach in rejecting the 953 dpa figure recommended in the SHMA Assessment Update. It requests that the OAHN is recalculated using an appropriate methodology. Lichfields considers that the Council's SHMA makes a number of flawed assumptions and judgements and does not properly respond to the requirements of policy and guidance. As a result, the proposed OAHN set out in the SHMA is not robust and is inadequate in meeting the need and demand for housing.
- 7.5 Even so, the Council has resolved to reject the OAHN of 953 dpa set out in the SHMA update and adopt a figure of 867 dpa, based on the latest revised SNHP published by ONS and MHCLG with no adjustment for market signals or affordable housing. By way of contrast, MHCLG's standard methodology produces an OAHN figure of 1,070 dpa, significantly higher than adopted by the Council which again demonstrates the inappropriateness of the Council's approach.
- 7.6 As noted in Section 4, Lichfields considers that the OAHN for York is **at least 1,150 dpa**. To be robust however, for the purposes of this report, we have also used GL Hearn's 953 dpa OAHN figure to calculate the City's 5YHLS.

5-Year Housing Requirement

Annual Requirement

- 7.7 When calculating the 5-Year Housing Requirement the annual average requirement should be used. As there is disagreement over the appropriate OAHN with the Council preferring a housing requirement of 867 dpa rather than their own housing evidence which suggests a need for 953 dpa figure in the SHMA Update, with Lichfields recommending a yet higher figure (1,150 dpa). All three are used in this assessment.
- 7.8 We would note that whichever figure is used, it does not include the specific needs of students living in halls of residence, which would be additional as these are explicitly excluded from the CLG's household projections.

⁶⁷ Framework - §47

Under Supply

- 7.9 The Practice Guidance⁶⁸ indicates that LPAs should aim to deal with any under supply within the first 5-years of the plan period where possible. Table 7.1 sets out the net completions recorded by the Council since 1st April 2007 compared to the now withdrawn RS for Yorkshire and the Humber requirement which the Council has been using in the absence of an adopted Local Plan. Table 7.1 shows the failure of York to deliver housing to meet the needs of the community.

Table 7.1 Housing Completions 2007/08 - 2016/17

Year	Target	Comp.	+/-	Cum +/-
2007/08	650	523	-127	-127
2008/09	850	451	-399	-526
2009/10	850	507	-343	-869
2010/11	850	514	-336	-1,205
2011/12	850	321	-529	-1,734
2012/13	850	482	-368	-2,102
2013/14	850	345	-505	-2,607
2014/15	850	507	-343	-2,950
2015/16	850	1,121	+271	-2,679
2016/17	850	977	+127	-2,552
Totals	8,300	5,748	-2,552	

Source: York Housing Monitor Update for Monitoring Year 2016/17

- 7.10 The Council has produced a Half-Year Monitoring Update for 2017/18 (1st April 2017 to 30th September 2017). This indicates that net completions over this period have totalled 1,036 dwellings.
- 7.11 However, as details of the full monitoring year 2017/18 are not yet available it is not possible to include this latest dataset in the analysis.
- 7.12 Table 7.2 sets out the net completions recorded by the Council since 1st April 2012 compared to the Council's requirement and the Lichfield's target. In this context it should be noted that the Lichfield completions exclude the student accommodation (180 units) previously included in the Council's delivery figures for the reasons set out in Section 6.0. The table shows the failure of York to deliver sufficient housing to meet the emerging OAHN.

⁶⁸ Practice Guidance - ID:3-035-20140306

Table 7.2 Housing Completions

Year	Council Position				SHMA OAHN				Lichfield Position			
	Target	Comp.	+/-	Cum +/-	Target	Comp.	+/-	Cum +/-	Target	Comp.	+/-	Cum +/-
2012/13	867	482	-385	-385	953	482	-471	-471	1,150	385	-765	-765
2013/14	867	345	-522	-907	953	345	-608	-1,079	1,150	345	-805	-1,570
2014/15	867	507	-360	-1,267	953	507	-446	-1,525	1,150	507	-643	-2,213
2015/16	867	1,121	+254	-1,013	953	1,121	168	-1,357	1,150	1,121	-29	-2,242
2016/17	867	977	+110	-903	953	977	24	-1,333	1,150	894	-256	-2,498
Totals	4,335	3,432	-903		4,765	3,432	-1,333		5,750	3,252	-2,498	

Source: York Housing Monitoring Update for the Year 2016/17 / Lichfields analysis

Application of the Buffer

- 7.13 Judgements on the appropriate Framework buffer (i.e. 5% or 20%) to apply turns on whether there is a record of “*persistent under delivery*”.
- 7.14 In this case, the Council has under-delivered in 8 of the past ten years when compared to the previous housing target and the emerging Local Plan (see Tables 7.1 & 7.2). A ten year period is considered to represent an entire economic cycle and an appropriate period for considering past delivery. This results in a substantial shortfall which needs to be quickly rectified. It is therefore appropriate to apply a 20% buffer to help address the significant delivery failings. This approach aligns with the Framework⁶⁹ objective to “*boost significantly*” the supply of housing and ensure that objectively assessed housing needs are met.
- 7.15 In respect of applying the buffer, it should be applied to both the forward requirement and the under supply. This approach accords with the Framework, which suggests that the buffer should be added to the total requirement which would, inevitably, include any under delivery from earlier years. In this regard, the purpose of the buffer is to increase the supply of land; it does not change the number of houses required to be built within that period. Put simply, the buffer is not, and it does not become, part of the requirement; it is purely a given excess of land over the land supply necessary to permit the identified need for housing to be delivered.
- 7.16 There have been a number of appeal decisions supporting this approach. In particular, the appeal in Droitwich Spa⁷⁰ where the Inspector indicated that the buffer should be applied to the forward requirement and under supply. He stated:
- “It is also clear that the 20% buffer should be applied to the entire 5-year requirement (including the historic shortfall). The Council could not point to any provision in policy or previous decisions which supports the contention that the 20% should not apply to the historic shortfall...”* [§8.46]
- The Secretary of State supported this approach in his decision letter.⁷¹
- 7.17 Table 7.3 sets out respective positions in relation to the 5-year requirement.

⁶⁹ Framework - §47

⁷⁰ Land at Newland Road and Primsland Way, Droitwich Spa (SoS Decision 02.07.14 – Ref: APP/H1840/A/13/2199085)

⁷¹ *ibid* – DL §14

Table 7.3 5-Year Housing Requirement

	Council		SHMA OAHN		Lichfields	
	Calc.	Total	Calc.	Total	Calc.	Total
Policy Requirement (2017-2022)	867 dpa x 5	4,335	953 dpa x 5	4,765	1,150 dpa x 5	5,750
Under Supply (2012-2017)	4,335 – 3,432	903	4,765 – 3,432	1,333	5,750 – 3,252	2,498
Buffer at 20%	$(4,335 + 903) \times 0.2$	1,048	$(4,765 + 1,333) \times 0.2$	1,220	$(5,750 + 2,498) \times 0.2$	1,650
Total Requirement		6,286		7,318		9,898
Annual Requirement	6,286 / 5	1,257	7,318 / 5	1,464	9,898 / 5	1,980

Source: Lichfields

7.18 On this basis, the 5-year requirement ranges from **6,286** to **9,898** dwellings.

Conclusion

7.19 The SHMA Update sets out an OAHN for York of 953 dpa; however, the Council has ignored this figure and adopted 867dpa for the plan period. Lichfields considers that an OAHN of 1,150 dpa is more appropriate. Even this figure explicitly excludes the needs of students living in purpose-built halls of residence.

7.20 The appropriate plan period is for this assessment is 2012-2032. We have set out the Council's past completion data and consider that a 20% buffer is required due to the persistent under delivery of housing in the City over the past 10 years.

7.21 When using the Council's OAHN and factoring in backlog and an appropriate buffer it is concluded that the annual housing requirement over the next 5-years is 6,286 (1,257 dpa), rising to 7,318 (1,464 dpa) using the SHMA's OAHN. Using Lichfields' OAHN figure would result in an annual requirement of 9,898 (1,980 dpa) over the next 5-years.

8.0 Housing Land Supply

Introduction

8.1 This section assesses the adequacy of the deliverable and developable supply of housing sites to meet the requirement for the plan period and 5-year period. It draws on the information supplied by the Council in the LPP and associated evidence base.

8.2 Before considering the individual components of the supply some initial points on the assumptions made by the Council on deliverability, particularly in relation to lead-in times and delivery rates. In this context it is important to be cautious in relation to the likelihood of sites delivering and the scale of that delivery. This is because the purpose of the assessment is to provide a realistic view of whether there is sufficient land available to meet the community's need for housing. If those needs are to be met a cautious approach must be taken.

Delivery Assumptions

Lead in Times

8.3 From the information released to date by York City Council it is impossible to decipher the Council's assumed lead in times for the proposed housing allocations outlined in the LPP.

8.4 Whilst housebuilders aim to proceed with development on site as quickly as possible, lead-in times should not underestimate inherent delays in the planning process (e.g. the approval of reserved matter and discharge of planning conditions) as well as the time taken to implement development (e.g. complete land purchase, prepare detailed design for infrastructure, mobilise the statutory utilities and commence development).

8.5 Another fundamental element in calculating appropriate lead-in times is the size and scale of the site. As a generality, smaller sites can commence the delivery of units before larger sites. Larger sites often have more complex issues that need to be addressed and require significantly greater infrastructure development which must be delivered in advance of the completion of units.

8.6 Table 8.1 sets out our general methodology in terms of lead-in times. We have split the methodology by site size and stage in the planning process.

Table 8.1 Lead-in Times

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

Source: Lichfields

8.7 We provide a detailed breakdown in Table 8.2 to Table 8.5 of the lead-in times and the factors that have been taken into account. The tables, breakdown the lead in times for a typical site of up to 250 units. Obviously, the larger site categories would take long to come forward as given the additional complexities in relation to negotiate S.106 contributions, discharge conditions

and put in place the necessary on-site infrastructure.

- 8.8 We have incorporated a period between the grant of outline planning permission and the formulation of the scheme to allow for market assessments and board approvals. Finally, if the outline permission has been secured by a land promoter or a landowner the site would need to be marketed during this period. This period has not been included but would add between 6 months to 9 months to the delivery.
- 8.9 On the sites with no current planning application, the timetable assumes there is a willing developer/landowner who wishes to commence the preparation of an application immediately. However, this is not always the case and a draft allocation in a Local Plan does not necessarily mean the process of securing planning permission is commenced immediately.

Table 8.2 Full Planning Permission - Lead-in Times (Site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Full Permission						
Discharge of Pre-Commencement Conditions	3	2				5
Site Commencement				3	6	9
Overall Time to 1st Completion						14*

Source: Lichfields

Notes: * rounded down to 12 months for the purposes of calculating a delivery trajectory.

Not included time within the timetable for market assessment and board approval as it is assumed this has been completed

Table 8.3 Outline Planning Permission - lead-in Times (Site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Outline Permission						
Reserved Matters and Discharge of Pre-Commencement Conditions	6	4				10
Site Commencement				3	6	9
Overall Time to 1st Completion						19*

Source: Lichfields

Notes: * rounded down to 12 months for the purposes of calculating a delivery trajectory.

Not included time within the timetable for market assessment and board approval as it is assumed this has been completed

Table 8.4 Application Pending Outline Permission - Lead-in Times (Site up to 250 units)

Key Stages	Prep. of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Outline Application		4	3			7
Market Assessment						3
& Board Approval	6	4				10
Reserved Matters and/or Discharge of Pre-Commencement Conditions				3	6	9
Overall Time to 1st Completion						29*

Source: Lichfields

Notes: * rounded to 30 months for the purposes of calculating a delivery trajectory.

Table 8.5 No Planning Application - Lead-in Times (site up to 250 units)

Key Stages	Prep of App.	Consider App.	S.106	Site Prep.	First Comp.	Total
Application	6	4	3			13
Market Assessment						
& Board Approval						3
Reserved Matters and/or Discharge of Pre-Commencement Conditions	6	4				10
Site Commencement				3	6	9
Overall Time to 1st Completion						35*

Source: Lichfields

Notes: * rounded to 36 months for the purposes of calculating a delivery trajectory.

- 8.10 The lead-in times set out in these tables are likely to be an underestimate based on the recent report by Barratt Homes and Chamberlin Walker.⁷² The report notes that:

“New data for 2017 presented in this report, from Barbour ABI, indicates that ‘post-planning permission’ development timescales (C+D) have increased markedly: on sites of 20 homes or more it now takes at least 4.0 years on average from the grant of detailed planning permission to site completion, compared to the earlier LGA estimates of 1.7 to 3.2 years.”

In these circumstances the Council must set out clearly the lead-in times that are assumed and demonstrate that they are sound and robust. This is clearly not the case with the current evidence base.

Delivery Rates

- 8.11 Whilst housebuilders aim to deliver development on site as quickly as possible, in a similar fashion to the lead-in times outlined above, the annual delivery rate on sites will depend on a number of factors including overall site capacity. In our experience, sites with a capacity of less than 250 units are built out by one housebuilder using one outlet. As such, a reasonable average

⁷² The Role of Land Pipelines in the UK Housebuilding Process (September 2017) Barratt Homes & Chamberlin Walker

annual delivery rate in York is 40 dpa for sites with a capacity of less than 250 units. However, on sites of less than 100 units we have assumed a lower delivery rate of 25 dpa as these sites will generally be delivered by smaller housebuilders.

8.12 Generally, in York on sites with a capacity of between 250 units and 500 units there is often a second developer (or national housebuilders use a second outlet) delivering units simultaneously. As such, annual delivery rates increase but not exponentially to the number of housebuilders or delivery outlets. In our experience in the current market, sites with 2 outlets deliver approximately 65 dpa.

8.13 Finally, on large-scale sites with a capacity of more than 500 units, there are often up to three housebuilders or outlets operating simultaneously. As before, this does not increase delivery exponentially but it can be expected that three outlets operating simultaneously on a large scale would deliver approximately 90 dpa.

Table 8.6 Annual Delivery Rates

	0-100 units	100-250 units	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

Source: Lichfields

8.14 Lichfields considers that it would be appropriate to apply the delivery rates identified above. The quantum of delivery of units on a site can be affected by a significant number of factors including local market conditions, general economic conditions, proximity to competing site, housing market area, type and quality of unit and the size of the development. There will be a number of sites in York that will experience higher annual delivery rather than the averages outlined above but there will also be a number of who deliver below the average also. It is therefore important not to adopt an average delivery rate which may only be achieved by a small minority of the strategic sites.

Density Assumptions

8.15 The 2017 SHLAA (page 20) sets out the density assumptions for each residential archetype.

8.16 It is considered that, the proposed densities are overly ambitious and will not be achieved on average on sites throughout York. For example, from our experience, it is not anticipated an average density of 50dph on sites of 1ha+ with a gross to net ratio of 95% can be achieved. Meeting open space requirements alone will preclude this ratio. There will be a very limited number of examples where this density has been achieved but a more appropriate and conservative figure should be pursued in the absence of firm details from a developer. The gross to net ratio at most should be 85%, although this can reduce to less than 60% for larger developments with significant infrastructure requirements.

8.17 Secondly, it is considered that a density of 40dph on suburban sites is highly aspirational and is unlikely to be achieved across a significant number of sites. This density is characterised by housing for the smaller households and thus not suitable for family accommodation. Our housebuilder clients and local intelligence has reaffirmed our concerns with the proposed average densities. Unless there is specific evidence to the contrary the default density on suburban sites should be 35 dph.

8.18 The Council has not provided sufficient information to back up their assumptions and we consider that these development densities should be revised downwards to ensure that the capacity of sites is not artificially inflated. Assumptions on development densities in the

absence of specific developer information should air on the side of caution and we consider that the details in the 2017 SHLAA are at variance with this principle.

Components of the Housing Supply

- 8.19 The components of the Council's supply are set out in the LPP. The LPP does not set out a delivery trajectory for each site and only sets out the expected delivery from each site over the plan period.
- 8.20 The information provided in the trajectory in the LPP is high level. It does not provide an annual housing delivery trajectory for each site over the plan period. The Council simply provides an assumed total completion figure for all sites each year without detailed reasoning on the methodology for deriving this figure.
- 8.21 As set out above, the Council includes several student sites in its future supply which is inappropriate as no robust evidence has been provided to demonstrate that there has been a reduction in the number of general market dwellings occupied by students as a direct result of the provision of purpose-built student accommodation. As a result, including student accommodation in the supply is flawed and risks severely distorting the figures.

Sites with Planning Permission

- 8.22 It is now a standard approach that sites with planning permission should be included in the supply (unless there is a good reason to exclude them) whereas sites without planning permission should be excluded (unless there is a good reason to include them). This interpretation is entirely logical as the absence of a planning permission is a clear impediment to development, which is contrary to the test that land should be available now.
- 8.23 The LPP [5.3] indicates that, as at 11th April 2017, there were extant planning permissions for 3,578 homes which will contribute towards meeting the overall housing requirement in the Plan. However, the Council has not identified these sites nor has it provided a delivery trajectory for each site to demonstrate how each of these sites contributes to delivery over the Plan period or to the 5-Year housing land supply. In the absence of this information it is not possible to ascertain whether these sites should be included in the supply. Lichfields therefore reserves the right to provide further comment on this matter as and when more detailed information is made available.

Allocations

- 8.24 Table 5.1 of the LPP identifies the housing and strategic sites which are proposed for allocation. It provides an estimated dwelling yield and estimated phasing for these sites (i.e. Short Term: Years 1-5, Medium Term: Years 1-10 etc.). For those sites where the phasing extends beyond years 1-5, the anticipated delivery of the sites in each 5 year phase is not confirmed.
- 8.25 The Council has not provided a detailed delivery trajectory for each of the Potential Strategic Housing Allocations and Potential General Housing Allocations. The Council has simply provided a figure for the total dwellings to be provided for the plan period without any justification or clarification on the assumptions used to derive the delivery figure. Lichfields therefore reserves the right to provide further comment on this matter as and when more detailed information is made available.
- 8.26 The estimated phasing in LPP Table 5.1 indicates that a number of large strategic sites are to commence delivery in Year 1. With regard to this matter, Lichfields would like to express a degree of caution in relation to resourcing issues at the Council. The Council are assuming that a significant number of large planning applications will be submitted and determined concurrently in a relatively short space of time. It is not clear if the Council has fully considered

the resourcing issues associated with dealing with all these application at the same time. In our experience, the Council's Department may not have sufficient capacity to deal with a number of major applications at the same time.

- 8.27 Based on the information provided, Lichfields also consider there are a number of sites where the delivery of development has been substantially overestimated by the Council, including the examples below.

Sites ST14 Land to West of Wigginton Road & ST15 Land to West of Elvington Lane

- 8.28 The estimated phasing in LPP Table 5.1 indicates that sites ST14 (Land to West of Wigginton Road) and ST15 (Land to West of Elvington Lane) will begin to deliver in Year 1 (2018/19). Lichfields consider this anticipated early delivery to be unrealistic for a number of reasons:
- 1 The sites are located within the Green Belt and no application is likely to be permitted until the Local Plan is adopted.
 - 2 A clear strategy is needed to deliver the sites during the plan period. Both are in multiple ownerships and the siting of each allocation without access to a public highway introduces an added level of complexity in negotiation and agreement between the parties involved.
 - 3 In view of their size and complexity much work will be needed to develop masterplans and establish viability of the developments to be progressed through the planning system.
 - 4 Detailed masterplans will be required to secure an appropriate form of development and ensure a phased delivery of the on-site services and facilities.
 - 5 Given the scale and location of the developments the schemes will need to be subject to full environmental assessment, especially to consider the likely impact on landscape, ecology and transportation and historic character of the City.
 - 6 The sites are isolated and there is no existing infrastructure capable of accommodating the proposed level of development. Both sites do not have frontage to a public highway with capacity that would allow even the smallest amount of development to commence. Their development will require major off-site highway improvements and new highway access roads and junctions. Other utilities will need to be procured and delivered in advance of any construction works on the site. This will inhibit the early delivery of the developments.
 - 7 The proposed sites are not obviously sustainable in that they are not easily accessible to existing social and community facilities or located close to existing public transport routes. Considerable effort will need to be made to ensure the allocations do not become satellite, dormitory communities wholly reliant on private transport for every journey away from the home.
- 8.29 The proposed delivery of units in Year 1 (2018/19) is ambitious and unrealistic given the extensive infrastructure requirements which will need to be put in place in advance of any development taking place. In addition, in view of the application of restrictive Green Belt policy it is inevitable that once the Local Plan is adopted the City of York Council will receive many planning applications for both large and smaller developments. Processing these applications will inevitably cause added delay, especially to the major, complex, housing allocations.
- 8.30 We consider that the identification of a portfolio of small site allocations (e.g. up to 250 dwellings) would assist in meeting any shortfall created by the delay in large sites delivering dwellings early in the plan period.

Windfalls

- 8.31 The Council claims that 169dpa will be delivered on windfall sites from Year 3 of the trajectory (2020/21) and provides justification for their windfall allowance in its Windfall Allowance Technical Paper (2017).

- 8.32 The Framework⁷³ sets out the local planning authorities may make allowance for windfall sites in the 5-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. Furthermore, any allowance should be realistic having regard to the SHLAA, historic windfall delivery rates and expected future trends.
- 8.33 Lichfields accept that windfalls should be included in the overall housing delivery trajectory but only consider that they are appropriate outwith the first 5-year period. The inclusion of a significant windfall figure in earlier years increases the likelihood of artificially inflating the housing delivery figures in year 3 and double counting sites with permission. It does not account for any potential delays to the build out sites with extant consent. As such, the windfall allowance should be amended to only make an allowance from Year 5 (2022/23) onwards.
- 8.34 The Council consider that an annual windfall of 169dpa is appropriate to take account of potential delivery on sites of <0.2ha and completions on change of use and conversion sites.
- 8.35 However, the figure of 169 dwellings has only been achieved four times over the past 10 years and only twice since the base date of the new plan period (2012). This is during a period when the application of a very tight inner Green Belt boundary has precluded urban edge development at a time of ever increasing housing demand. In such circumstances it would have been an ideal period for windfall development to increase; but it did not. There is therefore no justification for such a high allowance.
- 8.36 In relation to the delivery on sites of <0.2ha, Lichfields consider that the proposed windfall allowance is too high because tightly defined settlement boundaries in York and surrounding settlements means there is a finite supply of sites which can come forward. This supply has been curtailed by the change in definition of previously developed land (June 2010) to remove garden sites. In addition, the Council started to request small sites to make contributions towards affordable housing provision and required rural sites with a capacity of more than 15 units to provide on-site affordable housing. This has made the provision of units on small sites less attractive to the market. Since the policy change and the introduction of affordable housing contributions the quantum of completions on windfall sites in York has plummeted. As a consequence, the future supply from this source should only consider the average completion rate since 2009/10 of 33dpa.
- 8.37 In relation to the delivery from conversions, the average completion figure in the past three years is largely dependent on recent changes to permitted development rights. As a consequence, it is considered that after an initial surge the conversion rate will revert back to the long term average. It is likely that the optimum conversion sites will be completed in the short term and the less sustainable and attractive office developments in York will not be converted. As such the average conversion rate from 2007/08 to 2013/14 of 64dpa should be used.
- 8.38 Based on the above assessment it is considered that the proposed windfall allowance should be reduced from 169dpa to 100dpa (rounded up from 97) which represents a far more realistic windfall allowance over the plan period. The incorporation of this figure would ensure that the Council's trajectory is not artificially inflated, can be realistically achieved and would only be incorporated into the delivery trajectory at Year 5 (2022/23) to ensure no double counting.
- 8.39 It is considered that the Council's information does not adequately justify a windfall allowance of 169dpa and does not provide sufficient certainty that this figure will be achieved over the plan period. We reserve the right to revise our position on windfalls if the Council prepares and releases further justification.

⁷³ The Framework, §48

Conclusion

- 8.40 Lichfields has undertaken an analysis of the Council's evidence base documents and consider that the evidence provided by the Council is not sufficient to demonstrate that the dwelling requirement over the plan period and a 5-Year supply will be achieved. It is also considered that some of the proposed delivery rates on sites are unfounded and unrealistic.

9.0 **Balance of the Requirement and Supply**

Introduction

9.1 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position, as required by the Framework. In these circumstances, it can only be assumed that the Council considers that it can demonstrate an adequate housing supply in the initial 5-year period and over the plan period. However, no evidence has been produced to demonstrate this position.

9.2 As a consequence, this section sets out an assessment of the housing supply against the three OAHNs for York (set out in Section 4).

5-Year Supply

Adequacy of Supply

9.3 The five year supply has been assessed against the Council's LPP housing target of 867 dpa; the SHMA Update's OAHN of 953 dpa; and Lichfields OAHN (1,150 dpa). The requirement is then compared to the Council's supply figures. The assessments in both cases make provision for the backlog and 20% buffer for persistent under delivery as calculated in Section 7. The calculation of Lichfields' position excludes any windfall allowance for the reasons we have set out in this Technical Report. As the Council has not provided adequate evidence to show how committed, allocated sites, student housing etc. factor into the housing supply, it has not been possible to fully assess the supply position and make further amendments. However, on the basis of our comments above, it is likely that this would reduce the housing supply considerably. Table 9.1 sets out the relative positions.

Table 9.1 5-Year Housing Land Supply Position using the Council's and Lichfields' OAHNs

Housing Requirement (2017-2022)		York Assumed Position		SHMA OAHN		Lichfields' Position	
Local Plan OAHN (dpa)			867		953		1,150
5 Year Requirement	2017-2022		4,335		4,765		5,750
Backlog	2012-2017	903		1,333		2,498	
Framework Buffer	20%	1,048		1,220		1,650	
Sub Total		1,951	1,951	2,553	2,553	4,148	4,148
5-year Requirement	2017-2022		6,286		7,318		9,898
Annual 5-year requirement			1,257		1,464		1,980
Housing Supply (2017-2022)							
Projected Housing Completions including Windfall Allowance from Year 3 (windfall allowance excluded from Lichfields' Position)			5,902		5,902		5,769
Total Supply	2017-22		5,902		5,902		5,769
Difference (Undersupply expressed as a minus)			-384		-1,416		-4,129
5-Year Supply Expressed as Years of Residual Annual Requirement			4.70		4.03		2.91

Source: Lichfields Analysis

- 9.4 The table demonstrates that even when comparing the likely delivery within the 5-year period to the Council's OAHN, there is not an adequate supply of housing land. Based on the Council's approach, there is only a supply of 4.70 years (with an undersupply of 384 dwellings), falling to 4.03 years if the higher SHMA OAHN is applied. If the Lichfields OAHN is used there is a supply of 2.91 years and a shortfall of 4,129 dwellings.
- 9.5 In addition, for the reasons we have raised in the previous section, the Council's 5-year supply figure of 5,902 dwellings is considered to be optimistic and all of this supply is unlikely to come forward over the 5-year period, which would further exacerbate the supply shortfall. Furthermore, including student accommodation in the supply without clearly evidencing how this would release housing onto the market elsewhere is not in accordance with the Practice Guidance or recent High Court judgements, and risks severely distorting the Council's land supply figures as a consequence.

Implications of the 5-Year Supply Position

- 9.6 The Council has a significant shortage of housing land in the first 5-years. This is a significant issue for the Council which means the plan is not 'sound' in its current form. It is therefore imperative that additional sites are allocated for housing to tackle this issue. These should be sites without any immediate constraints that can be delivered quickly once the plan is adopted.

The Plan Period Supply

- 9.7 There is also a significant shortfall of housing over the Plan period, when assessed against the Lichfields OAHN of 1,150 dpa and the 2,498 dwelling shortfall in delivery for the period 2012 to 2017 identified in Table 7.2 (a total figure of 20,898 dwellings over the Plan period 2012 to 2033). LPP Table 5.2 indicates a supply of 18,839 dwellings which is equivalent to a shortfall of 2,059 dwellings over this period.

Conclusion

- 9.8 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence has therefore been produced to demonstrate the Council's housing supply position.
- 9.9 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall for 5-year period. For the plan period, there is also a significant shortfall when assessed against the Lichfields assessment of the OAHN.
- 9.10 In these circumstances, the emerging plan is not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 9.11 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.
- 9.12 It should be noted that the above assessment is reliant upon the information provided in the LPP and associated evidence base documents. Lichfields therefore reserves the right to update the above evidence as and when further information becomes available, particularly regarding student housing needs.

10.0 Summary

Context

- 10.1 The Framework sets out that LPAs should use their evidence base to ensure they meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework.
- 10.2 The SHMA Assessment Update makes a number of assumptions and judgements which Lichfields considers to be flawed, or which do not properly respond to the requirements of policy and guidance. As a result, the concluded OAHN is not robust and is inadequate to meet need and demand within the HMA.

Conclusions on the City of York's Housing Need

- 10.3 The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is considered to be fundamentally flawed. This is effectively a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the OAHN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.
- 10.4 There are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
- 1 GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However this demographic-led figure of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need, as noted below. Lichfields agree with making an adjustment for demographic and household formation rates. However, it would be illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - 2 Overall, the Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - 3 Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.
- 10.5 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within this report provide alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 1 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates

amongst younger age cohorts takes the demographic starting point to 871dpa.

- 2 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, for the reasons set out above, Lichfields considers that a greater uplift of 20% would be more appropriate in this instance. When applied to the 871dpa re-based demographic starting point, this would indicate a need for 1,045dpa.

The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the Blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;

- 3 The scale of **affordable housing needs**, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045dpa set out above. It is considered that to meet affordable housing needs in full (573dpa), the OAHN range should be adjusted to 1,910dpa @30% of overall delivery. It is, however, recognised that this level of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a further 10% uplift would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

This is 7.5% higher than the MHCLG proposed standardised methodology figure of 1,070 dpa.

- 10.6 This allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Using this range would ensure compliance with the Framework [§47] by significantly boosting the supply of housing. It would also reflect the Framework [§19], which seeks to ensure the planning system does everything it can to support sustainable development. We would note that these figures do not include the need for specialised student accommodation, which would be additional.

Conclusions on Housing Land Supply

- 10.7 The Council has not produced a trajectory or a detailed assessment of the 5-year supply position as required by the Framework. No evidence has therefore been produced to demonstrate the Council's housing supply position.
- 10.8 Furthermore, including student accommodation in the supply without clearly evidencing how this would release housing onto the market elsewhere does not accord with the Practice Guidance or recent High Court judgements, and risks severely distorting the Council's land supply figures as a consequence
- 10.9 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall for the 5-year period. For the plan period, there is also a significant shortfall when assessed against the Lichfields assessment of the OAHN. Based on the Council's approach, there is only a supply of 4.70 years (with an undersupply of 384 dwellings), falling to 4.03 years if the higher SHMA OAHN is applied. If the Lichfields OAHN is used there is a supply of 2.91 years and a shortfall of 4,129 dwellings.
- 10.10 In these circumstances, the emerging plan is not 'sound' as required by the Framework, as the Council has not demonstrated an adequate short and longer-term supply as required by national guidance.
- 10.11 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much needed investment in new housing to meet the community's needs.

- 10.12 **It should be noted that the above assessment is reliant upon the information provided in the LPP and associated evidence base documents. Lichfields therefore reserves that right to update the above evidence as and when further information becomes available.**

Appendix 1: Lichfields Market Signals Assessment

Appendix 1

Our ref 50642/03/MW/CR
Date 19th March 2018

Subject Lichfields Market Signals Assessment

1.0 Market Signals

Introduction

- 1.1 The Framework sets out the central land-use planning principles that should underpin both plan-making and decision-taking. It outlines twelve core principles of planning that should be taken account of, including the role of market signals in effectively informing planning decisions:
- “Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities.” [§17]*
- 1.2 The Practice Guidance requires market signals to be assessed against comparator locations . The analysis in the following sections focuses on comparing the City of York and other Local Authorities and England to benchmark their performance against trends both across the wider region and nationally.
- 1.3 The Guidance sets out six key market signals¹:
- 1 land prices;
 - 2 house prices;
 - 3 rents;
 - 4 affordability;
 - 5 rate of development; and,
 - 6 overcrowding.
- 1.4 It goes on to indicate that appropriate comparison of these should be made with upward adjustment made where such market signals indicate an imbalance in supply and demand, and the need to increase housing supply to meet demand and tackle affordability issues:
- “This includes comparison with longer term trends (both in absolute levels and rates of change) in the housing market area; similar demographic and economic areas; and nationally. Divergence under any of these circumstances will require upwards adjustment to planned housing numbers compared to ones based solely on household projections”.*
- “In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable. The more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in*

¹ 2a-019-20140306

affordability needed and, therefore, the larger the additional supply response should be.”²

- 1.5 The Practice Guidance sets out a clear and logical ‘test’ for the circumstances in which objectively assessed needs (including meeting housing demand) will be in excess of demographic-led projections. In the context of the Framework and the Practice Guidance, the housing market signals have been reviewed to assess the extent to which they indicate a supply and demand imbalance in the City of York and other comparable local authorities and therefore indicate that an upwards adjustment should be made over the demographic-led baseline already identified.

Housing Market Indicators

- 1.6 In the context of The Framework and the Practice Guidance, each of the housing market signals have been reviewed to assess the extent to which they indicate an imbalance between supply and demand in the City of York.

Land Prices

- 1.7 CLG has published a document entitled ‘*Land value estimates for policy appraisal*’ (February 2015) which contains post permission residential land value estimates, per hectare for each Local Authority. For York this figure is £2,469,000 per hectare, well above the equivalent figure for England (excluding London) of £1,958,000.

House Prices

- 1.8 The Practice Guidance³ identifies that longer term changes in house prices may indicate an imbalance between the demand for and supply of housing. Although it suggests using mix-adjusted prices and/or House Price Indices, these are not available at local authority level on a consistent basis, and therefore for considering market signals in York, price paid data is the most reasonable indicator.
- 1.9 Land Registry price paid data displays the median prices in York, alongside North Yorkshire and England as of 2016 (Table 1.1). These median prices illustrate lower prices in York compared to national rates, but higher prices than in the surrounding sub-region.

Table 1.1 Median Dwelling price, York (2016)

	Median Dwelling Price 2016
York	£220,000
North Yorkshire	£199,995
England	£224,995

Source: ONS Price Paid Data

- 1.10 CLG publishes series data on median house prices based on the same Land Registry price paid data series. This currently runs from 1996 to 2016. This longitudinal analysis is illustrated in Figure 1.1, which indicates that the City of York has seen virtually identical levels of house price growth to the national average since 1999. The figure remains slightly below the England

² 2a-020-20140306

³ 2a-019-20140306

average at present, but is above the North Yorkshire median.

Figure 1.1 Median House Prices



Source: ONS Price Paid Data

- 1.11 In 2016 median house prices in York were just 2% lower than the national average, whilst the City ranked as being the 166th most expensive place to live in England (out of 326 districts).
- 1.12 It is particularly important to note that over the previous 17 years (1999-2016), median house prices have increased by 244% (or £156,000) in York, compared to 204% nationally and 199% across North Yorkshire as a whole.
- 1.13 As set out in the Practice Guidance, higher house prices and long term, sustained increases can indicate an imbalance between the demand for housing and its supply. The fact that York's median house prices have effectively tripled in 17 years, from £64,000 in 1999 to £220,000 in 2016, and have risen at a much faster rate than comparable national and sub-regional figures, suggests that the local market is experiencing considerable levels of stress.

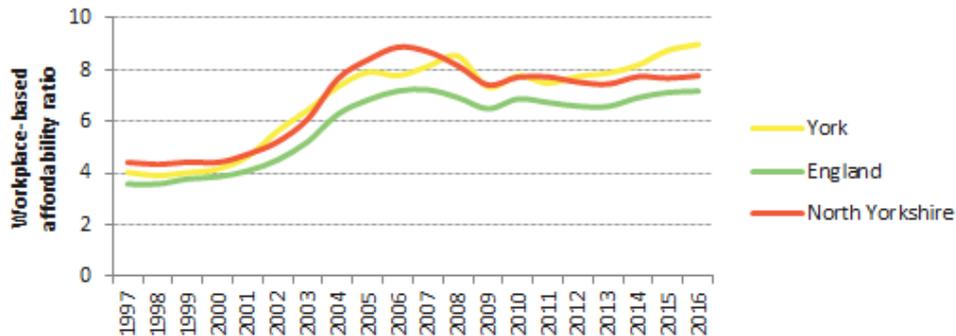
Affordability

- 1.14 The CLG's former SHMA Practice Guidance defines affordability as a '*measure of whether housing may be afforded by certain groups of households*'⁴. A household can be considered able to afford to buy a home if it costs 3.5 times the gross household income for a single earner household or 2.9 times the gross household income for dual-income households. Where possible, allowance should be made for access to capital that could be used towards the cost of home ownership [page 42].
- 1.15 The Practice Guidance concludes that assessing affordability involves comparing costs against a household's ability to pay, with the relevant indicator being the ratio between lower quartile house prices and lower quartile [LQ] earnings.
- 1.16 Using CLG affordability ratios, Figure 1.2 illustrates that although the ratio fell substantially from a peak of 8.14 in 2008 following the financial crash and subsequent economic downturn, it has steadily increased since 2009 at a much faster rate than North Yorkshire as a whole. This suggests that levels of affordability are declining in York at a pace which is not the case for the rest of the sub-region (and indeed, for the country as a whole). In 2016, the median house price

⁴ Annex G

in York City was approximately 9.0-times the LQ (workplace-based) income, compared to 7.8 for North Yorkshire and 7.2 nationally.

Figure 1.2 Ratio of house price to lower quartile earnings



Source: ONS Affordability Data

- 1.17 It can be seen in Figure 1.2 that over the past 19 years, the ratio of lower quartile house prices to lower quartile earnings in York has been consistently above the national average, with the gap widening over time. Indeed, the rate of increase is worrying – between 2002 and 2016, the affordability ratio increased by 39%, significantly above the comparable growth rate for North Yorkshire (+27%) and England (+37%). Indeed, across the whole of northern England, only Manchester City has experienced a higher rate of increase in its affordability ratio than York.
- 1.18 The affordability ratio highlights a constraint on people being able to access housing in York, with house price increases and rental costs outstripping increases in earnings at a rate well above the national level.

Rents

- 1.19 On a similar basis, high and increasing private sector rents in an area can be a further signal of stress in the housing market. Median rents in York are £725 per month, with median rents ranging from £595 per month for a 1 bed flat, to £1,500 per month for a 4+ bed house. All of these figures are significantly higher than the national average, with overall average rents comprising £675 across England, and £585 for North Yorkshire. Rental levels are therefore 7.4% higher than comparable national figures (Figure 1.3).

Figure 1.3 Median Monthly Rents



Source: VOA Private Rental Market Statistics

Rate of Development / Under delivery

1.20 The rate of development is intended to be a supply-side indicator of previous delivery. The Practice Guidance states that:

“...if the historic rate of development shows that actual supply falls below planned supply, future supply should be increased to reflect the likelihood of under-delivery of a plan”⁵

1.21 York has never had an adopted Local Plan, hence the only relevant previous ‘planned supply’ figure is the target within the former Yorkshire and the Humber RS up to 2012. Thereafter, we have compared delivery against the household projections and its preferred OAHN range, as set out in Table 1.2.

Table 1.2 Rate of net housing delivery in York against possible policy benchmarks, 2004/05-2015/16

Year	Net Housing Completions	Council's OAHN (867 dpa)	
		'Need'*	+/-
2004/05	1,160	640	+520
2005/06	906	640	+266
2006/07	798	640	+158
2007/08	523	640	-117
2008/09	451	850	-399
2009/10	507	850	-343
2010/11	514	850	-336
2011/12	321	850	-529
2012/13	482	867	-385
2013/14	345	867	-522
2014/15	507	867	-360
2015/16	1,121	867	+254
2016/17	977	867	110
Total	8,612	10,295	-1,683

Source: ARUP (August 2015): Evidence on housing Requirements in York: 2015 Update, Table 4 and City of York Half Year Housing Monitoring Update for Monitoring Year 2017/181

*RSS assumed average 640 dpa 2005/05-2007/08; 850 dpa 2008/09 -2011/12

⁵Section 2a-019-20140306

- 1.22 It is clear from the Council's own evidence that the City has consistently under-delivered housing, with a failure to deliver anything more than 525 dwellings in any single year between 2007 and 2015. The policy benchmarks suggest that the level of past under-delivery is 1,683 dwellings over the past 13 years.
- 1.23 Furthermore, the Council's already low housing delivery figures have been artificially boosted by the inclusion of student accommodation in the completions figures. For example, CYC's 2012/13 Annual Monitoring Report states that 482 (net) dwellings were completed in 2012/13, but this figure includes 124 student cluster flats. The 6 months completions data set out in CYC's Housing Monitoring Update (Table 3, October 2017) suggested that the Council was continuing to rely on student housing completions to boost its housing numbers, with 637 of the total 1,036 net completions during the first half of the 2017/18 monitoring year comprising privately managed off-campus student accommodation.

Overcrowding and Homelessness

- 1.24 Indicators on overcrowding, sharing households and homelessness demonstrate un-met need for housing within an area. The Practice Guidance suggests that long-term increases in the number of such households may be a signal that planned housing requirements need to be increased.
- 1.25 The Guidance states that indicators on:
- "...overcrowding, concealed and sharing households, homelessness and the number in temporary accommodation demonstrate unmet need for housing. Longer term increases in the number of such households may be a signal to consider increasing planned housing numbers..."*⁶
- 1.26 The Census measures overcrowding based on a standard formula, which measures the relationships between members of a households (as well as the number of people in that household) to determine the number of rooms they require. A rating of -1 or less indicates a household has one fewer room than required, +1 or more indicates a household has one or more rooms than needed. At the national level, affordability issues in recent years, as well as a shortfall in housing supply, have meant that people are either willing to accept sub-optimal living conditions (e.g. living in a smaller home to manage costs) or are forced into accepting such housing outcomes (e.g. are priced out of the market and have to share with friends/family).
- 1.27 Table 1.3 illustrates that overcrowding against the occupancy rating in York is not severe, with 7.10% of households living in a dwelling that is too small for their household size and composition. This compares to 8.7% nationally. However, it represents a significant increase of 2 percentage points on the 5.1% recorded in York in 2001, which is above the national trend (which had increased by 1.6 percentage points from 7.1% in 2011).

⁶ Section 2a-019-20140306

Table 1.3 Overcrowding: Household Room Occupancy Rating

	2001			2011		
	Total Households	-1 room occupancy or less	-1 room occupancy or less (%)	Total Households	-1 room occupancy or less	-1 room occupancy or less (%)
York	76,926	3,887	5.1%	83,552	5,930	7.1%
England	20,451,427	1,457,512	7.1%	22,063,368	1,928,596	8.7%

Source: Census 2001 / Census 2011

Note: The definition of the Census 'bedroom standard' is slightly different from the 'occupancy rating' that informs the Government's Under-Occupancy Charges, i.e. the Census states that 'two persons of the same sex aged between 10 and 20' can occupy one bedroom, whilst the Under Occupancy Charge changes this to 'any two children of the same sex aged under 16'. It is possible that if the Government's policy continues into the long term, then changes will be made to the categorisation of the Census's Occupancy Rating to bring the two datasets into line.

1.28 The Census also recorded the number of concealed families (i.e. where there is more than one family present in a household). Nationally, this rose significantly between 2001 and 2011, at least in part due to the impact of the recession on younger households' ability to afford their own home. This meant that many younger people, including families, remained in the family home for longer than might have been expected in the past, either through choice (to save money) or through necessity.

1.29 At the time of the 2011 Census, 1.9% of all families in England were concealed; this represented 275,954 families. This is a rise compared to 2001 when 1.2% of families were concealed. In York, a lower percentage of families were concealed (1.1%) than nationally (1.9%). However, this represents a higher proportional rise, of almost two thirds, from the 2001 figure. This is presented in Table 1.4.

Table 1.4 Concealed Families in York, Yorkshire and Humber and England 2001-2011

	Concealed Families		Change (percentage points)	Change in %
	2001	2011		
York	330 (0.7%)	586 (1.1%)	+0.43	+65.7%
Yorkshire and the Humber	15,890 (1.1%)	25,410 (1.7%)	+0.57	+51.1%
England	161,254 (1.2%)	275,954 (1.9%)	+0.69	+59.2%

Source: Census 2011/2011

1.30 The levels of overcrowding and concealed households in York are moderate when compared with the national and regional averages but have increased at a higher rate (albeit from a lower base). While the level of overcrowding and number of concealed households is not so significant as to conclude that there is severe market pressure, it nevertheless highlights inadequacy reducing flexibility in the housing market.

1.31 The levels of overcrowding are likely to be a symptom associated with restricted incomes in York, with people either willing to accept sub-optimal living conditions (e.g. living in smaller houses to manage costs) or forced into accepting such housing outcomes (e.g. are priced out and have to share with friends/family). In such circumstances, overcrowding and concealed households may be indicative of insufficient supply to meet demand.

- 1.32 Table 1.5 indicates that York has a comparatively low number of homeless people in priority need, of just 97 (or 1.1 per 1,000 households), which is less than half the national rate. The fall in homelessness levels in the City has also been much more pronounced than elsewhere in England over the past ten years, although broadly comparable to Yorkshire and the Humber as a whole.

Table 1.5 Number accepted as being homeless and in priority need 2006/07-2016/17

	Homeless and in Priority Need		% Change	Absolute Change
	2006/07	2016/17		
York	213 (2.70 / 1,000 H'holds)	97 (1.1 / 1,000 H'holds)	-54%	-1.60 / 1,000 H'holds
Yorkshire and the Humber	8,220 (3.87 / 1,000 H'holds)	3,670 (1.60 / 1,000 H'holds)	-55%	-2.27 / 1,000 H'holds
England	73,360 (3.48 / 1,000 H'holds)	59,110 (2.54 / 1,000 H'holds)	-19%	-0.94 / 1,000 H'holds

Source: CLG Live Table 784: Local authorities' action under the homelessness provisions of the Housing Acts (P1e returns)

Synthesis of Market Signals

- 1.33 Drawing together the individual market signals above begins to build a picture of the current housing market in and around York; the extent to which demand for housing is not being met; and the adverse outcomes that are occurring because of this.
- 1.34 The performance of York against County and national comparators for each market signal is summarised in Table 1.6. When quantified, York has performed worse in market signals relating to both absolute levels and rates of change against North Yorkshire and England in 13 out of 28 measures.
- 1.35 It is clear that the City is currently facing very significant challenges in terms of house prices and private rental values causing affordability difficulties.

Table 1.6 Summary of York Market Signals against North Yorkshire and England

Market Signal	North Yorkshire		England	
	Absolute Figure	Rate of Change	Absolute Figure	Rate of Change
House Prices	Worse	Worse	Better	Worse
Affordability Ratios	Worse	Worse	Worse	Worse
Private Rents	Worse	Worse	Worse	Better
Past Development	~	~	~	~
Homelessness (Households in Temporary Accommodation)	Better	Better	Better	Better
Homelessness (Households in Priority Need)	Better	Better	Better	Better
Overcrowding (Overcrowded Households)	Worse	Worse	Better	Worse
Overcrowding (Concealed Families)	Same	Same	Better	Better

Source: Lichfields Analysis

Footnote: Worse = performing worse against the average
 Better = performing the same or better against the average
 ~ = data not available

- 1.36 To draw meaningful conclusions on the extent to which these market indicators show housing market stress within the City of York and a level of supply that is not meeting demand, the Practice Guidance suggests that comparisons of absolute levels and rates of change in such indicators should be made with comparator areas and nationally. For this reason, York has been compared and ranked against other local authority areas, and England as a whole.
- 1.37 These comparator areas have been chosen on the following basis:
- 1 Other nearby areas within the wider Yorkshire and the Humber Region:
 - a East Riding
 - b Hambleton
 - c Harrogate
 - d Hull
 - e Leeds
 - f Ryedale
 - g Selby
 - h Wakefield
 - 2 The Practice Guidance also states that market signals must be compared with authorities which are not necessarily close geographically, but which share characteristics in terms of economic and demographic factors. These authorities have been chosen by examining the ‘OAC Supergroup Area Classification Map’, produced by the ONS in 2015, which groups each local authority into various socio-economic classifications. York, as a ‘Coast and Heritage’ authority, has been compared with other communities similarly classified within this ranking and which share similar socio-economic characteristics:
 - a Bath and North East Somerset
 - b Canterbury
 - c Cheltenham
 - d Colchester
 - e Lancaster
 - f Scarborough
 - g Taunton Deane
 - h Worcester
- 1.38 England has been used as the final comparator for both sets of tables. A comparison across the range of housing market signals within the authorities identified above is presented in Table 1.7 and Table 1.8. A higher ranking in these tables suggests a worse, or comparatively poorer-performing, housing market for that indicator.

Table 1.7 York Market Signals Comparator Table [Neighbouring Authorities]

		House Prices (to year ending December)			Resident-based Affordability			Workplace-based Affordability			Rents			
Rank		2016	Change (£) 1999-2016	Change (%) 1999-2016	2016	Change (absolute) 2002-2016	Change (%) 2002-2016	2016	Change (absolute) 2002-2016	Change (%)	Sep 2017	Change (absolute) June 2011-Sep 2017	Change (%) June 2011-Sep 2017	
Worsening housing market outcomes	1	Harrogate	Harrogate	York	Ryedale	Ryedale	gston upon Hull, Cit	Ryedale	Ryedale	gston upon Hull, Cit	York	England	England	
	2	England	York	Harrogate	Harrogate	Harrogate	ast Riding of Yorkshi	Harrogate	York	Ryedale	Harrogate	Leeds	Leeds	
	3	Hambleton	England	Ryedale	York	York	Wakefield	York	gston upon Hull, Cit	York	England	Harrogate	gston upon Hull, City of	
	4	York	Hambleton	Selby	Hambleton	ast Riding of Yorkshi	England	Hambleton	England	ast Riding of Yorkshi	Leeds	gston upon Hull, Cit	Harrogate	
	5	Ryedale	Ryedale	England	England	England	Ryedale	Selby	ast Riding of Yorkshi	England	Hambleton	York	Ryedale	
	6	Selby	Selby	Hambleton	Selby	Selby	gston upon Hull, Cit	York	England	Harrogate	Wakefield	Ryedale	Selby	
	7	Leeds	ast Riding of Yorkshi	gston upon Hull, Cit	ast Riding of Yorkshi	Selby	ast Riding of Yorkshi	Harrogate	Selby	Selby	Selby	Selby	York	
	8	ast Riding of Yorkshi	Leeds	ast Riding of Yorkshi	Leeds	Wakefield	Leeds	Leeds	ast Riding of Yorkshi	Hambleton	Leeds	Wakefield	ast Riding of Yorkshi	ast Riding of Yorkshire
	9	Wakefield	Wakefield	Leeds	Wakefield	Leeds	Selby	Selby	Wakefield	Wakefield	Harrogate	ast Riding of Yorkshi	Hambleton	Hambleton
	10	gston upon Hull, Cit	gston upon Hull, Cit	Wakefield	gston upon Hull, Cit	Hambleton	Hambleton	Hambleton	gston upon Hull, Cit	Leeds	Hambleton	gston upon Hull, Cit	Wakefield	Wakefield
		ONS Price Paid Data			ONS Affordability Data			ONS Affordability Data			VOA Private Rental Market Statistics			
Rank		Overcrowded households			Concealed families			~			~			
Rank		2011	Change (% points)	Change (number)	2011	Change (% points)	Change (number)							
Worsening housing market outcomes	1	Leeds	York	England	England	gston upon Hull, Cit	England							
	2	England	England	Leeds	Leeds	England	Leeds							
	3	gston upon Hull, Cit	gston upon Hull, Cit	gston upon Hull, Cit	gston upon Hull, Cit	Selby	gston upon Hull, City of							
	4	York	Leeds	York	Wakefield	Leeds	Wakefield							
	5	Wakefield	Harrogate	ast Riding of Yorkshi	Selby	Wakefield	ast Riding of Yorkshire							
	6	Harrogate	Selby	Wakefield	York	York	York							
	7	Selby	ast Riding of Yorkshi	Harrogate	Hambleton	Hambleton	Selby							
	8	ast Riding of Yorkshi	Wakefield	Selby	ast Riding of Yorkshi	ast Riding of Yorkshi	Harrogate							
	9	Ryedale	Hambleton	Hambleton	Harrogate	Harrogate	Hambleton							
	10	Hambleton	Ryedale	Ryedale	Ryedale	Ryedale	Ryedale							
		Census			Census									
Rank		~			~			~			~			
Rank		~			~			~			~			
Better housing	13													
	14													

Table 1.8 York Market Signals Comparator Table ['Coast and Heritage' Authority Comparisons]

Rank	House Prices (to year ending December)			Resident-based Affordability			Workplace-based Affordability			Rents		
	2016	Change (£) 1999-2016	Change (%) 1999-2016	2016	Change (absolute) 2002-2016	Change (%) 2002-2016	2016	Change (absolute) 2002-2016	Change (%)	Sep 2017	Change (absolute) June 2011-Sep 2017	Change (%) June 2011-Sep 2017
1	and North East Som	and North East Som	Canterbury	and North East Som	and North East Som	Lancaster	Canterbury	Canterbury	York	and North East Som	Lancaster	Lancaster
2	Canterbury	Canterbury	York	Canterbury	Canterbury	and North East Som	and North East Som	York	England	Canterbury	and North East Som	and North East Somerset
3	Cheltenham	Colchester	Colchester	York	York	England	York	and North East Som	Lancaster	York	England	England
4	Colchester	Cheltenham	and North East Som	Colchester	Colchester	Canterbury	Cheltenham	England	Canterbury	Colchester	Colchester	Colchester
5	England	York	England	Taunton Deane	England	York	Cheltenham	Cheltenham	Cheltenham	Cheltenham	Worcester	Worcester
6	York	England	Lancaster	Worcester	Lancaster	Colchester	Taunton Deane	Lancaster	and North East Som	England	Cheltenham	Scarborough
7	Taunton Deane	Taunton Deane	Cheltenham	Cheltenham	Scarborough	Scarborough	Worcester	Worcester	Worcester	Taunton Deane	Scarborough	Cheltenham
8	Worcester	Worcester	Taunton Deane	England	Worcester	Worcester	England	Colchester	Scarborough	Worcester	Canterbury	Taunton Deane
9	Lancaster	Lancaster	Scarborough	Scarborough	Taunton Deane	Taunton Deane	Scarborough	Scarborough	Colchester	Lancaster	York	Canterbury
10	Scarborough	Scarborough	Worcester	Lancaster	Cheltenham	Cheltenham	Lancaster	Taunton Deane	Taunton Deane	Scarborough	Taunton Deane	York
11												
12												
13												
14												
	ONS Price Paid Data			ONS Affordability Data			ONS Affordability Data			VOA Private Rental Market Statistics		

Rank	Overcrowded households			Concealed families			~			~		
	2011	Change (% points)	Change (number)	2011	Change (% points)	Change (number)						
1	England	York	England	England	England	England						
2	Cheltenham	Colchester	York	Worcester	Canterbury	York						
3	Canterbury	Cheltenham	Colchester	Canterbury	York	Canterbury						
4	Colchester	England	and North East Som	Scarborough	Taunton Deane	Colchester						
5	York	Worcester	Canterbury	Lancaster	Scarborough	and North East Somerset						
6	and North East Som	and North East Som	Cheltenham	Taunton Deane	Worcester	Taunton Deane						
7	Worcester	Taunton Deane	Worcester	York	Colchester	Scarborough						
8	Scarborough	Canterbury	Taunton Deane	and North East Som	Lancaster	Lancaster						
9	Taunton Deane	Scarborough	Scarborough	Cheltenham	and North East Som	Worcester						
10	Lancaster	Lancaster	Lancaster	Colchester	Cheltenham	Cheltenham						
11												
12												
13												
14												
	Census			Census								

- 1.39 It is clear from this analysis that the housing market in the City of York is increasingly dysfunctional, with a very steep level of house price growth in recent years leading to significant affordability challenges generating adverse outcomes for residents who need to access the housing market. The comparative analysis suggests that when compared against neighbouring Yorkshire districts, York has experienced the highest rate of house price growth over the period 1999 to 2016, at levels significantly above the national average at a rate higher than the national level of growth. Only Harrogate and Hambleton have higher house prices, whilst only Harrogate and Ryedale have higher affordability ratios.
- 1.40 Median rental levels are also the highest of all the comparator Yorkshire authorities and the City has the highest rate of change of overcrowded households.
- 1.41 The performance of York's housing market relative to comparable authorities further afield (Table 1.8) which share similar socio-economic characteristics also suggests that the local housing market is under stress, with York amongst the very worst performing districts regarding rates of change in house prices, absolute and relative changes in affordability, median rents, and the rate of change in overcrowded households and concealed families.
- 1.42 The Practice Guidance, as well as providing general economic principles, points towards such factors as indicating that additional supply, over and above that solely needed by demographic change, may need to be delivered in order to address affordability and to reverse adverse housing market trends within the HMA.

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From: Claire Linley [Claire.Linley@dppukltd.com]
Sent: 04 April 2018 12:16
To: localplan@york.gov.uk
Cc: Mark Lane; Oliver Corbett; mark.richardson@shepherd-group-properties.co.uk; mark.bly@shepherd-group-properties.co.uk
Subject: York Local Plan Reps - Site E11
Attachments: E11 Reps merged.pdf

Good afternoon,

Please find attached our representations on behalf of Portakabin Limited in relation to the City of York Local Plan Publication Draft Regulation 19 Consultation. This submission relates to the site known as Annamine Nurseries on Jockey Lane (E11).

Please can you confirm receipt.

Kind regards,

Claire Linley BA (hons) DIPTP MRTPI
Principal Planner

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Linden Homes Strategic Land
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Address – line 2		1 City Square
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Address – line 4		
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
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Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at www.york.gov.uk/consultations

What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

Additional response forms can be collected from the main council offices and the city's libraries, or you can download it from the council's website at www.york.gov.uk/localplan or use our online consultation form via <http://www.york.gov.uk/consultations>. However you choose to respond, in order for the inspector to consider your comments you must provide your name and address with your response.

Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

Where can I view the Local Plan Publication Consultation documents?

You can view the Local Plan Publication draft Consultation documents

- Online via our website www.york.gov.uk/localplan.
- City of York Council West Offices
- In all libraries in York.

Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

It is considered that Policy EC1 insofar as it relates to allocation E11 is **unsound** it that it omits B1b land uses from the range of suitable employment uses identified.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

City of York Council does not pass personal data to third parties for marketing, sales or any other commercial purposes without your prior explicit consent.

As part of the Local Plan process copies of representations made in response to this consultation including your personal information must be made available for public inspection and published on the Council's website; they cannot be treated as confidential or anonymous and will be available for inspection in full. Copies of all representations must also be provided to the Planning Inspectorate as part of the submission of the City of York Local Plan.¹

Storing your information and contacting you in the future:

The information you provide on this form will be stored on a database used solely in connection with the Local Plan. If you have previously responded as part of the consultation on the York Local Plan (previously Local Development Framework prior to 2012), your details are already held on the database. This information is required to be stored by the Council as it must be submitted to the Planning Inspectorate to comply with the law.¹ The Council must also notify those on the database at certain stages of plan preparation under the Regulations.²

Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.³

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on [01904 554145](tel:01904554145)

Signature

Date

04.04.18

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012



RESPONSE TO YORK LOCAL PLAN PUBLICATION DRAFT

PORTAKABIN LIMITED

**E11 - ANNAMINE NURSERIES, JOCKEY
LANE**

RESPONSE TO YORK LOCAL PLAN PUBLICATION DRAFT

On behalf of: Portakabin Limited

In respect of: E11 - Annamine Nurseries, Jockey Lane

Date: April 2018

Reference: OC/ML/3098le/R001oc

Author: Oliver Corbett

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Appendix 1 - Site location plan

Executive Summary

The Council have accepted that the Site known as E11 is available and suitable for a range of employment uses and that development is achievable.

The Landowners wholly **support** the allocation of E11 for employment development under policy EC1.

The Landowners also **support** policy EC1 relating to the Site, and the proposed range of employment uses identified including B1a, B1c, B2 and B8. Having accepted that the Site is suitable for a wide range of employment uses the Landowners are concerned at the lack of provision for B1b uses, which was proposed in earlier drafts of the Local Plan. They are concerned that there are no justifications for not including B1b or for the removal of B1b uses being supported at the Site.

The Landowners therefore **object** to the omission of B1b uses and suggest that policy EC1 is changed such that the full range of typical employment uses are supported.

1.0 Introduction

- 1.1 DPP are submitting this representation on behalf of our client, Portakabin Limited (“the Landowners”), in respect of various issues contained in the City of York Local Plan Publication Draft 2018 Consultation (“the Local Plan”) and in particular their interests in the Annamine Nurseries site on Jockey Lane (E11) (“the Site”). E11 is shown on the plan attached at **Appendix 1**.
- 1.2 The City of York Council (“the Council”) have accepted that E11 is available and suitable for economic development and that development is achievable and as such the Council propose to allocate E11 for employment uses in the York Local Plan Publication Draft (2018).
- 1.3 The Landowners wholly **support** the allocation of E11 for employment development under policy EC1. The Landowner also **supports** the inclusion of B1a as being a suitable land use on the Site in addition to B1c, B2 and B8.
- 1.4 The Council, having accepted that the Site is suitable for a wider range of employment use and indeed having previously accepted that B1b uses were suitable, now propose to omit B1b uses. The Landowners **object** to the omission of use class B1b as a suitable employment use. The Landowner proposes a modification to Policy EC1 such that the suitable employment uses for the Site include B1a, B1b, B1c, B2 and B8.

2.0 The Test of Soundness

2.1 Paragraph 182 of the NPPF indicates that a Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “**sound**” namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

3.0 The Site (“E11”)

- 3.1 The Site extends to approximately 1ha and sits at the western edge of a large area of employment land. Annamine House is situated within the site in the south-western corner, adjoining Jockey Lane. In this regard the Site is bounded by Jockey Lane to the south and employment land to the north, east and west.
- 3.2 The Site is relatively flat and constitutes previously developed land, being used as a show village for portable holiday homes. The Site, excluding Annamine House itself, is now vacant as it was cleared in 2012.
- 3.3 The site is shown on the plan attached at **Appendix 1**.

4.0 Allocation History

The City of York Preferred Options (“Preferred Options 2013”)

- 4.1 Within this document the Site is identified by the Council as an employment allocation known as E11. The Site is shown as having a site area of 1ha. The Preferred Options 2013 draft indicates that the Site is available for development across the lifetime of the Local Plan, with suitable employment uses listed as being B1b, B1c, B2 and B8.
- 4.2 The Preferred Options 2013 draft therefore omitted B1a land uses but included B1b, B1c, B2 and B8.

The City of York Publication Draft Local Plan (2014) (“the 2014 Publication Draft”)

- 4.3 The 2014 Publication Draft version of the Local Plan was taken to a Local Plan Working Group on the Monday 22nd September 2014 which was followed by a Cabinet meeting on Thursday 25th September 2014. The 2014 Publication Draft was presented to Scrutiny Panel on Wednesday 8th October 2014. At all of the above stages the 2014 Publication Draft was approved by members of the Council. However, following a Full Council meeting on 9th October 2014 progress on this version of the Local Plan was halted.
- 4.4 At the time that work on the Local Plan was halted the Council had reaffirmed the allocation of the Site for employment use. Policy EC1 ‘*Provision of Employment Land*’ indicates that the Site is appropriate for research and development, light industrial, storage and distribution uses (B1b/B1c/B2/B8).
- 4.5 The 2014 Publication Draft therefore also omitted B1a land uses but included B1b, B1c, B2 and B8.

Preferred Sites Consultation Document (2016) (“The Preferred Sites Document”)

- 4.6 Within this document the Site is again identified by the Council as being an employment allocation. However, the land uses of the allocation have been altered to incorporate B1c, B2 and B8 (including an element of B1a if associated with existing uses) only.
- 4.7 No reason is given for the removal of the B1b use class (research and development) from the land uses identified as being appropriate on the Site or limiting B1a uses to that associated with existing uses adjoining the Site.

The City of York Local Plan Pre-Publication Draft 2017 (“The Pre-Publication Draft”)

- 4.8 Within this document the Site is again identified by the Council as being an employment allocation. The land uses deemed to be suitable in this iteration of the Local Plan are given as being ‘B1a, B1c, B2 and B8’. The reference to elements of B1a if associated with existing uses was omitted.
- 4.9 No reason is given for the omission of the B1b use class (research and development) from the land uses identified as being appropriate on the Site

The City of York Local Plan Publication Draft 2018 (“The 2018 Publication Draft”)

- 4.10 Within this document the Site is again identified by the council as an employment allocation. The text of the allocation has not been changed between the Pre-Publication Draft and the 2018 Publication Draft.

5.0 Policy EC1

5.1 Policy ‘**EC1 – Provision of Employment**’ sets out a range of employment sites. It divides these into strategic sites and other sites. E11 is identified as an ‘other site’. The text to the part of the policy that deals with ‘other site’ states that

“Provision for a range of employment uses during the plan period will be made on the following other sites (edited to include only E11):

Site	Floorspace	Suitable Employment Uses
E11: Annamine Nurseries. Jockey Lane (1ha)	3,300sqm	B1a, B1c, B2 and B8.

5.2 The Landowners fully **support** EC1 insofar as it identifies land suitable for employment use and allocates E11 for employment development. The Landowners also **support** the inclusion of B1a land use within those land uses considered suitable on the Site. However, the Landowners are concerned regarding the omission of B1b uses from the allocation known as E11.

5.3 B1a and B1c uses are identified by the Local Plan as being suitable land uses on the Site.

5.4 The Town and Country Planning (Use Classes) Order 1987 states:

“Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),*
- (b) for research and development of products or processes, or*
- (c) for any industrial process,*

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”

5.5 If the Site is suitable for B1a and B1c uses it must also be suitable for B1b.

5.6 The area in which the Site lies is a major destination for visitors and workers, and includes significant leisure venues, shopping facilities and places of employment including offices and traditional employment uses. The area in which the Site lies acts as a town or district centre. Indeed, the Monks Cross development to the east of the Site, was identified in the 2018 Publication Draft as an out of centre retail destination.

5.7 Given the surrounding land uses we can see no reason to limit the proposed uses on the Site to B1a, B1c, B2 and B8 only. There are no circumstances in planning legislation where it would be appropriate to limit the use of a site to any of the sub-classes of B1 and, in the case of E11 this site

is entirely appropriate and able to support research and development of products and processes under a B1b use.

- 5.8 In the Preferred Options 2013 draft E11 is identified as being suitable for a range of employment uses including B1b. The 2014 Publication Draft version of the Local Plan also identified the Site as being suitable for a range of employment uses including B1b. A B1b land use was therefore deemed suitable by the Council on the Site in the past.
- 5.9 No justification has been given as to why B1b uses are no longer deemed suitable or appropriate on the Site. Given the nature of the surrounding land uses it is difficult to see that any justification can be given as it is plainly an appropriate and acceptable land use and indeed the Council previously agreed with this stance.

Soundness

- 5.10 It is considered that Policy EC1 insofar as it relates to allocation E11 is **unsound** in that it omits B1b land uses from the range of suitable employment uses identified. Given that nature of the surrounding land and the allocation history the omission of this land use is plainly not justified and will not be as effective in encouraging economic growth and therefore the plan has not been positively prepared. The allocation is therefore inconsistent with national policy.

Modification

- 5.11 The wording of Policy EC1 relating to suitable employment uses at Site E11 should be amended to read 'B1a, B1b, B1c, B2 and B8'.

Appendix 1

Plan showing E11 (outlined in red) within the larger site in possession of the Landowners.



From: Claire Linley [Claire.Linley@dppukltd.com]
Sent: 04 April 2018 15:20
To: localplan@york.gov.uk
Cc: Mark Lane; Caroline Scott
Subject: York Local Plan Reqs - Site 131 – formerly ST13
Attachments: ST13 Report and Appendices.pdf; ST13 Forms.pdf

Good afternoon,

Please find attached our representations on behalf of Shepherd Property Group in relation to the City of York Local Plan Publication Draft Regulation 19 Consultation. This submission relates to the site known as land at Moor Lane, Copmanthorpe (Site 131 – formerly ST13).

Please can you confirm receipt.

Kind regards,

Claire Linley BA (hons) DIPTP MRTPI
Principal Planner

M 07870 997 841

T 0113 350 9865

www.dppukltd.com



City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Shepherd Homes
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at www.york.gov.uk/consultations

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Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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Can I submit representations on behalf of a group or neighbourhood?

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Do I need to attend the Public Examination?

You can indicate whether at this stage you consider there is a need to present your representation at a hearing session during the Public Examination. You should note that Inspectors do not give any more weight to issues presented in person than written evidence. The Inspector will use his/her own discretion in regard to who participates at the Public Examination. All examination hearings will be open to the public.

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST13

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Local Plan does not provide sufficient housing land to meet a properly formulated assessment of objective need and those sites identified will not deliver the units identified. On the basis of the above we consider that the Local Plan is unsound and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

To address the above, ST13, which is a sustainable site and its development will not result in any significant harm, should be reintroduced into the Local Plan and reallocated for housing.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

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To elaborate on our written representations.

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Part C - How we will use your Personal Information

We will only use the personal information you give us on this form in accordance with the Data Protection Act 1998 (and any successor legislation) to inform the Local Plan process.

We only ask for what personal information is necessary for the purposes set out in this privacy notice and we will protect it and make sure nobody has access to it who shouldn't.

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Storing your information and contacting you in the future:

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Retention of Information

We will only keep your personal information for as long as is necessary and when we no longer have a need to keep it, we will delete or destroy it securely. The Local Planning Authority is required to retain your information during the plan making process. The information you submit relating to the Local Plan can only cease to be made available 6 weeks after the date of the formal adoption of the Plan.³

Your rights

To find out about your rights under the Data Protection Act 1998 (and any successor legislation), you can go to the Information Commissioners Office (ICO) <https://ico.org.uk/for-the-public/>

If you have any questions about this Privacy Notice, your rights, or if you have a complaint about how your information has been used or how long we have kept it for, please contact the Customer Feedback Team at haveyoursay@york.gov.uk or on [01904 554145](tel:01904554145)

Signature

Date

04.04.18

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

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First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Shepherd Homes
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
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5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

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Justified

Effective

Consistent with national policy

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(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that Policy H2 and the associated assumed yields applied to various allocations are unsound and not justified and will not ensure effective delivery of the housing requirement and is therefore inconsistent with national policy.

See attached report for full comments.

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You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

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After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We suggest that that net development density is reduced and that greater flexibility is included in the policy to allow for balanced developments to be created.

See attached report for full comments.

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Signature



Date

04.04.18

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Shepherd Homes
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

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Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph
no.

Policy
Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that Policy H3 is unsound as it will not be effective, it is not justified, and is not consistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

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We suggest the policy should be modified to provide greater flexibility to allow for balanced developments to be created. In this regard we would suggest amending the policy to read "Proposals for residential development should assist in balancing the housing market, unless material considerations indicate otherwise, by including a mix of types of housing that respond to and reflects the diverse mix of need across the city and the character of the locality."

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

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First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Shepherd Homes
Address – line 1		Second Floor
Address – line 2		1 City Square
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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

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Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

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What does 'Sound' mean?

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Yes No

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(Complete any that apply)

Paragraph
no.

Policy
Ref.

Site Ref.

Lack of Safeguarded
Land Allocation

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

See attached report for full comments.

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The inclusion of ST13 as a safeguarded land site as an alternative to a housing allocation.

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Paragraph no.

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The inclusion of a safeguarded land policy and an appropriate quantum of safeguarded land sites.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

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Signature

[Redacted Signature]

Date

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Shepherd Homes
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

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Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Local Plan is not 'sound' as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

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The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much-needed investment in new housing to meet the community's needs.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

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Last Name		Linley
Organisation (where relevant)		DPP
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Address – line 2		1 City Square
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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

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What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

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Paragraph
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5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Local Plan does not provide sufficient housing land to meet needs of the housing market area and those sites allocated will not deliver the units identified and as the Site does not perform a Green Belt purpose it should not be included in the Green Belt. On the basis of the above we consider that the Local Plan is unsound, it is not justified and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

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Site ST13 should be removed from the Green Belt.

See attached report for full comments.

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Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST5

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider the allocation of ST5 to be unsound in that ST5 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We do not suggest that the allocation known as ST5 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST5 should be 410 units as set out in the Publication Draft (2014). This level of development is more realistic and achievable.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

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To elaborate on our written representations.

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Signature



Date

04.04.18

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City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

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Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Shepherd Homes
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

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Can I submit representations on behalf of a group or neighbourhood?

Yes, you can. Where there are groups who share a common view on how they wish to see the plan modified, it would be very helpful for that group to send a single representation that represents that view, rather than for a large number of individuals to send in separate representations that repeat the same points. In such cases the group should indicate how many people it is representing; a list of their names and addresses, and how the representation has been agreed e.g. via a parish council/action group meeting; signing a petition etc. The representations should still be submitted on this standard form with the information attached. Please indicate in Part A of this form the group you are representing.

Do I need to attend the Public Examination?

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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

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Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST13

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

The Local Plan does not provide sufficient housing land to meet a properly formulated assessment of objective need and those sites identified will not deliver the units identified. On the basis of the above we consider that the Local Plan is unsound and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



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To address the above, ST13, which is a sustainable site and its development will not result in any significant harm, should be reintroduced into the Local Plan and reallocated for housing.

See attached report for full comments.

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No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

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Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Shepherd Homes
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
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Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

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What does 'legally compliant' mean?

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Yes

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4.(2) Do you consider that the document complies with the Duty to Cooperate?

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No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

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(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST14

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We do not object to the principle of the allocation but we do consider the estimated yield from ST14 to be overly ambitious so as to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider the yield assumed for ST14 to be unsound in that ST14 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

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We do not suggest that the allocation known as ST14 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST14 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

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1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Shepherd Homes
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

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- In all libraries in York.

Part B - Your Representation

(Please use a separate Part B form for **each** issue to you want to raise)



3. To which document does your response relate? (Please tick one)

City of York Local Plan Publication Draft

Policies Map

Sustainability Appraisal/Strategic Environmental Assessment

What does 'legally compliant' mean?

Legally compliant means asking whether or not the plan has been prepared in line with: statutory regulations; the duty to cooperate; and legal procedural requirements such as the Sustainability Appraisal (SA). Details of how the plan has been prepared are set out in the published Consultation Statements and the Duty to Cooperate Statement, which can be found at www.york.gov.uk/localplan

4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

Soundness may be considered in this context within its ordinary meaning of 'fit for purpose' and 'showing good judgement'. The Inspector will use the Public Examination process to explore and investigate the plan against the National Planning Policy Framework's four 'tests of soundness' listed below. The scope of the Public Examination will be set by the key issues raised by responses received and other matters the Inspector considers to be relevant.

What makes a Local Plan "sound"?

Positively prepared - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.

Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities

Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework

5.(1) Do you consider the document is Sound?

Yes No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared Justified
 Effective Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST15

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We do not object to the principle of the allocation but we do consider the estimated yield from ST15 to be unrealistic and to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider the yield assumed for ST15 to be unsound in that ST15 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

See attached report for full comments.

6. (1) Please set out what change(s) you consider necessary to make the City of York Local Plan legally compliant or sound, having regard to the tests you have identified at question 5 where this relates to soundness.



You will need to say why this modification will make the plan legally compliant or sound. It will be helpful if you could put forward your suggested revised wording of any policy or text.

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested modification, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further representations will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

We do not suggest that allocation known as ST15 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST15 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

Yes, I wish to appear at the examination

If you have selected **No**, your representation(s) will still be considered by the independent Planning Inspector by way of written representations.

7.(2). If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

To elaborate on our written representations.

Please note: the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the hearing session of the examination.

Part C - How we will use your Personal Information

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Retention of Information

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Signature

Date

04.04.18

¹ Section 20(3) Planning & Compulsory Purchase Act 2004 Regulations 17,22, 35 & 36 Town and Country Planning (Local Planning) England) Regulations 2012

² Regulation 19 Town and Country Planning (Local Planning) England) Regulations 2012

³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012

City of York Local Plan Publication Draft 2018 Consultation response form 21 February – 4 April 2018

OFFICE USE ONLY:

ID reference:

This form has three parts: **Part A** Personal Details, **Part B** Your Representation and **Part C** How we will use your Personal Information

To help present your comments in the best way for the inspector to consider them, the Planning Inspectorate has produced this standard comment form for you to complete and return. We ask that you use this form because it structures your response in the way in which the inspector will consider comments at the Public Examination. Using the form to submit your comments also means that you can register your interest in speaking at the Examination.

Please read the guidance notes and Part C carefully before completing the form. Please ensure you sign the form on page 6.

Please fill in a separate part B for each issue/representation you wish to make. Any additional sheets must be clearly referenced. If hand writing, please write clearly in blue or black ink.

Part A - Personal Details

Please complete in full; in order for the Inspector to consider your representations you must provide your name and postal address).

1. Personal Details		2. Agent's Details (if applicable)
Title		Mrs
First Name		Claire
Last Name		Linley
Organisation (where relevant)		DPP
Representing (if applicable)		Shepherd Homes
Address – line 1		Second Floor
Address – line 2		1 City Square
Address – line 3		Leeds
Postcode		LS1 2ES
E-mail Address		Claire.linley@dppukltd.com
Telephone Number		01133509865

Guidance note

Where do I send my completed form?

Please return the completed form **by Wednesday 4 April 2018, up until midnight**

- To: FREEPOST RTEG-TYYU-KLTZ Local Plan, City of York Council, West Offices, Station Rise, York, YO1 6GA
- By email to: localplan@york.gov.uk

Electronic copies of this form are available to download at www.york.gov.uk/localplan or you can complete the form online at www.york.gov.uk/consultations

What can I make comments on?

You can make representations on any part of the publication draft of the Local Plan, Policies Map or Sustainability Appraisal. Comments may also refer to the justification and evidence in the supporting technical papers. The purpose of this consultation is for you to say whether you think the plan is legally compliant and 'sound'. These terms are explained as you go through the response form.

Do I have to use the response form?

Yes please. This is because further changes to the plan will be a matter for a Planning Inspector to consider and providing responses in a consistent format is important. For this reason, all responses should use this consultation response form. Please be as succinct as possible and **use one response form for each representation you wish to make** (topic or issue you wish to comment on). You can attach additional evidence to support your case, but please ensure that it is clearly referenced. It will be a matter for the Inspector to invite additional evidence in advance of, or during the Public Examination.

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Sustainability Appraisal/Strategic Environmental Assessment

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4. (1) Do you consider the document is Legally compliant?

Yes

No

4.(2) Do you consider that the document complies with the Duty to Cooperate?

Yes

No

4.(3) Please justify your answer to question 4.(1) and 4.(2)

See attached report for full comments.

What does 'Sound' mean?

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Yes

No

If yes, go to question 5.(4). If no, go to question 5.(2).

5.(2) Please tell us which tests of soundness the document fails to meet: (tick all that apply)

Positively prepared

Justified

Effective

Consistent with national policy

5.(3) If you are making comments on whether the document is unsound, to which part of the document do they relate?

(Complete any that apply)

Paragraph no.

Policy Ref.

Site Ref.

ST31

5.(4) Please give reasons for your answers to questions 5.(1) and 5.(2)

You can attach additional information but please make sure it is securely attached and clearly referenced to this question.

We consider the proposed allocation of ST31 is unsound as it will result in a greater level of harm to the purposes of including land within the Green Belt and other material considerations than other comparable sites and as such there can be no exceptional circumstances for the allocation of this site. The allocation of ST31 is not justified and is inconsistent with national policy.

See attached report for full comments.

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We request the deletion of ST31.

See attached report for full comments.

7.(1). If your representation is seeking a change at question 6.(1), do you consider it necessary to participate at the hearing sessions of the Public Examination? (tick one box only)

No, I do not wish to participate at the hearing session at the examination. I would like my representation to be dealt with by written representation

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Signature



Date

04.04.18

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³ Regulation 35 Town and Country Planning (Local Planning) England) Regulations 2012



RESPONSE TO YORK LOCAL PLAN PUBLICATION DRAFT

SHEPHERD HOMES LTD

SITE 131 (FORMERLY ST13) - MOOR
LANE COPMANTHORPE

RESPONSE TO YORK LOCAL PLAN PUBLICATION DRAFT

On behalf of: Shepherd Homes Ltd

In respect of: Site 131 (Formerly ST13) - Moor Lane Copmanthorpe

Date: April 2018

Reference: CL/ML/2411le/R003cl

Author: Claire Linley

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1 City Square
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Executive Summary

The Developer **objects** to the proposed deletion of the site known as Site 131 (formerly ST13). The Developer also **objects** to the suggested housing requirement and to the lack of a safeguarded land policy. In the alternative to a housing allocation the Developer **objects** to the lack of a safeguarded land allocation. The Developer also **objects** to the density assumptions applied to allocated sites, particularly in rural villages, and the assumed delivery from ST15 and ST5. Furthermore, the Developer **objects** to the allocation of ST31.

The Council position is clear, due to revisions to the evidence base, certain previously proposed allocations have been modified or deleted. This does not mean that these sites or parts of these sites are unsuitable or inappropriate for development. Rather it simply means that the Council now consider these sites or parts of these sites are less preferable than those allocated in the current version of the Local Plan. The allocation of the sites or parts of sites should remain acceptable in principle.

Site ST13 was assessed as part of the Council's rigorous site selection methodology and as a result of passing this site selection process the Site was a proposed as a housing allocation in the Preferred Options draft and the Publication Draft versions of the plan. In this regard the Council must have previously satisfied themselves that the Site is available, that the Site is suitable for development and the development is achievable at the point in time when the Site is intended to deliver development.

The Council must also accept that as the Site is a proposed housing allocation in the Preferred Options draft and the Publication Draft versions that it serves no or a limited Green Belt purpose.

On the basis of the Council's revised evidence base, primarily the alleged lower housing requirement, the Council have sought to reduce the number of housing allocations and one of those sites that the Council are proposing to be removed is ST13. This was proposed within the Preferred Sites Consultation in September 2016 and although detailed representations were submitted by the developer the Site is still not allocated within this version of the Local Plan.

Rather than simply saying the Council are proposing to remove ST13 because of the alleged reduction in the need for housing land, the Local Plan also gives a technical or planning reason or reasons.

We disagree with the reasoning given in the Local Plan and we have shown that the reasoning is flawed.

Notwithstanding the above, we have shown that the Council's objective assessment of housing need is deficient and underestimates the level of housing need. This is exacerbated by the Council's assessment of housing supply particularly their over estimation of the delivery from certain sites, particularly ST5 and ST15. Consequently, we have shown that there is a need to allocate additional land for housing development.

As a consequence, we conclude that the Council should reinstate the proposed housing allocation known as ST13.

To make the Local Plan sound we recommend the following:

- There are a number of significant deficiencies in the City of York SHMA and Update which means that the 867 dwellings per annum OAHN figure currently being pursued by the Council is not soundly based. We suggest that the OAHN should be 1,150 per annum;
- The Council needs to provide a justified trajectory for the proposed housing sites and it needs to reassess the assumed delivery from certain sites particularly ST5 and ST15;
- A wider range and choice of sites need to be allocated for residential development;
- The allocation known as ST31 should be deleted;
- Safeguarded land policy and allocations should be incorporated within the Local Plan. Allocations should be chosen from the safeguarded sites identified within the previous iterations of the Local Plan or from sites which had been allocated for housing in the previous iterations of the Local Plan but which are allegedly no longer required due to the purported decrease in the housing requirements within the District;
- Appropriate development densities should be assumed and justified particularly from village and rural sites; and
- The Council should reinstate the proposed strategic site known as Site 131 (formerly ST13).

1.0 Introduction

- 1.1 We are submitting this representation on behalf of our client, Shepherd Homes Ltd (“the Developer”), in respect of various issues contained in the City of York Local Plan Publication Draft Regulation 19 Consultation (“the Local Plan”) and in particular their interests in relation to land at Moor Lane, Copmanthorpe (Site 131 – formerly ST13) (“the Site”)
- 1.2 The Developer owns the Site which was formerly allocated for housing development and is known as Site 131 – formerly ST13. The land that is in the ownership of the Developer is shown on the plan attached at **Appendix 1**.
- 1.3 City of York Council (“the Council”) published the Local Plan for public consultation on the 21st February 2018 together with its associated evidence base. The Local Plan proposes to delete the allocation known as Site 131 – formerly ST13. The Developer objects to the proposed deletion of Site 131 – formerly ST13.
- 1.4 On behalf of the Developer we have now had the opportunity to read the document and its associated evidence base and we have made a number of comments. For the remainder of this report we shall refer to the site as ST13.

2.0 The Test of Soundness

2.1 Paragraph 182 of the NPPF indicates that a Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “**sound**” namely that it is:

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.

3.0 The Site

- 3.1 The Site which is the subject of this response covers an area of about 5.61 ha and is known as 'Land at Moor Lane, Copmanthorpe'. The Site is located to the south of Moor Lane. It is situated to the south west of Copmanthorpe, directly adjoining the existing settlement.
- 3.2 The settlement of Copmanthorpe is located approximately 6km to the south west of the centre of York. Copmanthorpe is well served by local facilities including; a library, playgroup, youth club, hairdressers, coffee shop, newsagents, butchers, post office and a Co-op store.
- 3.3 The Site is enclosed on the north-eastern and eastern boundaries by the existing rear gardens of residential development. To the south-east a small part of the Site adjoins Moor Lane. The north-western boundary is defined by a hedgerow and mature trees beyond which is Low Westfield Road. Across Low Westfield Road there are open fields. To the south-west and south, the site is bounded by a mature tree belt. The Site is therefore separated from the agricultural land to the north and west by a strong mature belt of trees, hedgerows and permanent physical features.
- 3.4 The Site is relatively flat in nature.

4.0 Suitability of the Site

4.1 Shepherd Homes Ltd have obtained a thorough knowledge of the technical issues relating to the development of ST13 through commissioning the following reports and surveys: -

- Archaeological Evaluation;
- Desk Based Archaeological Assessment and Geophysical Survey;
- Coal Mining Report;
- A Topographical Survey;
- Transport Assessment;
- Travel Plan;
- Flood Risk and Drainage Statement;
- Geo-environmental and Geo-Technical Desk Study – Phase 1 Report;
- Geo-environmental and Geo-Technical Site Investigation - Phase 2 Report;
- A Flood Risk Assessment;
- Heritage Assessment;
- Sustainability Report; and
- Ecological Appraisal.

4.2 These technical reports and surveys have informed the production of various draft layouts depicting how the Site could be developed and these technical reports and surveys together with the draft layout have been submitted to the Council. The draft layout is attached at **Appendix 2**.

4.3 Through the production of the above reports and surveys the Developer has previously shown that the Site is available and suitable for residential development and that development can be achieved. It has also been shown that the Site is viable to develop.

4.4 The Site was assessed as part of the Council's rigorous site selection methodology and as a result of passing this site selection process the Site was a proposed housing allocation in the Preferred Options Local Plan and Publication Draft versions of the plan which we will turn to next.

4.5 At the time the Council must have satisfied themselves that the Site was available, that the Site is suitable for development and the development is achievable at the point in time when the Site is intended to deliver development.

Soundness

4.6 ST13 was previously considered to be a location suitable and appropriate for housing development and that the development of the land would not harm any important planning considerations. We consider that the deallocation of ST13 is unjustified. On the basis of the above we consider that the Local Plan is unsound and will not be effective and therefore will not deliver sustainable development in accordance with national policy.

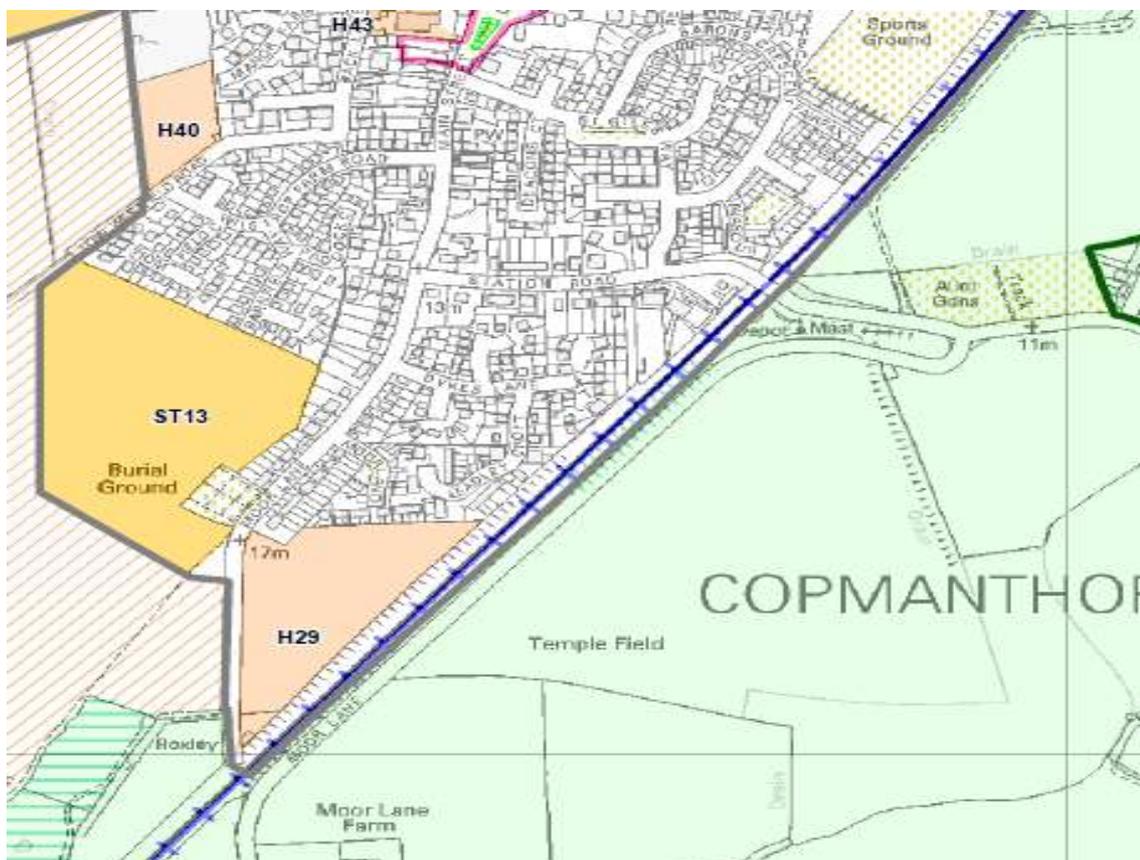
Modification

- 4.7 To address the above ST13 should be reintroduced into the plan and reallocated for housing development.

5.0 Objection to the Deletion of ST13

Preferred Options (June 2013)

- 5.1 The Council consulted on the Preferred Options draft and its supporting evidence base in summer 2013. The Preferred Options draft set out the spatial strategy for the City which included identifying land for housing and employment growth.
- 5.2 Within this document the Site is identified by the Council as a housing allocation known as ST13. The Site is shown as being 5.5ha in size and having an estimated yield of 115 dwellings. The Preferred Options draft indicates that the Site is available for development in the short to medium term (1-10 years). The proposed allocation is shown below.



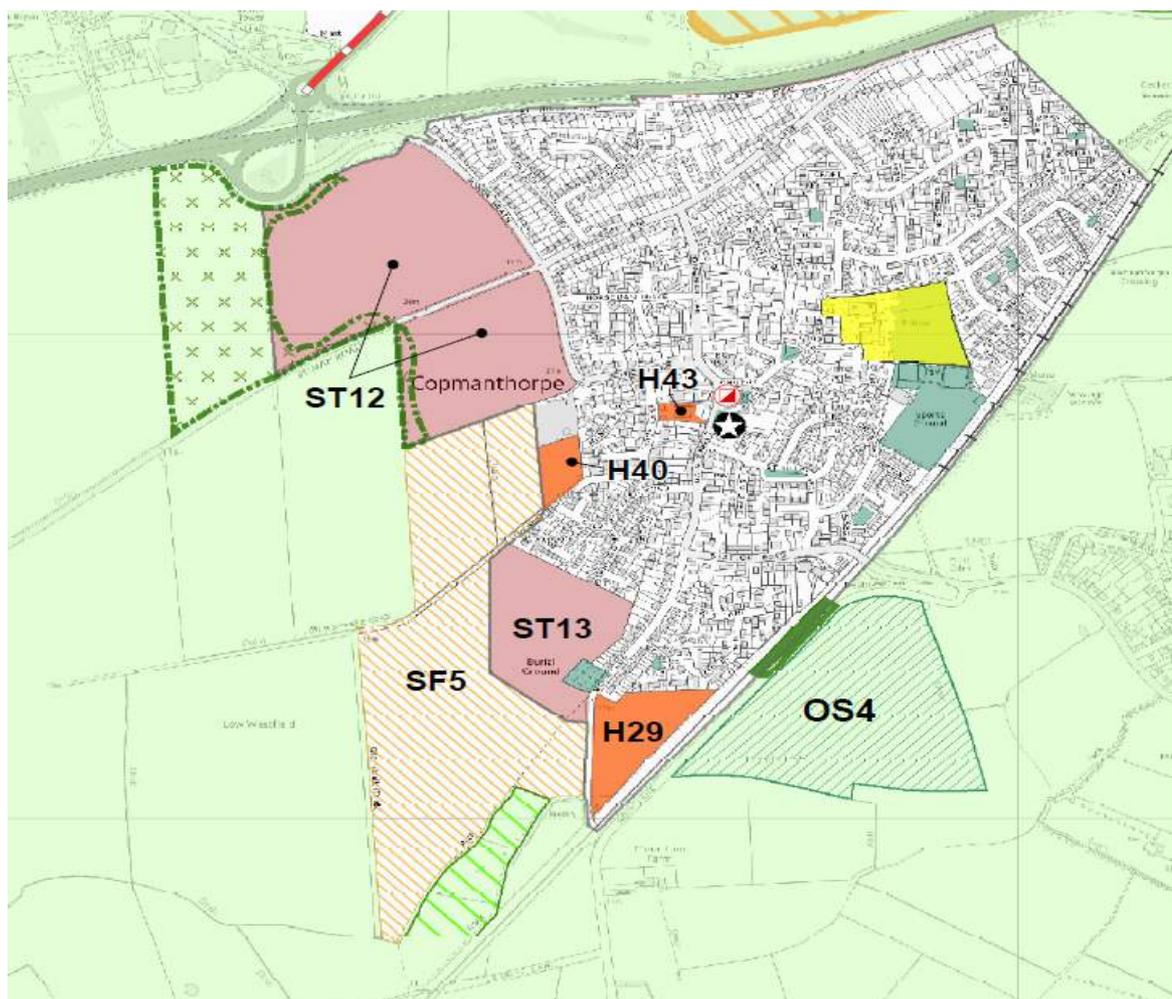
Further Sites Consultation June 2014)

- 5.3 Through the Preferred Options draft consultation, the Council received proposals for additional sites or modifications to sites.
- 5.4 Following consultation on the Preferred Options draft the Council held a Further Sites Consultation (June 2014). This contained the results of the testing of the suggested modifications and new sites received as part of the previous Preferred Options draft consultation.

- 5.5 The Further Sites Consultation helped to develop and fine tune the portfolio of sites to meet the identified housing and employment needs of the City for the Publication Draft version of the plan.

Publication Draft (September 2014)

- 5.6 The Publication Draft version of the plan was taken to a Local Plan Working Group on the Monday 22nd September 2014 which was followed by a Cabinet meeting on Thursday 25th September 2014 and Scrutiny Panel on Wednesday 8th October 2014. At all of the above stages the Publication Draft was approved by members of the Council. However, following a Full Council meeting on 9th October 2014 progress on this plan was halted.
- 5.7 At the time that work on the Publication Draft plan was halted, the Council had reaffirmed the allocation of the Site for housing. In the Publication Draft plan, the Site both in its size and capacity have increased slightly to 5.61ha and 125 units respectively. The Publication Draft plan indicated that the Site was available for development in the short-term (1-5 years).
- 5.8 The proposed allocation contained within the Publication Draft version of the plan is shown below.



The Preferred Sites Consultation (July 2016)

- 5.9 Since 2014, the Council has been updating its evidence base in line with the agreed motion. This has included taking further papers to the Members of the Local Plan Working Group in September 2015 in relation to the overall housing and employment requirements for York.
- 5.10 York then released a Preferred Sites Consultation in July 2016 and supporting evidence as approved by the Executive Members. This was consulted on between the 18th July and 12th September 2016. Within the Preferred Sites Consultation, the Council proposed to delete the Site as a housing allocation. Shepherd Homes Ltd made comment on this document in general and objected to the reasons given by the Council for the suggested deletion of the allocation known as ST13.
- 5.11 On the basis of the Council's revised evidence base, primarily the alleged lower objectively assessed housing need ("OAHN"), the Council sought to reduce the number of housing allocations including ST13.
- 5.12 Rather than simply saying the Council are proposing to remove ST13 because of the alleged reduction in the need for housing land, the Preferred Sites Consultation gave a technical or planning reason or reasons. In the case of ST13 the reason given in the Preferred Sites Consultation for the proposed removal of the housing allocation was as follows: -

'Access via existing narrow roads (Moor Lane and Barnfield Way) through residential areas is a constraint and further work will be required to determine whether suitable highway improvements such as highway/footway widening would be feasible. South end of Barnfield Way stops abruptly at fence line. There would be cumulative impacts with H29. Whilst the site is partially contained by residential properties the development of the site would extend the built edge of Copmanthorpe to the west into open Countryside.'

- 5.13 DPP submitted representations to the Preferred Sites Consultation in September 2016 on behalf of the Shepherd Homes Ltd to demonstrate that access could be achieved and that the comments made in the Preferred Sites Consultation in relation to highway matters were unfounded. We also concluded that ST13 is visually and physically well related to the urban area and its development will not have an adverse impact on the open countryside and will not extend the urban area to the west.

Pre- Publication Draft Regulation 18 Consultation (September 2017)

- 5.14 The LPA then published the Pre-Publication Draft of the local plan along with its evidence base in September 2017. The Pre-Publication Draft plan showed ST13 to be within the Green Belt and not to be allocated for housing development.
- 5.15 Comments were submitted by the Developer to the Pre-Publication Draft of the local plan in October 2017 which reviewed the Council's latest assessment of the Site and provided further comments to demonstrate why the ST13 allocation should not be deleted. These comments are reiterated below.

- 5.16 Annex 1 of the SHLAA, which forms part of the evidence base, summarised the consultation responses to the Preferred Sites Consultation and provided a summary of the findings of the Technical Officer Workshop.
- 5.17 The document noted the following points which were made by the public in relation to ST13:
- The level of development proposed will *bring an unwelcome change to the character of the village*; and
 - Copmanthorpe's services and amenities would be over burdened by the additional demand.
- 5.18 The feedback from the Technical Officer Workshop stated that "access is only constraint, mitigation required but not considered a showstopper to development. It then went on to state that although evidence has been provided to show that the Site can be accessed with the required mitigation, including widening Moor Lane, but the officers consider that "*there would still be adverse impacts when looked at cumulatively with site H29. On balance, it is considered that H29 would be preferable to site ST13 given it is smaller in scale and would require less mitigation.*" They then added that "*the development of Site ST13 would extend the built edge of Copmanthorpe to the west into open countryside*".
- 5.19 As mentioned above, Annex 1 of the SHLAA, which forms part of the Evidence Base to the Local Plan summarised the consultation responses to the Preferred Sites Document and provided a summary of the findings of the Technical Officer Workshop. These findings and the summary of comments were reviewed and the Developer's response related to the following headings which have been repeated within this representation for clarity: -
- The Character of the Village
 - Copmanthorpe's Services and Facilities
 - Highways Cumulative Impact with H29
 - Extension of Copmanthorpe into the Countryside
 - Summary

The Character of the Village

- 5.20 This comment is not site specific and relates only to the additional level of housing development within Copmanthorpe. As is the case with most existing settlements within York, existing residents are unlikely to want additional housing within their locality. However, housing must be provided and as a consequence change will occur but this change will not necessarily affect the character of a settlement. Copmanthorpe is a relatively large compact settlement. Even with the development of ST13, H29 and ST31 Copmanthorpe will remain a relatively small compact settlement. The level of growth is not disproportionate to the level of the development proposed and would not change the character of the settlement. This was clearly the view of the Council as the Site was identified by the Council as a housing allocation and is not a matter raised in the Technical Officer Workshop.

Services and Facilities

- 5.21 This again is a common concern of existing residents when new housing is proposed within an existing settlement. However, the feedback from the Technical Officer Workshop specifically states that access is the only constraint and the impact on existing services and amenities is not a concern. Rather than harming existing services and amenities the development of ST13, together with the other proposed housing allocations, would support these services and amenities in that additional development will provide funds for improved sports facilities and the increase in the number of households in the village will generate increased local spending.

Highways Cumulative Impact with H29

- 5.22 The Transport Assessment submitted to the Preferred Sites Consultation Document in July 2016 focused on the suitability of the access arrangements and concluded that a suitable form of access can be provided to serve the Site using either Barnfield Way or Moor Lane. In reaching this conclusion the Transport Assessment and the other accompanying material referred to the pre-application meetings held with the Council, including Highway officers, where no concerns were raised about the adequacy or otherwise of the external road network. It is also supported by the fact that the Council have proposed to allocate the site known as H29 which accesses onto Moor Lane.
- 5.23 We now welcome the feedback from the Technical Officer Workshop which states that “*access is only constraint, mitigation required but not considered a showstopper to development.*” The acknowledgement that access can be achieved is welcomed.
- 5.24 The feedback from the Technical Officer Workshop then goes on to state that although evidence has been provided to show that the Site can be accessed with the required mitigation, including widening Moor Lane, officers consider that “*there would still be adverse impacts when looked at cumulatively with site H29. On balance, it is considered that H29 would be preferable to site ST13 given it is smaller in scale and would require less mitigation.*”
- 5.25 In response to this Fore Consulting produced a further technical note which is attached to this submission at **Appendix 4**.
- 5.26 This appraisal examined the traffic impacts associated with the proposed allocations ST13 and H29, adjacent to Moor Lane, Copmanthorpe on the local road network. This assessment demonstrates that:
- The likely traffic impacts associated with the allocation at the critical locations on the local highway network are of a scale that could be satisfactorily mitigated. The scale and form of mitigation would be confirmed as part of a planning application, following collection of up to date traffic data and detailed capacity assessment work.
 - The sites are similarly located with regards to opportunities for residents to walk or cycle for local journeys, or to use public transport to travel to wider local and regional destinations.

Combined, both allocations are likely to generate additional public transport demand to support existing services in the longer term.

- The proposals fully accord with the provisions set out in the NPPF. In particular, residents of both sites would be able to access local facilities by non-car modes (which is effectively accepted in principle given the allocation of the H29 site and the previous allocation of Site ST13), and the additional vehicular traffic is not considered to represent a significant further detrimental impact compared to traffic associated with site H29 in isolation.

5.27 Overall, the cumulative transport impact of the allocations is not considered to be of a scale that could be defined as severe. On this basis it is concluded that both allocation proposals are acceptable and can be supported from a transport perspective.

5.28 It is clear from the highway technical note produced by Fore Consulting that the comments made in the Local Plan consultation documentation in relation to highway matters are unfounded.

Extension of Copmanthorpe into the Countryside

5.29 This was a matter previously addressed within the last round of consultation. Previously it was noted that it was unclear whether the Council are suggesting that the allocation of ST13 would have an impact on the proposed Green Belt. To now find that ST13 is not suitable for development on Green Belt grounds the Council would have to conclude that other sites would create less harm to the Green Belt than ST13. No comparative assessment of the Green Belt advantages and disadvantages of all of the various sites has been produced and we find it difficult to believe that ST13 would cause more harm than the development of say ST14 or ST15. In fact, we are very much of the view that the ST13 would cause considerably less harm to the Green Belt than the development of either of these sites. It is noted that the Council are not alleging the development of ST13 would conflict with any of the 5 purposes of including land within the Green Belt as set out in paragraph 80 of the NPPF.

5.30 Rather than suggesting harm to the Green Belt the Local Plan consultation documentation suggests that *“In addition the development of Site ST13 would extend the built edge of Copmanthorpe to the west into open countryside.”*

5.31 This comment would be true of just about any new allocation of land on the edge of a settlement in that development would occur on land that is currently undeveloped and would extend the settlement in a physical sense i.e. there would be new development where there was previously was none.

5.32 The reality of the situation here is that the Site is bound to the north and east by existing development. Therefore, the development of the Site cannot extend the edge of the built-up form in either of these directions. The southernmost extent of development is approximately level with the last property on Moor Lane. Therefore, the development would not extend the settlement any further southward.

- 5.33 Indeed, it is worth noting here that the allocation of H29 would actually result in the extension of Copmanthorpe considerably further south than that proposed by the development of ST13.
- 5.34 The western extent of the urban area of Copmanthorpe is formed by the dwellings off Homefield Close. Again, the proposed development of ST13 would not extend the edge of the built area beyond the last of the existing dwellings. It is therefore simply not true that the development of ST13 would extend the built edge of Copmanthorpe to the west.
- 5.35 It is accepted that it would result in the development of an undeveloped field but this field is not truly part of the wider landscape. It is wholly enclosed by the urban area to the north and east and a tree belt to the south and west. Indeed, when seen from the south and west the Site better relates to the urban area than the open countryside or the Green Belt. The field is completely enclosed and contained by the tree belt and the tree belt is seen against the back drop of the urban area.
- 5.36 With any allocation on the edge of a settlement there will be some loss of open land but the loss of this visually enclosed field needs to be balanced against other facts such as housing need and how open the land in question is when compared to other alternative sites and how important it is in landscape terms and for the historic setting of York.
- 5.37 As the Site was allocated for development in the Preferred Options draft and the Publication Draft versions of the plan it is plain that the Council previously did not consider that the Site formed any significant Green Belt purpose and that it is not important to keep the site permanently open. When comparing ST13 to other sites, such as ST31 and ST15, the Site is less sensitive to development and there will be less impacts. ST13 is clearly a better allocation than other sites proposed in the Local Plan.
- 5.38 In conclusion, it is our view that ST13 is visually and physically well related to the urban area and its development will not have an adverse impact on the open countryside and will not extend the urban area to the west. Consequently, we consider that this reason for the removal of ST13 is also flawed and incorrect.

Summary

- 5.39 The representation to the Pre-Publication Draft of the Local Plan therefore put forward the case for the reinstatement of the housing allocation known as ST13 and demonstrated that the Council have previously supported the allocation of the Site and that the reasons for the deletion of the Site were unfounded. Further, it argued that the Site is needed to meet the objectively assessed housing needs of the District.

Publication Draft Regulation 19 Consultation (February 2018)

- 5.40 The Council previously satisfied themselves that the Site is available, that the Site is suitable for development and the development is achievable at the point in time when the Site is intended to

deliver development as the Site was a housing allocation in the Preferred Options and Publication Draft version of the plan.

- 5.41 Whilst the Council have proposed to delete the housing allocation known as ST13 and allocate the Site as Green Belt It is clear that their reasons for doing so are flawed and incorrect. It is plain from the highway technical note produced by Fore Consulting that the comments made in the Local Plan consultation documentation in relation to highway matters are unfounded and that ST13 is visually and physically well related to the urban area and its development will not have an adverse impact on the open countryside and will not extend the urban area to the west.
- 5.42 The fundamental reason that ST13 was removed as a housing allocation has been the Council's proposed reduction in the objectively assessed housing need and the housing requirement. The Site was not, and never has been, considered by the Council to be inappropriate for development in principle.
- 5.43 We will show later in this representation that the Council's proposed reduction in the objectively assessed housing need and the housing requirement is fundamentally flawed. We will also show that the Council's assumptions regarding housing land supply, particularly the delivery assumed on a number of the large strategic sites, as well as the density assumptions are either ambitious or incorrect and will result in insufficient land being identified for development.
- 5.44 Whilst the Developer considers that ST13 should be a housing allocation we will further show in this submission that there is a need for Safeguarded Land. We have shown above that the Council do not consider that the Site forms an important Green Belt purpose and as an alternative to a housing allocation we will argue that ST13 should be allocated as Safeguarded Land.
- 5.45 For all of the above reasons the Publication Draft of the Local Plan is considered to be unsound. To make the Publication Draft of the Local Plan sound it is suggested that ST13 should be reinstated.

Soundness

- 5.46 The Local Plan does not provide sufficient housing land to meet a properly formulated assessment of objective need and those sites identified will not deliver the units identified. On the basis of the above we consider that the Local Plan is unsound and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

Modification

- 5.47 To address the above, ST13, which is a sustainable site and its development will not result in any significant harm, should be reintroduced into the Local Plan and reallocated for housing development.

6.0 Sustainability Appraisal

- 6.1 In order to consider the sustainability and therefore the relative merits of ST13, the Site has been assessed against a number of different sites which appear within the Local Plan.
- 6.2 The table included at **Appendix 5** reflects the Council's Sustainability Appraisal (2016) that formed part of the Preferred Sites Consultation (July 2016) and summarises the sustainability of each site. This is the most recent sustainability appraisal which incorporates ST13 as it has since been deleted.
- 6.3 Within the Council's Sustainability Appraisal, all sites were assessed against 15 sustainability appraisal objectives using a tailored assessment criterion to remain consistent with site appraisals within previous versions of the Local Plan. Each site was scored in relation to the effect it would have on the objective. The assessment criteria are shown below.

++	Likely to have a significant positive effect on the SA objective
+	Likely to have a positive effect on the SA objective
O	No significant effect/no clear link to the SA objective
I	Uncertain or insufficient information on which to determine effect on the SA objective
-	Likely to have a negative effect on the SA objective
--	Likely to have a significant negative effect on the SA objective

- 6.4 As can be seen from the table at **Appendix 5** it is evident that ST13 scores higher than ST14, ST15 and ST31 against most objectives. ST13 scores a total of 6 positive outcomes (Greens), there are no uncertainties (Blue) and no single negatives (Amber) scores and only one double negative (Red) scores. The double negative relating to ST13 is common to most of the proposed allocations as it relates to the whether the land is Brownfield/Greenfield and the Agricultural Land Classification that the land falls within. Whereas ST14, for example, has only 2 positive outcomes (Greens), there are 2 uncertainties (Blue), 4 single negatives (Amber) scores and 4 double negative (Red) scores. ST15 has a similar assessment to that of ST14. It is therefore plain that ST13 is more sustainable than ST14, ST15 and ST31. Given the above it is difficult to explain why the Council have chosen to allocate less sustainable development options to ST13 particular as sustainability is at the heart of the Framework.

Soundness

- 6.5 It is considered that the Local Plan is unsound in that the Council's own evidence base shows that ST13 is a more sustainable development option than other proposed housing allocations and therefore the Local Plan has not been positively prepared and is not justified and is not consistent with national policy.

Modification

- 6.6 To address the above ST13, which is a sustainable site, should be reintroduced into the Local Plan and reallocated for housing development.

7.0 Objection to Policy SS1

Introduction

7.1 Lichfields has been commissioned by Linden Homes, Taylor Wimpey UK Ltd, Persimmon Homes, Strata Homes Ltd & Bellway Homes [the Companies] to undertake a review of City of York Council's housing requirement and housing supply that has formed a key part of the evidence base to inform the Local Plan.

The City of York Strategic Housing Market Assessment

7.2 The Framework sets out that local planning authorities should use their evidence base to ensure they meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. To provide an objective assessment of housing need ("OAHN") the Council commissioned GL Hearn to produce the following reports and updates: -

- i) The City of York Strategic Housing Market Assessment (June 2016) ("SHMA")
- ii) The Strategic Housing Market Assessment Addendum (June 2016) ("the Addendum"); and
- iii) The Strategic Housing Market Assessment Update (September 2017) ("the Update")

Background

7.3 In Autumn 2015 the Council commissioned GL Hearn jointly with Ryedale, Hambleton and the North York Moors National Park Authority to prepare the SHMA. This study aimed to provide a clear understanding of housing needs in the City of York area. The SHMA was published as part of a suite of documents for the LPWG meeting on 27th June 2016. It concluded that the OAHN for the City of York was in the order of 841dpa.

7.4 On the 25th May 2016 ONS published a new set of (2014-based) sub national population projections [SNPP]. These projections were published too late in the SHMA process to be incorporated into the main document. However, in June 2016 GL Hearn produced an Addendum to the main SHMA report which briefly reviewed key aspects of the projections and concluded that the latest (higher) SNPP suggested a need for some 898dpa between 2012 and 2032. However due to concerns over the historic growth within the student population, the Addendum settled on a wider OAHN range of 706dpa - 898dpa, and therefore the Council considered that it did not need to move away from the previous 841dpa figure.

7.5 DCLG published updated 2014-based sub-national household projections [SNHP] in July 2016. GL Hearn was asked by the Council to update the SHMA to take account of these new figures and to assess the representations received through the Preferred Sites Consultation relating to OAN. The GL Hearn SHMA Update (September 2017) subsequently updated the demographic starting point for York based on these latest household projections. The 2014-based SNHP increases the

demographic starting point from 783dpa (in the 2016 SHMA) to 867dpa. In their Update, GL Hearn then applied a 10% uplift to the 867dpa starting point to account for market signals and affordable housing need and identifies a resultant housing need of 953dpa. However, a cover sheet to GL Hearn's Update, entitled *'Introduction and Context to objective Assessment of Housing Need'* was inserted at the front of this document by the Council. This states that 867dpa is the relevant baseline demographic figure for the 15-year period of the plan (2032/33). The Council rejected the 953dpa figure on the basis that GL Hearn's conclusions stating:

"...Hearn's conclusions were speculative and arbitrary, rely too heavily on recent short-term unrepresentative trends and attach little or no weight to the special character and setting of York and other environmental considerations."

7.6 As a result of this approach, the Publication Draft now states in Policy SS1: Delivering Sustainable Growth for York, the intention to:

"Deliver a minimum annual provision of 867 new dwellings over the plan period to 2032/33 and post plan period to 2037/38."

7.7 The supporting text to this policy makes no mention of the 953 dpa OAHN figure, but instead claims that 867 dpa is *"an objectively assessed housing need"*.

7.8 The Council therefore commissioned GL Hearn, an expert in the field, to produce a Strategic Housing Market Assessment in order to provide an OAHN and having done so the Council elected to ignore the findings of the Strategic Housing Market Assessment considering it to be speculative and arbitrary. The Council provided no evidence to substantiate its claims that the Strategic Housing Market Assessment was speculative and arbitrary. The decision to ignore the advice of the Council's independent experts is flawed and unsound.

7.9 We will go onto explain why the Council decision to ignore the advice of the Council's independent experts is flawed and unsound.

Housing Requirement

7.10 There are a number of deficiencies in the Strategic Housing Market Assessment Update highlighted by Lichfields and these are summarised below.

- i) The Council's approach to identifying an assessed need of 867 dpa in the introductory section of the SHMA Assessment Update is considered to be fundamentally flawed. This is effectively a 'policy-on' intervention by the Council which should not be applied to the OAHN. It has been confirmed in the Courts that FOAN is 'policy off' and does not take into account supply pressures. The Council's approach to identifying the OAHN, as set out in the SHMA Assessment Update, would therefore be susceptible to legal challenge. The calculation of OAHN should therefore be based on the normal 'policy-off' methodology.

- ii) There are a number of significant deficiencies in the SHMA Assessment Update which means that the 953 dpa OAHN figure identified in the Assessment Update is not soundly based. In particular:
- GL Hearn clearly accepts that an increase in household formation rates is necessary to respond to continued suppression of household formation rates within younger age groups within the official projections. However, this demographic-led figure of 871 dpa does not appear to have been carried forward by GL Hearn in calculating the resultant housing need. Lichfields agree with making an adjustment for demographic and household formation rates. However, it would be illogical to revert back to unadjusted projections of 867 dpa and then take this to apply the adjustment for market signals and affordable housing, when a demographic need of 871 dpa has been identified.
 - Overall, the Assessment Update fails to distinguish between the affordable housing needs of the City of York and the supply increase needed to address market signals to help address demand. Instead the SHMA blends the two elements within the same figure resulting in a conflated figure which is lower than the level of uplift deemed reasonable by the Eastleigh and Canterbury Inspectors, despite the fact that market signals pressures in York indicate signs of considerable stress and unaffordability. The Practice Guidance is clear that the worse affordability issues, the larger the additional supply response should be to help address these.
 - Given the significantly worsening market signals identified in City of York, Lichfields consider that a 20% uplift would be appropriate in this instance and should be applied to the OAHN, plus a further 10% uplift to help address affordable housing needs.
- 7.11 The scale of objectively assessed need is a judgement and the different scenarios and outcomes set out within the Lichfields report provides alternative levels of housing growth for the City of York. Lichfields considers these to be as follows:
- 7.12 **Demographic Baseline:** The 2014-based household projections indicate a net household growth of 867dpa between 2014 and 2024 (including a suitable allowance for vacant/second homes. Once a suitable adjustment has been made to rebase the projections to the (slightly lower) 2015 MYE, and through the application of accelerated headship rates amongst younger age cohorts takes the demographic starting point to **871dpa**.
- 7.13 **Market Signals Adjustment:** GL Hearn's uplift is 10%. However, Lichfields considers that a greater **uplift of 20%** would be more appropriate in this instance. When applied to the **871dpa** re-based demographic starting point, this would indicate a need for **1,045dpa**. The demographic-based projections would support a reasonable level of employment growth at levels above that forecast by Experian, past trends or the blended job growth approach. As such, no upward adjustment is required to the demographic-based housing need figures to ensure that the needs of the local economy can be met;
- 7.14 The scale of **affordable housing needs**, when considered as a proportion of market housing delivery, implies higher levels of need over and above the 1,045dpa set out above. It is considered that to meet affordable housing needs in full (573dpa), the OAHN range should be adjusted to 1,910dpa

@30% of overall delivery. It is, however, recognised that this level of delivery is likely to be unachievable for York. Given the significant affordable housing need identified in City of York Lichfields consider that a **further 10% uplift** would be appropriate in this instance and should be applied to the OAHN, resulting in a final figure of **1,150 dpa**.

- 7.15 Whilst it is accepted that limited weight can be attached to the MHCLG proposed standardised methodology figure this figure nevertheless reflects the direction of travel of Government policy. The MHCLG proposed standardised methodology figure is 1,070 dpa, similar to the Lichfield figure which has been uplifted to address market signals but not be uplifted to address affordable housing need.
- 7.16 The Lichfields housing requirement allows for the improvement of negatively performing market signals through the provision of additional supply, as well as helping to meet affordable housing needs and supporting economic growth. Lichfields consider that using this figure would ensure compliance with paragraph 47 of the Framework by significantly boosting the supply of housing. It would also reflect paragraph 19 of the Framework, which seeks to ensure the planning system does everything it can to support sustainable development.

Housing Land Supply

- 7.17 Lichfields have also assessed the Council's housing supply position. Lichfields raise issues and concerns about the following matters; -
- i) Lead in times;
 - ii) Delivery rates;
 - iii) Density assumptions;
 - iv) The components of supply;
 - v) ST14 and ST15; and
 - vi) Windfall.
- 7.18 Lichfields has undertaken an analysis of the Council's evidence base and question some of the assumptions in relation to the components of supply and conclude that some of the proposed delivery rates on sites are unfounded and unrealistic.
- 7.19 The assessment of the balance between the housing requirement and supply demonstrates that there is a significant shortfall when assessed against the Lichfields assessment of the OAHN.

Soundness

- 7.20 In these circumstances, the Local Plan is not 'sound' as required by the Framework, as the Council have not properly assessed the OAHN or set out a justified and effective housing requirement nor have the Council demonstrated an adequate supply of land as required by national guidance.

Modification

- 7.21 The Council should allocate additional land to meet the housing needs of the community and these sites should be able to deliver early in the plan period. This is the only approach that will deliver a 'sound' plan and enable the much-needed investment in new housing to meet the community's needs.

8.0 Objection to Policy SS2 - Green Belt Designation

8.1 Policy SS2: The Role of York's Green Belt states:

"The primary purpose of the Green Belt is to safeguard the setting and the special character of York and delivering the Local Plan Spatial Strategy. New building in the Green Belt is inappropriate unless it is for one of the exceptions set out in policy GB1.

The general extent of the Green Belt is shown on the Key Diagram. Detailed boundaries shown on the proposals map follow readily recognisable physical features that are likely to endure such as streams, hedgerows and highways.

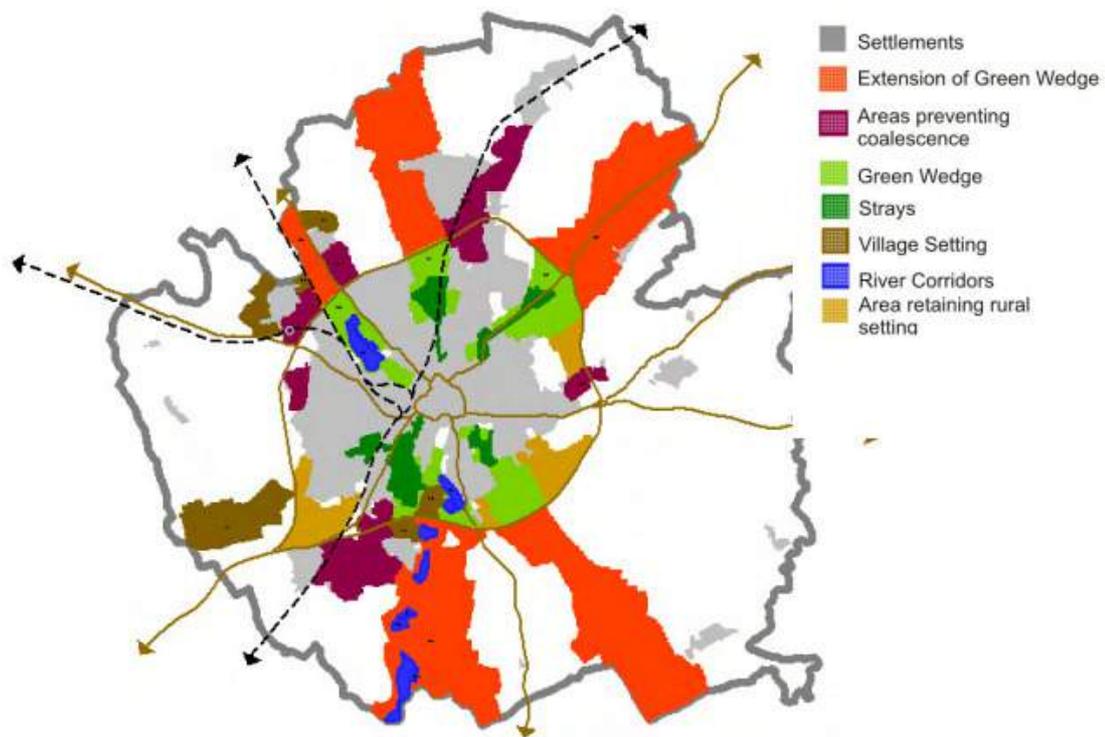
To ensure that there is a degree of permanence beyond the plan period sufficient land is allocated for development to meet the needs identified in the plan and for a further minimum period of five years to 2038."

8.2 Within the current version of the Local Plan ST13 is shown to lie within the Green Belt.

8.3 Paragraph 80 of the NPPF states that the 5 purposes of including land within the Green Belt are as follows:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another
- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

8.4 An exercise was carried out by the Council in the preparation of local plan which aimed to establish Green Belt Character Areas and highlighted the role and importance of the Green Belt surrounding Copmanthorpe.



- 8.5 The figure (shown above) was prepared following the production of a technical paper which looks at potential amendments to the Green Belt. The Green Belt to the east of Copmanthorpe, beyond the railway line, is identified as an area preventing coalescence. The Green Belt to the north, beyond the A64 is identified as an area retaining the rural setting. The Green Belt which bounds the western periphery of the Site is not identified as having a particular Green Belt role. This clearly demonstrates that the Council considers that the land around the Site does not form any locally important Green Belt purpose.
- 8.6 Additionally, as the Site was allocated for development in the Preferred Options (2013) and the Publication Draft (2014) versions of the local plan, it is plain that the Council previously did not consider that the Site performed any significant Green Belt purpose and that it is not important to keep the Site permanently open.
- 8.7 Within the Council's Working Group assessment of the Site, which forms part of the evidence base to the Local Plan, we note that the Council are not alleging the development of ST13 would conflict with any of the 5 purposes of including land within the Green Belt as set out in paragraph 80 of the NPPF. The Council therefore accept that the land serves no Green Belt purpose and as such does not need to be kept permanently open.
- 8.8 Shepherd Homes Ltd therefore object to the inclusion of Site within the Green Belt.

Soundness

- 8.9 The Local Plan does not provide sufficient housing land to meet needs of the housing market area and those sites allocated will not deliver the units identified and as the Site does not perform a

Green Belt purpose it should not be included in the Green Belt. On the basis of the above we consider that the Local Plan is unsound, it is not justified and will not be effective and therefore does not deliver sustainable development in accordance with national policy.

Modifications

8.10 Site ST13 should be removed from the Green Belt.

9.0 Objection to Policy H2 - Density of Development

- 9.1 In addition to Lichfields' comments relating to the OAHN and the proposed housing land supply we also have concerns about the density of development that the Council believe can be delivered from the various allocated sites.
- 9.2 We have concerns about this policy but we welcome the recognition within the policy that on strategic sites the specific master planning agreements may provide density targets for that site that override the policy H2. We also welcome the clarification that this policy should be used as a general guide and that the density of any development will need to respond to its context.
- 9.3 We however have concerns about the density of development that the Council believe can be delivered from the various allocated sites.
- 9.4 We note that as a general trend the density of development on allocated sites increased in the Preferred Sites Consultation (2016) when compared to the Publication Draft (2014). These densities increased again when comparing the Preferred Sites Consultation (2016) to the Pre-Publication Draft. See the table attached at **Appendix 3**.
- 9.5 It would appear that the Council have changed their approach to calculating development densities between the various draft iterations of the local plan. For example, in the Preferred Options (2013) it was assumed that in the villages and rural areas development would occur at 30 dwellings per hectare. In the Publication Draft (2014) it is assumed that development in the villages and rural areas would occur at 35 dwellings per hectare. We feel that for villages and rural areas a development density of 30 dwellings per hectare would be more appropriate.
- 9.6 The development density for Haxby and Wigginton is identified as 40 dwellings per hectare. Given the character and form of Haxby and Wigginton it is considered that such a density of development could be harmful particularly if sustainable extensions are to be achieved and a balanced development provided. A development density of 40 dwellings per hectare is more characteristic of high density urban living rather than an extension to sustainable villages. It implies a high proportion of small tight knit dwellings which would be uncharacteristic of the adjoining urban areas which have typically been developed at about 25 dwellings per hectare. It would be reasonable to expect a development density above 30 dwellings per hectare but 40 dwellings per hectare is too high.
- 9.7 As to the proposed development densities of 50 dwellings per hectare for urban areas and 100 dwellings per hectare within the city centre, these densities of development are considered ambitious particularly where there is a need to incorporate open space. Development at this density may limit the marketability of the product and if this is the case it would not boost housing delivery.
- 9.8 The proposed densities and the increases in the yields from individual sites needs to be fully explained and justified.

- 9.9 The Council need to justify the density of development in the various areas and the increases in the yields from various sites in order to ensure that they are robust and are not going to lead to a shortfall in housing delivery.
- 9.10 On the basis of the above we object to the proposed development densities being applied in policy H2 and on individual sites.

Soundness

- 9.11 We consider that Policy H2 and the associated assumed yields applied to various allocations are unsound and not justified and will not ensure effective delivery of the housing requirement and is therefore inconsistent with national policy.

Modification

- 9.12 We suggest that that net development density is reduced and that greater flexibility is included in the policy to allow for balanced developments to be created.

10.0 Objection to Policy H3 – Housing Market

- 10.1 This policy is related to balancing the housing market. We do not object to the principle of this policy and indeed we welcome the acknowledgement in the Local Plan that the Council will *“seek to balance the housing market across the plan period”*. In this regard we welcome the use of the word *“seek”*. However, the policy then says that the applicants *“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”*. The use of the word *“required”* is onerous and is not reflective of the tone of the policy when read as a whole. For example, the policy goes onto state that *“the final mix of dwelling types and sizes will be subject to negotiation with the applicant”*.
- 10.2 Further, we also feel that it is unreasonable for an applicant to provide sufficient evidence to support their proposals particularly where a developer is providing a housing mix which is broadly in accordance with the identified need. This should be deleted.

Soundness

- 10.3 We consider that Policy H3 is unsound as it will not be effective, it is not justified, and is not consistent with national policy.

Modification

- 10.4 We suggest the policy should be modified to provide greater flexibility to allow for balanced developments to be created. In this regard we would suggest amending the policy to read *“Proposals for residential development should assist in balancing the housing market, unless material considerations indicate otherwise, by including a mix of types of housing that respond to and reflects the diverse mix of need across the city and the character of the locality.”*

11.0 Objection to the Allocation of ST5

- 11.1 The Local Plan identifies this site as having a total site area of 78ha and a net developable area of 35ha. The Local Plan suggests that this proposed allocation will be a mixed-use development allegedly providing 1,700 to 2,500 dwellings of which a minimum of 1,500 will be delivered in the plan period and 100,000 sq.m of office space (B1a).
- 11.2 We note that this will be an extremely challenging site to bring forward. Indeed, we are aware that Network Rail and its predecessors have been trying to develop the site since the 1960's/1970's (some fifty years) but development has never been brought forward. Given the length of time that this site has been theoretically available there is quite a considerable amount of doubt as to its viability and deliverability.
- 11.3 Our concern here is exacerbated by the fact that we still do not believe that there is any developer interest. The site is not attractive to the private sector due to the high risks of development.
- 11.4 We understand that the Council are seeking to de-risk the development with public funds but this will not necessarily bring the site forward as there is no or little track record within the City of York of large scale grade 'A' office space or high rise residential accommodation particularly for private purchasers. There are therefore few or no comparable projects to give developers confidence to invest in proposals for development on the site even if public funds are invested.
- 11.5 To make the scheme work there is a need to create high density, high rise family apartment accommodation (apartment blocks of between 6 and 8 storeys in height and houses of between 2 and 4 storeys) on the site and there is no or little comparable market information for this type of development in York. Therefore, the market is likely to be nervous of this type of development. Indeed, family apartments of the type envisaged by the Council on the York Central site may end up being more expensive than other housing options in and around the City. Therefore, people who wish to live at York Central will do so as a life style choice and this will limit sales and further depress developer interest.
- 11.6 Without confidence in the market place, interest in speculative development is likely to be slow. This would suggest to us that the proposed development, even if allocated, will take a considerable period of time to deliver – if at all.
- 11.7 Furthermore, given the historic importance of this skyline in York we are also concerned that a large cluster of tall buildings would have an adverse impact on the skyline and would be found to be unacceptable by Historic England and the Council's own heritage department.
- 11.8 In conclusion, there is currently no developer interest and insufficient evidence to demonstrate that site ST5 is suitable for the type and scale of development proposed or when the site will be genuinely available for development and that the proposed development is achievable in the timescales and quantum set out.

Soundness

- 11.9 We consider the allocation of ST5 to be unsound in that ST5 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 11.10 We do not suggest that allocation known as ST5 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST5 should be 410 units as set out in the Publication Draft (2014). This level of development is more realistic and achievable.

12.0 Objection to the Allocation of ST31

Preferred Options Local Plan (June 2013)

- 12.1 Within the Preferred Options (2013) version of the local plan the site known as ST31 and was identified by the Council as being located within the Green Belt. An extract of the Preferred Options (2013) proposals map is shown below:



Further Sites Consultation (June 2014)

- 12.2 Within the Site Summary of the Further Sites Consultation (June 2014) the Council indicated that the site had been rejected as it failed criteria 1 which relates to environmental assets such as Green Belt considerations.

Site Selection Paper Addendum (September 2014)

- 12.3 The introduction to this paper indicates that the Council received a large response to the Further Sites Consultation including some proposals for additional sites. In addition, the Council received some proposals to make changes to boundaries of sites proposed in the Further Sites Consultation along with additional evidence to support sites that the Council had previously considered but were not proposed as potential sites in the Preferred Options Consultation or Further Sites Consultation. The introduction indicates that this addendum to the Further Sites Consultation only considers

either new sites submitted for the first time through the Further Sites Consultation or sites where either a revised boundary has been submitted for consideration or where new evidence has been submitted through the Further Sites Consultation. The introduction confirms that the methodology used in this Site Selection Paper Addendum is the same used in the original Site Selection Paper published to support the Preferred Options and the Further Sites Consultation.

12.4 The landscape officer's comments are noted as being: -

"The land provides valuable separation between urban edge and ring road thereby retaining the characteristic setting of the city. This site prevents coalescence between Copmanthorpe and Dringhouses. The further evidence submitted has been reviewed but does not change the value of this land in preventing coalescence."

12.5 In the traffic light system, the report assesses this matter as RED – i.e. a fail.

12.6 The comments from the council transport department are as follows:

"Original comments at FSC were that the location of the site means that access on foot to local services is at or beyond the maximum acceptable/attractive/likely; distance to bus services on Tadcaster Road and Flaxman will exceed for most of the site; assessment of potential for new stops to Tadcaster Rd frontage (and service improvements based upon cumulative village impacts) required; viability and attractiveness of non-motor access via Yorkfield Lane needs evidence; again distances to local services would be likely to score low; lack of other sustainable connections to village; allocation likely to be car dependant. These comments still stand as robust detail of access by sustainable modes to local facilities has not been provided. It is stated in the response that "...it's located at the 'edge' of the local service centre..." however for many of these, they exceed reasonable walking distances and dependency on local private car journeys is the anticipated outcome."

12.7 Given the above this matter is ranked as an AMBER consideration in the traffic light system.

12.8 Open Space commented as follows: -

"There is a need to address the potential for specific health related issues on site, including railway line and road safety and healthy access to 62 services, and access to open space."

12.9 Given the above this matter is ranked as an AMBER consideration in the traffic light system.

12.10 The overall officer assessment is as follows: -

"The site fails criteria 1 of the Site Selection methodology as it falls within an area preventing coalescence (Historic Character and Setting). The submitted evidence does not change this and it is considered that the site provides valuable separation between urban edge and ring road thereby retaining the characteristic setting of the city. This site prevents coalescence between Copmanthorpe and Dringhouses. The site also fails criteria 4 (access to residential services) and despite the relocation of the Park and Ride the A64 still severs the access. The location of the site

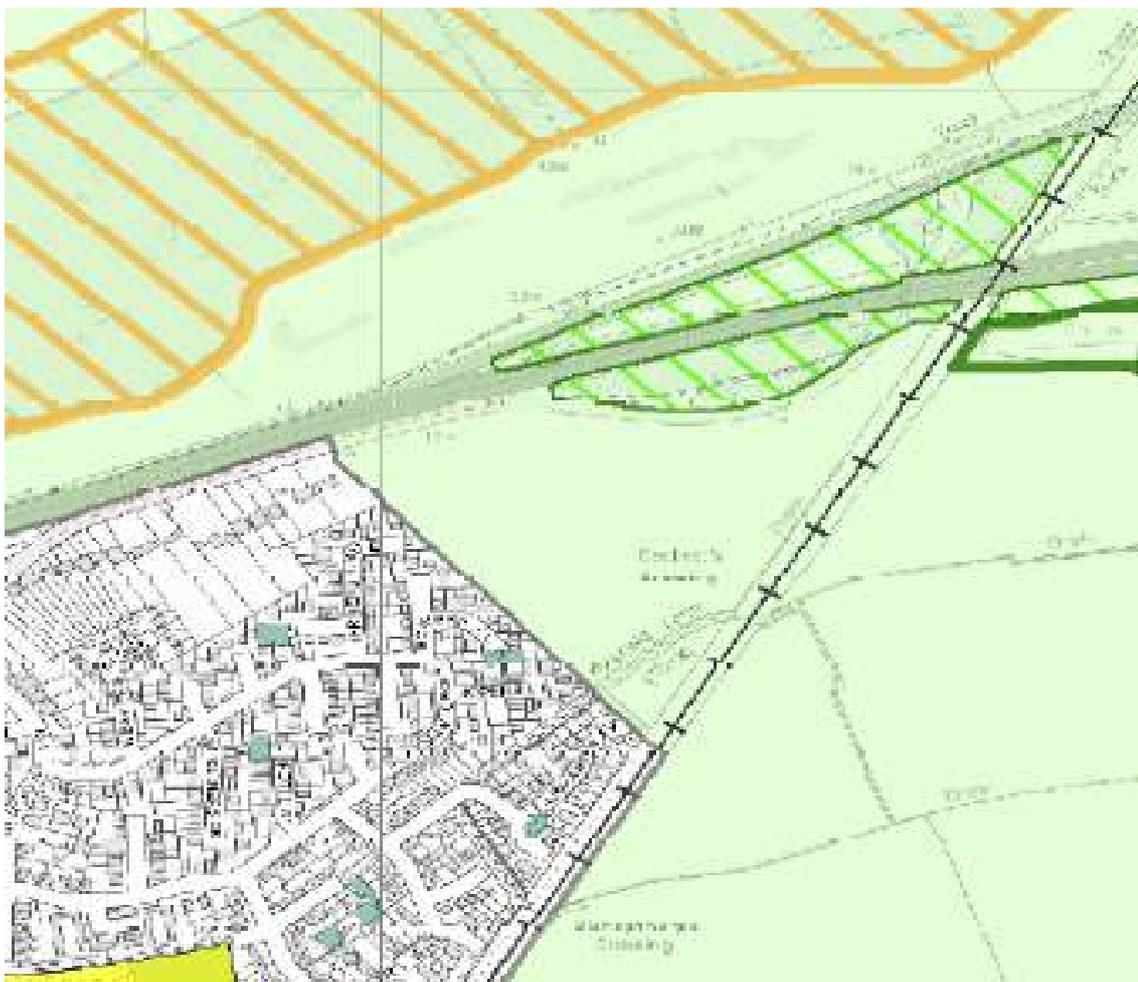
means that access on foot to local services is at or beyond the maximum acceptable/attractive/likely distance to bus services on Tadcaster Road and Flaxman Road will exceed for most of the site. Assessment of the potential for new stops to Tadcaster Rd frontage (and service improvements based upon cumulative village impacts) would be required. The viability and attractiveness of non-motor access via Yorkfield Lane needs evidence and again distances to local services would be likely to score low. There is lack of other sustainable connections to village and the site is likely to be car dependant. The further submission does not provide robust detail of access by sustainable modes to local facilities.

12.11 The Site Selection Paper Addendum report recommends to **REJECT - NO CHANGE**.

12.12 The proposed allocation of the ST31 was therefore categorically rejected by officers and the Council.

Publication Draft (2014)

12.13 Within the publication Draft the site known as ST31 was still identified as being located within the Green Belt.



Preferred Sites Consultation (2016)

- 12.14 The Preferred Sites Consultation proposed to allocate the site as a Strategic Site known as ST31. The Preferred Sites Consultation indicated that the site has an area of 8.1ha and a total capacity of 170 units. The site would incorporate 2.5ha of open space. We note that ST31 is 2.49ha larger than ST13 and it is envisaged that it will deliver 45 more dwellings. An extract of the Preferred Sites Consultation (2016) proposals map is shown below.

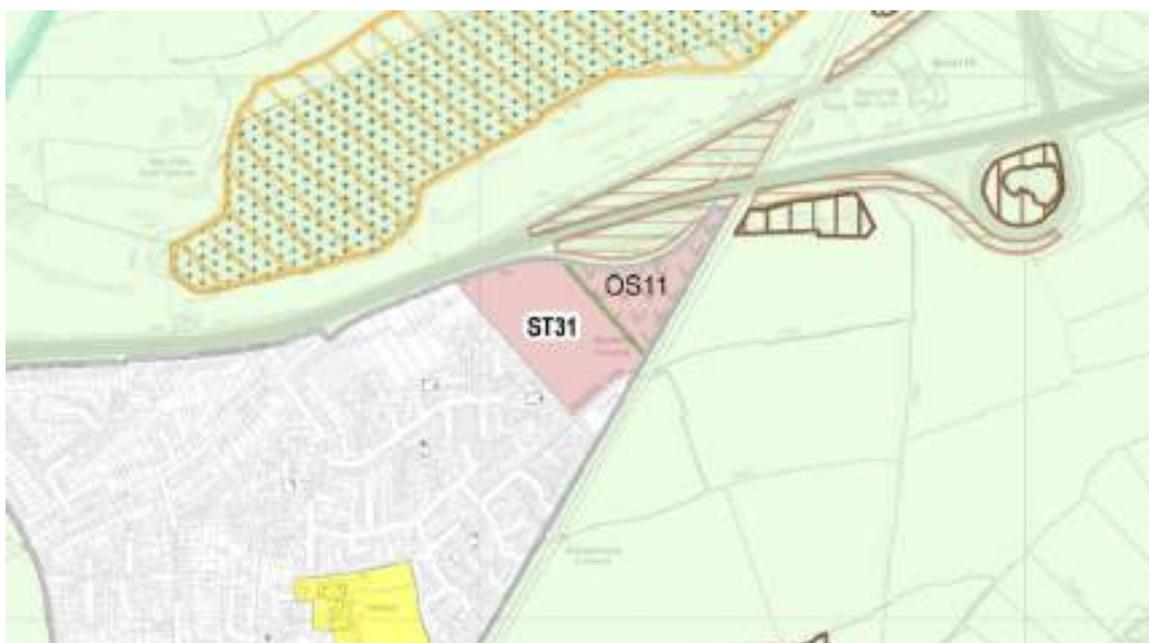


- 12.15 The Preferred Sites Consultation notes that the site had not been included as a draft housing allocation previously as it is located within an area designated in the 2003 York Green Belt Study (updates 2011 and 2013) as being part of an 'area preventing coalescence' between Bishopthorpe to Copmanthorpe and northwards to the existing edge of the York main built up area. The Preferred Sites Consultation (2016) suggests that the Council have changed their minds about this as they now consider that the site is contained by the East Coast Mainline and Tadcaster Road and the A64. We accept that the site is bounded by these features. However, in the York Green Belt Study it identified the land as forming part of a wedge of land separating out the urban areas of Bishopthorpe and Copmanthorpe as well as York and the function of this land would not change.

The development of ST31 would narrow the gap and therefore harm the Green Belt purpose identified in the York Green Belt Study.

The Local Plan Pre-Publication Draft Regulation 18 Consultation

- 12.16 The allocation of site ST31 has been carried through to the Pre-Publication Regulation 18 version of the local plan (albeit with a slightly reduced capacity of 158 dwellings).



Assessment

- 12.17 The ST31 site lies within an area considered to serve an important Green Belt purpose by the City of York Council in that it lies within an area preventing coalescence. The Council have held this view for a considerable period of time. When the York Green Belt Study was produced the East Coast Mainline, Tadcaster Road and the A64 would have been present and it was concluded that the site should be included in the area of importance for preventing coalescence. Nothing has therefore changed. This proposed allocation is therefore contrary to the Council's own evidence base.
- 12.18 This justification for including the ST31 site as an allocation is simply untrue.
- 12.19 ST31 plainly contributes to the actual separation between the urban edge and the ring road thereby retaining the characteristic setting of the City and prevents coalescence between Copmanthorpe and Dringhouses. In this regard, we wholly agree with the officer's previous assessment and the conclusions relating to ST31. ST31 clearly performs a Green Belt purpose as set out in paragraph 80 of the NPPF and its allocation will cause substantial harm to these purposes.

- 12.20 Furthermore, as a general strategy which we support, the Council had previously sought to locate the majority of new development away from main routes into the City and away from locations which could impact on the setting of York. Again, when compared to ST13, which is located on the south-western side of Copmanthorpe and separated both visually and physically from York by the built-up area of Copmanthorpe, the development of this site would cause greater harm to this important Green Belt consideration.
- 12.21 When compared to ST13 the development of this site would plainly cause considerably more harm to the purposes of including land within the Green Belt. This view is supported by the Council's own evidence base.
- 12.22 ST31 is also located close to a nationally significant site of nature importance, a site of local importance for nature conservation and a site of importance for nature conservation. There is the potential for the development of ST31 site to harm these sites. When compared to ST13 the development of this site has the potential to cause greater harm to interests of acknowledged importance.
- 12.23 The site is also not well related to the urban area of Copmanthorpe being a considerable distance from services and facilities and furthermore, given the proximity of the site to the East Coast Mainline, Tadcaster Road and the A64, there must be considerable doubt that a satisfactory standard of amenity can be achieved. We are particularly concerned that development on this site would not be able to achieve an acceptable standard of amenity with regard to noise levels in rear/private garden areas and air quality. Whilst we are sure that internal noise standards can be achieved, this will probably be at the expense of opening windows. The quality of the living environment on this site would be compromised.
- 12.24 Overall ST13 is a far superior site when compared to ST31 and as such we strongly object to the allocation of this site for housing. It has previously been rejected by officers and the Council and it is clear that at the time Officers did not consider that the site was suitable for housing. It failed the site selection methodology. The City of York Council's planning policy position has not changed in between the production of the Publication Draft and the Local Plan consultation documentation nor has the site selection methodology and therefore it is unclear why it this site has now been potentially allocated for housing development particularly when compared to the evident planning merits of ST13.
- 12.25 We fail to understand why sites that had previously passed the Council's rigorous site selection methodology such as ST13 are proposed to be deleted whilst other sites which failed the same methodology, and nothing has changed, are now being included as a preferred housing site.
- 12.26 We strongly object to the inclusion of ST31 and recommend that ST31 should be deleted and ST13 reallocated.

Soundness

12.27 We consider the proposed allocation of ST31 is unsound as it will result in a greater level of harm to the purposes of including land within the Green Belt and other material considerations than other comparable sites and as such there can be no exceptional circumstances for the allocation of this site. The allocation of ST31 is not justified and is inconsistent with national policy.

Modification

12.28 We request the deletion of ST31.

13.0 Objection to the Allocation of ST14

Introduction

- 13.1 This allocation constitutes a new standalone settlement, or 'garden village' to the east of Skelton. The site has an indicative capacity of 1,348 dwellings, of which 1,200 dwellings are to be constructed over the plan period (to 2032).
- 13.2 This site was previously included within the Publication Draft (2014) as a strategic site with a total site area of 157 hectares and a total site capacity of 2,800 dwellings. This site was revised due to concerns relating to the Green Belt, historic character and setting.
- 13.3 The site is isolated from existing settlements and located within the agreed general extent of the York Green Belt. It is unclear why this site is considered appropriate to be removed from the Green Belt, and not smaller more sustainable sites which sit at the edge of existing settlements and which could deliver housing promptly and sustainably and thereby boosting housing supply in accordance with national policy.
- 13.4 We are not sure how the change in the size of the allocation has overcome these technical and policy concerns.

Our Concerns

- 13.5 Our principle concern however relates to the delivery of the site and in particular the estimated yield within the plan period.
- 13.6 The Council have indicated in their letter to the Secretary of State in January 2018 and the Local Development Scheme (2017) that the Local Plan will be submitted to the Secretary of State at the end of May and that the plan will be examined between June and August 2018 with the Inspector's report being available towards the end of 2018. The Council have indicated that they hope to adopt the Local Plan in February 2019.
- 13.7 Lichfields, who have produced a well-considered and robust publication on the delivery of large scale housing schemes¹, estimate lead in times for developments. Lead in times relate to matters such as: -
- i) Securing outline planning permission;
 - ii) Negotiations on S106;
 - iii) The approval of reserved matters;
 - iv) The discharge of conditions;
 - v) Completion of land purchases
 - vi) Mobilisation; and
 - vii) Infrastructure works.

¹ Start to Finish – How Quickly do Large-Scale Housing Site Deliver? November 2016

- 13.8 Lead in times vary in relation to the stage that a proposal has reached and by the size of the site. The larger the site the more difficult the negotiations and matters that need to be resolved. The following table sets out a general and robust methodology for calculating lead in times.

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

- 13.9 To date no planning application has been submitted and the development of this site will require significant infrastructure works, particularly to obtain access, and extensive community facilities in order to deliver the proposed development and to make it sustainable.
- 13.10 ST14 is a large proposal which will generate a significant increase in traffic on the A1237. Capacity enhancements will need to be made to roads and junctions within the vicinity of the site in order to accommodate this development and these works will need to be undertaken in advance of the completion of any units. Providing sufficient access to and mitigating the impacts of the development will require substantial infrastructure to be put in place and this will take time to deliver.
- 13.11 If you apply the standard methodology adopted by Lichfields it is possible that a start of development works will occur 4 years from the point of assessment or 3.5 years after the submission of the outline application which is likely to be sometime in the future. For the purpose of this exercise we have assumed 4 years from April 2018. Therefore, a start of works can be assumed as April 2022.
- 13.12 In a similar fashion Lichfields' estimated delivery rates based on the size of the site. Lichfield's indicate that small sites, less than 100 units, tend to be built by local or regional builders. On sites of less than 250 units only one volume house builder is normally active but on sites up to 500 units there may a second volume house builder and on sites over 500 units there may be a third volume house builder. See the table below.

	0-100 units	100-250 units`	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

- 13.13 We assume that there will be 3 different house builders on ST14. We have therefore assumed a delivery rate of 90 dwellings per annum.

- 13.14 If the lead in time is 4 years the residual Local Plan period will be 10 years. Building at 90 dwellings per annum and assuming a remaining 10 plan period ST14 would deliver 900 dwellings. A shortfall of 300 dwellings in comparison to the Local Plan's estimated yield.
- 13.15 There is a need to allocate a wide range and choice of housing sites throughout the District and the allocation of several extremely large sites, notably ST14 and ST15, does little to ensure a robust and longer-term level of housing delivery. In fact, the allocation of these two sites limits the number of outlets and the geographical distribution of sites and as a consequence it hinders housing land supply and delivery rather than boosting it.
- 13.16 As a consequence, it is considered that the Council should reinstate the proposed housing allocation known as ST13 as the Council have already concluded that this Site is available, that the land is suitable for development and that development is achievable.

Soundness

- 13.17 We do not object to the principle of the allocation but we do consider the estimated yield from ST14 to be overly ambitious so as to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider that the yield assumed for ST14 to be unsound in that ST14 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 13.18 We do not suggest that the allocation known as ST14 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST14 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

14.0 Objection to the Allocation of ST15

Introduction

- 14.1 This allocation is, to all intents and purposes, an entirely new settlement located within the open countryside to the west of Elvington. The site has an indicative site capacity of 3,339 dwellings, of which 2,200 dwellings will be constructed over the plan period (to 2032/33).
- 14.2 The site is currently located within the agreed general extent of Green Belt around the City of York. It is unclear why the Local Plan considers it to be appropriate to remove this large site from the Green Belt and not allocate other smaller more sustainable sites which are situated on the edge of existing settlements and which could deliver housing promptly and sustainably and thereby boosting housing supply in accordance with national policy.

Our Concerns

- 14.3 Our principle concern however relates to the delivery of the site and in particular the estimated yield within the plan period.
- 14.4 The Council have indicated in their letter to the Secretary of State in January 2018 and the Local Development Scheme (2017) that the Local Plan will be submitted to the Secretary of State at the end of May and that the plan will be examined between June and August 2018 with the Inspector's report being available towards the end of 2018. The Council have indicated that they hope to adopt the Local Plan in February 2019.
- 14.5 Lichfields, who have produced a well-considered and robust publication on the delivery of large scale housing schemes² estimate lead in times for developments. Lead in times relate to matters such as: -
- i) Securing outline planning permission;
 - ii) Negotiations on S106;
 - iii) The approval of reserved matters;
 - iv) The discharge of conditions;
 - v) Completion of land purchases
 - vi) Mobilisation; and
 - vii) Infrastructure works.
- 14.6 Lead in times vary in relation to the stage that a proposal has reached and by the size of the site. The larger the site the more difficult the negotiations and matters that need to be resolved. The following table sets out a general and robust methodology for calculating lead in times.

² Start to Finish – How Quickly do Large-Scale Housing Site Deliver? November 2016

Stage of Planning	0-250 units	250-500 units	500+ units
Full Planning Permission	1 Year	1.5 Years	2 Years
Outline Planning Permission	1.5 Years	2 Years	2.5 Years
Application Pending Determination	2.5 Years	3 Years	3.5 Years
No Planning Application	3 Years	3.5 Years	4 Years

14.7 ST15 is a large-scale proposal located in an isolated position within the open countryside and the Green Belt. No planning application has been submitted and the development of this site will require significant infrastructure works, particularly to obtain access, and extensive community facilities in order to deliver the proposed development and to make it sustainable.

14.8 If you apply the standard methodology adopted by Lichfields it is possible that a start of development works will occur 4 years from the point of assessment or 3.5 years after the submission of the outline application which is likely to be sometime in the future. For the purpose of this exercise we have assumed 4 years from April 2018. Therefore, a start of works can be assumed as April 2022.

14.9 In a similar fashion Lichfields' estimated delivery rates based on the size of the site. Lichfields indicate that small sites, less than 100 units, tend to be built by local or regional builders. On sites of less than 250 units only one volume house builder is normally active but on sites up to 500 units there may be a second volume house builder and on sites over 500 units there may be a third volume house builder. See the table below.

	0-100 units	100-250 units`	250-500 units	500+ units
Annual Delivery	25 dpa	40 dpa	65 dpa	90 dpa

14.10 We assume that there will be 3 different house builders on ST15. We have therefore assumed a delivery rate of 90 dwellings per annum.

14.11 If the lead in time is 4 years the residual Local Plan period will be 10 years. Building at 90 dwellings per annum and assuming a remaining 10 year plan period then ST15 would deliver 900 dwellings.

14.12 There is a need to allocate a wide range and choice of housing sites throughout the District and the allocation of several extremely large sites, notably ST14 and ST15, does little to ensure a robust and longer-term level of housing delivery. In fact, the allocation of these two sites limits the number of outlets and the geographical distribution of sites and as a consequence it hinders housing land supply and delivery rather than boosting it.

14.13 As a consequence, it is considered that the Council should reinstate the proposed housing allocation known as ST13 as the Council have already concluded that this Site is available, that the land is suitable for development and that development is achievable.

Soundness

- 14.14 We do not object to the principle of the allocation but we do consider the estimated yield from ST15 to be unrealistic and to call into question the ability of the Local Plan to deliver houses to meet the housing requirement. As such we consider that the yield assumed for ST15 to be unsound in that ST15 will not deliver the housing units identified in the plan period. The housing delivery is not justified and it is therefore inconsistent with national policy.

Modification

- 14.15 We do not suggest that the allocation known as ST15 should be deleted but rather that an aspirational but achievable level of development should be established within the Local Plan. We would suggest that the level of housing delivery in the plan period for ST15 should be reduced to 900 units. We consider that this number of units is more realistic and achievable.

15.0 Objection to Lack of Safeguarded Land Policy

- 15.1 The NPPF states in paragraph 79 that the *'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence'*. It is clear from the above that a Green Belt should be permanent.
- 15.2 The NPPF does not define the term permanence or how long a Green Belt should remain unaltered. However, it is at least 5 years beyond the end of the plan period but more commonly it is 10 years.
- 15.3 Paragraph 83 of the NPPF indicates that authorities should consider Green Belt boundaries having regard to their intended permanence in the long term so that they can be capable of enduring beyond the plan period. Whilst the term permanence is not defined it is clear that a Green Belt should endure for a period longer than the plan period which, in this case, ends in 2032.
- 15.4 By the time that the plan is adopted it will be at least 2019 leaving a residual plan period of only 13 or 14 years.
- 15.5 In accordance with paragraph 84 of the NPPF, when drawing up or reviewing Green Belt boundaries, local authorities are required to take account of the need to promote sustainable patterns of development.
- 15.6 In order to do this paragraph 85 of the NPPF indicates that local planning authorities should:
- *"Ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development;*
 - *Not include land which it is unnecessary to keep permanently open;*
 - *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;*
 - *Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development;*
 - *Satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period; and*
 - *Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent."*
- 15.7 The above means that: -
- To achieve sustainable development a local authority needs to take account of the objectively assessed need for development and provide sufficient land to accommodate this need.
 - The guidance advises that local planning authorities should not include land that does not need to be kept permanently open.
 - It is also apparent from paragraph 85 that when defining a Green Belt, a local authority needs to consider the development needs of the District which are to be met during the plan period

as well as the longer-term development needs of the district. The term “*stretching well beyond the plan period*” is significant. Well beyond implies a period greater than a few years.

- The ‘*where necessary*’ term in paragraph 85 of the NPPF applies, in our view, to situations where there is a need to allow for longer term development. So that this need can be met in due course, land should be safeguarded for the purposes of development and by identifying such land ‘*the Green Belt can be protected from encroachment thus ensuring its boundaries remain permanent.*’

15.8 What is clear from the NPPF is that when defining a Green Belt, the Green Belt should be permanent and endure well beyond the plan period and that a local authority should meet its identified development needs both during the plan period and beyond without needing to undertake an early review of the plan.

15.9 Within the Local Plan no safeguarded land is proposed. The reason given for this is that there are a few Strategic Sites identified within the document that have an anticipated build out time beyond the plan period. However, the number of the strategic sites available to provide for the longer-term development needs of the City is severely limited. Some of the identified sites are small and as allocations there is nothing stopping them being built out during the plan period.

15.10 The table below provides details of the strategic sites that the Council have identified to provide the additional housing capacity after the plan period has finished:

Site	Site Name	Plan period capacity	Overall Capacity	Additional capacity following plan period
ST5	York Central	1500	1700-2500	200- 1000
ST14	Land West of Wigginton Road	1200	1348	148
ST15	Land West of Elvington Lane	2200	3339	1139
ST36	Imphal Barracks, Fulford Road	0	769	769
Total				2306 - 3056

15.11 Only four strategic sites are identified by the Council as delivering residential development at the end of the plan period.

15.12 The City of York Council identify ST5 and ST15 as the two sites which will provide the majority of the additional housing with ST14 contributing a smaller but significant quantity.

15.13 Site ST36 is not proposed to come forward until after the plan period as The Defence Infrastructure Organisation are not intending to dispose of the Site until 2031. There are several potential issues with the delivery of this site relating to historic interest and archaeology which will need to be

investigated in detail to allow the site to come forward and may result in delays to development and/or a reduction in developable area.

- 15.14 This raises some serious concerns. The NPPF requires local planning authorities to maintain a 5-year housing land supply. It is clear from the above that even if the 4 sites identified by the Council were to deliver housing in the period 2032/33 to 2037/38 these 4 sites would not be sufficient to enable the Council to demonstrate a 5-year housing land supply as there are only so many units that can be delivered from any one site. There are simply not enough potential outlets in the supply to achieve a 5-year housing land supply. Further as two thirds of the total supply is in two sites and as we anticipate that these sites will deliver about 90 dwellings per annum it is clear that they will be delivering completions well beyond 2037/38. This further reduces the 5-year housing land supply. Effectively it would mean that before the end date of the plan period the Council would need to undertake a review of the plan to identify additional sites to ensure that the Council could maintain a 5-year housing land supply. If there is no 5-year housing land supply the Green Belt will have to be amended in 2032 or before resulting in the Green Belt not enduring for a minimum of 20 years.
- 15.15 Consequently, the life of the Green Belt around York, from adoption to modification, will be no more than 12 to 13 years and probably less. This short period of time cannot be regarded as comprising a permanent Green Belt around York. Consequently, the approach in the Local Plan of not providing a wide range and choice of safeguarded land sites is contrary to the NPPF.

Soundness

- 15.16 We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites to be contrary to national policy.

Modification

- 15.17 The inclusion of a safeguarded land policy and an appropriate quantum of safeguarded land sites.

16.0 Objection to Lack of Safeguarded Land Allocation

- 16.1 In previous iterations of the Local Plan, the Council have accepted that the sites allocated for development performed little or no Green Belt purposes. Paragraph 85 of the NPPF indicates that land should not be kept within the Green Belt which is unnecessary to be kept permanently open. The Council have therefore already accepted that the sites previously allocated for housing development do not need to be kept permanently open.
- 16.2 At the very least, and in the alternative to a housing allocation in the Local Plan, it is clear that the sites that were previously identified as housing allocations should now be allocated as safeguarded land.

Soundness

- 16.3 We consider that the lack of a safeguarded land policy and the lack of identified safeguarded land sites to be unsound and unjustified and as such the Local Plan will not be effective. We consider that the lack of a safeguarded land policy and safeguarded sites is contrary to national policy.

Modification

- 16.4 The inclusion of ST13 as a safeguarded land site as an alternative to a housing allocation.

Appendix 1 – Site Location Plan

131: Moor Lane, Copmanthorpe

ST13



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Appendix 2 – A Draft Layout

Appendix 3 – A Table of Allocation Densities

Housing Density Table

Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H1	3.54	283	80	3.54	336	95	+19%	2.87	271	94	-1%	2.87	271	94	0
								0.67	65	97	+2%	0.67	65	97	0
H2A	2.33	98	42	Deleted				Deleted				Deleted			
H2B	0.44	18	41	Deleted				Deleted				Deleted			
H3	2.7	25	9	3.9	81	21	+133%	1.9	72	38	+81%	1.9	72	38	0
H4	2.56	157	60	Deleted				Deleted				Deleted			
H5	2.24	72	32	3.64	137	38	+19%	3.64	162	45	+18%	3.64	162	45	0
H6	1.53	49	32	Deleted				1.53	Specialist Housing use class C3b – supported housing			1.53	Specialist Housing use class C3b – supported housing		
H7	1.72	73	42	1.72	86	50	+19%	1.72	86	50	0	1.72	86	50	0
H8	1.57	50	32	1.57	60	38	+19%	1.57	60	38	0	1.57	60	38	0
H9	1.3	42	32	Deleted				Deleted				Deleted			
H10	0.78	187	240	0.96	Deleted	195	-19%	0.96	187	195	0	0.96	187	195	0
H11	0.78	33	42	Deleted				Deleted				Deleted			
H12	0.77	33	43	Deleted				Deleted				Deleted			
H13	1.30	55	42	Deleted				Deleted				Deleted			
H14	0.55	220	400	Deleted				Deleted				Deleted			

Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H15	0.48	27	56	Deleted				Deleted				Deleted			
H16	1.76	57	32	Deleted				Deleted				Deleted			
H17	0.80	37	46	Deleted				Deleted				Deleted			
H18	0.39	13	33	Deleted				Deleted				Deleted			
H19	0.36	16	44	Deleted				Deleted				Deleted			
H20	0.33	15	45	0.33	17	52	+16%	0.33	56	170	+8%	0.33	56	170	0
H21	0.29	11	38	0.29	12	41	+8%	Deleted				Deleted			
H22	0.29	13	45	0.29	15	52	+16%	0.29	15	52	0	0.29	15	52	0
H23	0.25	11	44	Deleted				0.25	11	44	-	0.25	11	44	0
H25	0.22	20	90	Deleted				Deleted				Deleted			
H26	4.05	114	28	Deleted				Deleted				Deleted			
H27	4.00	102	25.5	Deleted				Deleted				Deleted			
H28	3.15	88	28	Deleted				Deleted				Deleted			
H29	2.65	74	28	2.65	88	33	+18%	2.65	88	33	0	2.65	88	33	0
H30	2.53	71	28	Deleted				Deleted				Deleted			
H31	2.51	70	28	2.51	84	34	+21%	2.51	76	30	-12%	2.51	76	30	0
H32	2.22	47	21	Deleted				Deleted				Deleted			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H33	1.66	46	28	Deleted				Deleted				Deleted			
H34	1.74	49	28	Deleted				Deleted				Deleted			
H35	1.59	44	28	Deleted				Deleted				Deleted			
H37	3.47	34	10	Deleted				Deleted				Deleted			
H38	0.99	28	28	0.99	33	33	+18%	0.99	33	33	0	0.99	33	33	0
H39	0.92	29	32	0.92	32	35	+9%	0.92	32	35	0	0.92	32	35	0
H40	0.82	26	32	Deleted				Deleted				Deleted			
H43	0.25	8	32	0.25	12	48	+50%	Deleted				Deleted			
H46	4.16	118	28	2.74	104	38	+36%	2.74	104	38	0	2.74	104	38	0
H47	1.11	37	33	Deleted				Deleted				Deleted			
H48	0.42	15	36	Deleted				Deleted				Deleted			
H49	3.89	108	30	Deleted				Deleted				Deleted			
H50	2.92	70	24	Deleted				Deleted				Deleted			
H51	0.23	10	43	0.23	12	52	+21%	Deleted				Deleted			
H52	n/a			0.2	10	50	-	0.2	15	75	+50%	0.2	15	75	0
H53	n/a			0.33	11	33	-	0.33	4	12	-64%	0.33	4	12	0
H54	n/a			1.3	46	35	-	Deleted				Deleted			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
H55	n/a			0.2	20	100	-	0.2	20	100	0	0.2	20	100	0
H56	n/a			4	190	48	-	4	70	18	-63%	4	70	18	0
H57	n/a			2.8	93	33	-	<i>Deleted</i>			<i>Deleted</i>				
H58	n/a			n/a				0.7	25	36	-	0.7	25	36	0
H59	n/a			n/a				1.34	45	34	-	1.34	45	34	0
ST1	40.70	1140	28	40.7	1140	28	0	46.3	1,200	26	-7%	46.3	1,200	26	0
ST2	10.43	289	28	10.4	292	28	0	10.4	266	26	-7%	10.4	266	26	0
ST3	7.80	197	25	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST4	7.54	230	30.5	7.54	211	28	-8%	7.54	211	28	0	7.54	211	28	0
ST5	10.55	410	38.9	35	1250	36	-7%	35	845	24	-33%	35	1,700	49	+101%
ST7	113.28	1800	16	34.5	805	23	+44%	34.5	845	24	+4%	34.5	845	24	0
ST8	52.28	1400	27	39.5	875	22	-18%	39.5	968	24	+9%	39.5	968	24	0
ST9	33.48	747	22	35	735	21	-5%	35	735	21	0	35	735	21	0
ST11	13.76	400	29	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST12	20.08	421	21	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST13	5.61	125	22	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST14	157.09	2800	18	55	1348	25	+36%	55	1348	25	0	55	1348	25	0

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
ST15/ST34)	392.58	4680	12	159	3339	21	+75%	159	3339	21	0	159	3339	21	0
ST16	10.23	395	39	2.04	89	44	+156%	2.18	Phase 1: 22	10	+16%	2.18	Phase 1: 22	10	0
ST16	10.23	175	17						Phase 2: 33	15			Phase 2: 33	15	
									Phase 3: 56	26			Phase 3: 56	26	
ST17 (N)	7.16	315	44	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST17 (S)		130	18	6.8	315	46	+5%	2.35	Phase 1: 263	112	+422%	2.35	Phase 1: 263	112	0
							4.7	Phase 2: 600	128	4.7		Phase 2: 600	128		
ST22	34.59	655	19	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST23 (P 2)	21.91	117	5	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST23 (P 3&4)		342	16	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST24	10.32	10	1	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST28	5.09	87	17	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST29	5.75	135	24	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			

Housing



Site	Publication Draft (2014)			Preferred Sites Consultation (2016)			Change in Density (%)	Pre-Publication Draft [Reg 18] (2017)			Change in Density (%)	Publication Draft [Reg 19] (2018)			Change in Density (%)
	Site Size (ha)	Estimated Yield	Density	Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density		Site Size (ha)	Estimated Yield	Density	
ST30	5.92	165	28	<i>Deleted</i>				<i>Deleted</i>				<i>Deleted</i>			
ST31	n/a			8.1	170	21	-	8.1	158	20	-5%	8.1	158	20	0
ST32	n/a			4.8	305	64	-	2.17	328	151	+136%	2.17	328	151	0
ST33 (H45)	n/a			6	147	25	-	6	147	25	0	6	147	25	0
ST35	n/a			n/a				28.8	578	20	-	28.8	500	17	-14%
ST36	n/a			n/a				18	769	43	-	18	769	43	0

Appendix 4 – Technical Note from Fore Consulting

Technical Note

Transport Appraisal

27 October 2017
Version 1.0
Issue



1 Introduction

Fore Consulting (Fore) has been commissioned by Shepherd Group to support the promotion of land north west of Moor Lane, Copmanthorpe for a proposed allocation of around 125 dwellings through the City of York Council's (CoYC's) emerging Local Plan in respect of transport and highways matters.

The site has previously been promoted through CoYC's process for residential use under site allocation reference ST13. Another site accessed off Moor Lane (reference H29) was also promoted for residential use, for 88 dwellings. A draft of the emerging Local Plan document was published for consultation between 18 September and 30 October 2017¹, which allocated the H29 site for delivery of 88 dwellings for short to medium term delivery, and rejects the ST13 site on the basis of cumulative traffic impacts.

The local highway authority, in its appraisal of the site, accepted that access from Moor Lane was feasible, subject to some local mitigation. Access was not considered to be a constraint.

This assessment has been prepared specifically to provide additional information on the cumulative impacts of both allocations and allow the site to continue to be promoted through the emerging Local Plan process.

2 Trip Generation and Traffic Flows

2.1 Base Flows

As part of previous representations submitted for the proposed allocation, traffic surveys were undertaken to gather traffic data at key junctions in the vicinity of the proposed allocation. The surveys were carried out on 19th September 2013, between 07:00 to 10:00 and 16:00 to 19:00.

¹ 'City of York Local Plan: Pre-Publication Draft for Regulation 18 Consultation', dated September 2017.

It is recognised that the data was undertaken approximately 4 years ago; however given that there have been no major changes to the highway network, or any significant land use developments, in the area during this period, the data is adequate for the purposes of this appraisal.

2.2 2022 Future Year Assessment

A future assessment scenario has been considered for this assessment, based on an estimated future year of 2022 to represent a reasonable timescale for completion and full occupation of the development. NTM/Tempo has been used to derive local traffic growth factors for the period 2013 to 2022 for the York 024 Middle-layer Super Output Area (MSOA), within which the allocation site is located.

The outputs from NTM/Tempo are presented in Appendix A and summarised in Table 1.

Table 1: Local Traffic Growth Factors

Peak Period	Traffic Growth Factor (2013 - 2022)
Weekday AM peak period	1.1333
Weekday PM peak period	1.1381

The factors in the table above have been applied to the 2013 base traffic flows to represent background traffic growth by 2022.

2.3 Traffic Generation

For the purposes of this assessment, trip generation has been considered based on person trip rates derived from the TRICS Database and local travel to work characteristics as identified by the 2011 Census. The resulting trip rates and trip generation are summarised in Table 2 and further details are provided at Appendix B.

Table 2: Weekday Peak Hour Person Trip Generation

Assessment	Time		Person Trip Rates (Person Trips/per unit)			Person Trip Generation		
			Arr	Dep	Tot	Arr	Dep	Tot
ST13 125 Dwellings	AM Peak Hour	08:00-09:00	0.224	0.774	0.998	28	97	125
	PM Peak Hour	17:00-18:00	0.633	0.350	0.983	79	44	123
H29 88 Dwellings	AM Peak Hour	08:00-09:00	0.224	0.774	0.998	20	68	88
	PM Peak Hour	17:00-18:00	0.633	0.350	0.983	56	31	87
Total 213 Dwellings	AM Peak Hour					48	165	213
	PM Peak Hour					135	75	210

2011 Census data² for York 024 MSOA has been used to derive a mode share for the proposed allocations. The York 024 MSOA covers both proposed allocations, and therefore adequately represents the likely travel choices of future residents based on the accessibility of the site by all modes.

The mode share from this data is summarised in Table 3. The category of ‘underground, metro, light rail and tram’ has been excluded due to an absence of relevant facilities in the vicinity of the site. ‘Work at home’ and ‘Other’ categories have also been excluded.

Table 3: Weekday Peak Hour Person Trip Generation by Mode

Mode	Mode Share (% of journeys by mode)	ST13 (125 Dwellings)				H29 (88 Dwellings)			
		AM Peak		PM Peak		AM Peak		PM Peak	
		Arr	Dep	Arr	Dep	Arr	Dep	Arr	Dep
Train	1.2%	0	1	1	1	0	1	1	0
Bus or Coach	3.7%	1	4	3	2	1	3	2	1
Taxi	0.4%	0	0	0	0	0	0	0	0
Car Driver	69.2%	19	67	55	30	14	47	39	21
Car Passenger	5.3%	1	5	4	2	1	4	3	2
Motorcycle	0.3%	0	0	0	0	0	0	0	0
Bicycle	7.9%	2	8	6	3	2	5	4	2
On Foot	11.9%	3	12	9	5	2	8	7	4
Total	100%	28	97	79	44	20	68	56	31

2.4 Vehicle Trip Generation

Table 4 summarises the total vehicle trip generation associated with both allocation proposals.

Table 4: Weekday Peak Hour Vehicular Traffic Generation

Allocation	Quantum	AM Peak Hour		PM Peak Hour	
		Arrivals	Departures	Arrivals	Departures
ST13	125 Houses	19	67	55	30
H29	88 Houses	14	47	39	21
ST13 + H29	213 Houses	33	114	94	51

² Dataset reference: QS701EW, ‘method of travel to work’

The assessment demonstrates that, combined, the ST13 and H29 sites would generate around 150 two way vehicle movements during the weekday peak hours. On average, this equates to a combined impact of fewer than 3 vehicle movements per minute during the peak hours.

Given the configuration of the local road network, it is likely that there will be a choice of routes to key destinations. Consequently, the likely distribution of vehicle trips has also been considered.

2.5 Vehicle Trip Distribution

The trip distribution associated with the proposals has been estimated based on 2011 Census Data³. The destination of travel to work by people who live in York 024 (MSOA) has been considered. York 024 represents the MSOA within which the site is located and therefore an appropriate proxy.

The number of car driver trips from the MSOA has been expressed as a percentage of the total and then assigned to routes on the highway network to give a distribution of vehicle trips to and from the development site. Where a choice of routes is available, the proportion of trips using each route has been split, to reflect the likely preferred choice of drive time and distance.

The resulting vehicle trip distribution is summarised in Table 5.

Table 5: Trip Distribution Summary

Destination	Trip Distribution (% of all journeys)
A64 to West via Copmanthorpe Junction	27%
A64 to East via Copmanthorpe Junction	27%
A1237	17%
A1036	6%
A64 to East via Askham Junction	10%
Temple Lane/Station Road	7%
Lane to Colton Village	0%
Within Copmanthorpe Village	8%

³ Dataset WU03EW: 'Location of usual residence and place of work by method of work (MSOA level)

2.6 Impact on the Highway Network

This section compares the traffic impacts associated with the ST13 and H29 allocations. Based on the assumptions set out above, the resulting peak hour traffic flows associated with both allocations are shown in Table 6, for the following key junctions:

- Main Street / Moor Lane / Station Road, located approximately 250m north east of the ST13 allocation site. This junction effectively represents a key access junction towards both allocations from the local network.
- The junction of Manor Heath with the A1237 slip roads to the westbound A64 carriageway, which forms a key junction linking the allocation sites and Copmanthorpe to the wider local and strategic road networks.

Table 6: Peak Hour Traffic Impacts Associated with the Proposed Allocation

Junction / Link		Peak Hour Traffic Flow (two-way flows)									
		AM Peak Hour					PM Peak Hour				
		2022 Do Min	Allocation Flow <i>absolute</i>		Allocation Flow <i>% change</i>		2022 Do Min	Allocation Flow <i>absolute</i>		Allocation Flow <i>% change</i>	
			ST13	ST13+ H29	ST13	ST13+ H29		ST13	ST13+ H29	ST13	ST13+ H29
Moor Lane / Station Road	Main Street	231	76	129	33%	56%	231	74	127	32%	55%
	Station Road	174	10	18	6%	10%	148	11	18	7%	12%
	Moor Lane	98	86	147	88%	150%	129	85	145	66%	114%
A1237 / Manor Heath	Manor Heath	624	62	105	10%	17%	587	61	104	10%	18%
	A1237 (South)	1,597	24	40	2%	3%	1,294	23	39	2%	3%
	A1237 (North)	1,843	38	65	2%	4%	1,635	38	64	2%	4%

The assessment demonstrates the following:

- Although significant in proportional terms, **the combined traffic impact of both allocations at the Moor Lane / Station Road junction is likely to be relatively modest**, equating to fewer than 3 vehicles per minute in both directions during the peak hour. Furthermore, the number of turning movements associated with the allocation sites to Station Road is likely to be small (Moor Lane to and from Main Street forms the priority route through the junction). The combined traffic impacts

associated with both allocations at the junction are considered to be of a scale that could be safely and efficiently accommodated.

- Compared with the vehicle movements associated with allocation H29, additional **traffic associated with allocation ST13 at the A1237 / Manor Heath junction is considered to be relatively limited**. During the peak hours, the combined traffic impacts of both allocations equate to fewer than 2 additional vehicles per minute on the Manor Heath approach, and 1 additional vehicle per minute on the A1237 approach. The proportional increase equates to less than 5% on the A1237 approaches, which is not considered to be significant in operational terms.

3 Sustainable Access

3.1 Pedestrians and Cyclists

Existing pedestrian infrastructure in the vicinity of the site provides pedestrian links between the allocation site, local amenities in the centre of Copmanthorpe and the closest bus stops on Main Street. The key desire lines are therefore likely to be along Moor Lane and Main Street. The proposed connections to Moor Lane and Barnfield Way will therefore ensure the allocation is well integrated to the existing village area for pedestrians and cyclists.

3.2 Public Transport

The allocation site would be served by the existing network of public transport services, including:

- The 13 service, which provides half-hourly services on weekdays and Saturdays to Haxby via York city centre (including the railway station, which in turn forms a key hub on the national railway network) from existing stops located on Main Street, north of the junction with Station Road, a walking distance of less than 300m from the Barnfield Way access.
- The 840, 843 and 845 Coastliner services provide additional, frequent, regional services to Leeds city centre, as well as connections to Malton, Scarborough, Bridlington and Whitby. The services call at stops located on Hallcroft Lane, approximately 700m from the allocation site (representing a walking journey time of less than 10 minutes).

Given the above, the allocation site is located within a reasonable walking distance of existing bus stops, which provide adequate opportunities to access a wide range of local, regional and national destinations by public transport.

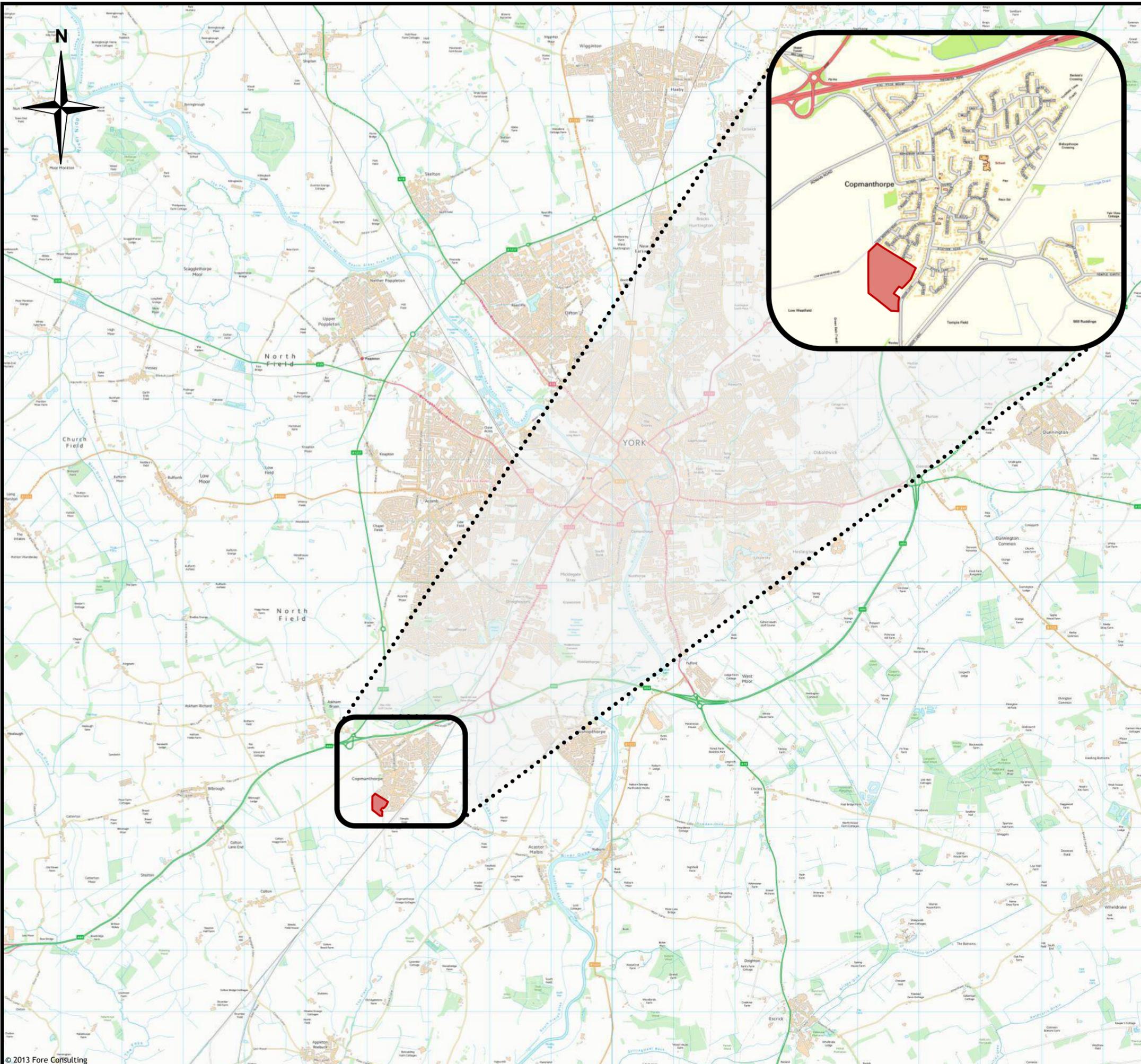
4 Summary

This appraisal has examined the traffic impacts associated with the proposed allocations ST13 and H29, adjacent Moor Lane, Copmanthorpe on the local road network. This assessment demonstrates that:

- The likely traffic impacts associated with the allocation at the critical locations on the local highway network are of a scale that could be satisfactorily mitigated. The scale and form of mitigation would be confirmed as part of a planning application, following collection of up to date traffic data and detailed capacity assessment work.
- The allocation sites are similarly located with regards to opportunities for residents to walk or cycle for local journeys, or to use public transport to travel to wider local, regional and national destinations. Combined, both allocations are likely to generate additional public transport demand to support existing services in the longer term.
- The proposals fully accord with the provisions set out in the NPPF. In particular, residents of the allocation would be able to access local facilities by non-car modes (which is effectively accepted in principle given the allocation of the H29 site), and the additional vehicular traffic is not considered to represent a significant further detrimental impact compared to traffic associated with site H29 in isolation.

Overall, the cumulative transport impact of the allocations is not considered to be of a scale that could be defined as severe. On this basis it is concluded that both allocation proposals are acceptable and can be supported from a transport perspective.

Figures



Key:

 Site Location

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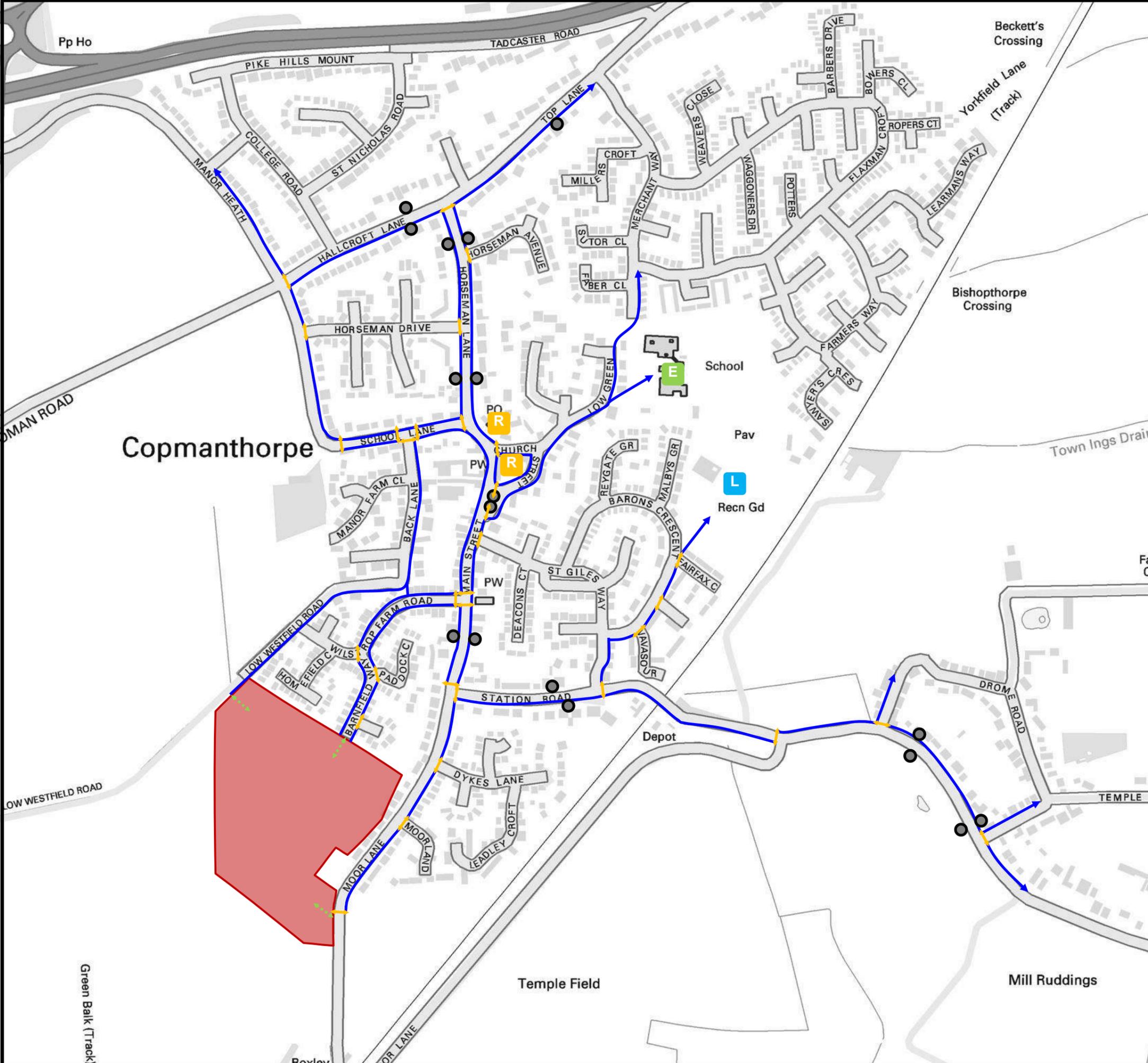
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Client:
 Shepherd Group

Project:
 Proposed Residential Development, Moor Lane, Copmanthorpe

Figure Title:
 Site Location

Scale: Not to Scale	Figure Status: Issue
Job Number: 3053	Figure Number: Figure 1



Key:

- Site Location
- Key Walking Route
- Uncontrolled Pedestrian Crossing
- Traffic Signal Pedestrian Crossing
- Bus Stop
- Education Site
- Retail Site
- Leisure Site
- Potential Pedestrian Site Access
-

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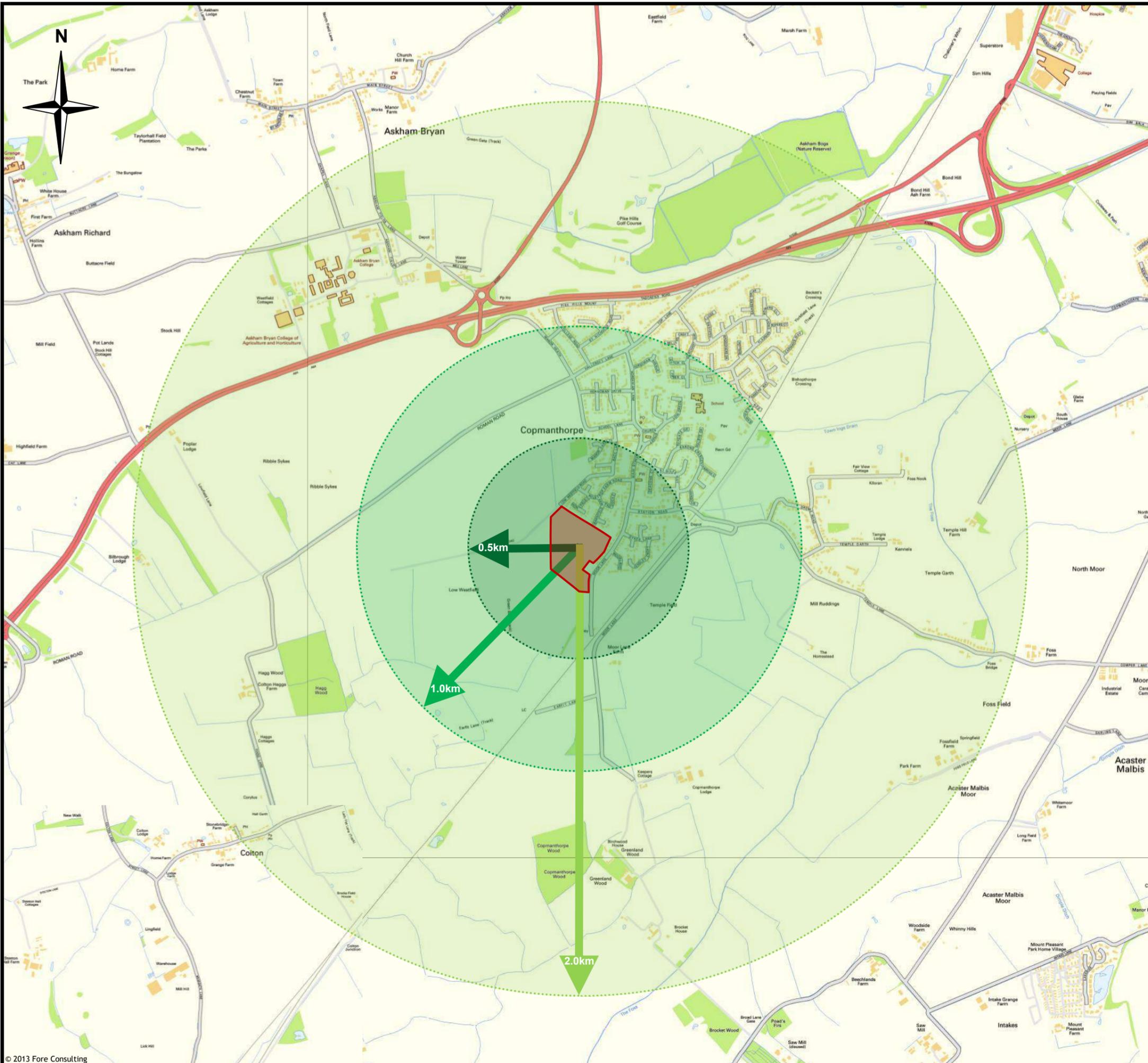
Fore

Client:
Shepherd Group

Project:
Proposed Residential Development, Moor Lane, Copmanthorpe

Figure Title:
Pedestrian Facilities

Scale: Not to Scale	Figure Status: Issue
Job Number: 3053	Figure Number: Figure 2



Key:

-  Site Location
-  0.5km Walking Distance Isochrones
-  1.0km Walking Distance Isochrones
-  2.0km Walking Distance Isochrones

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Client:
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Project:
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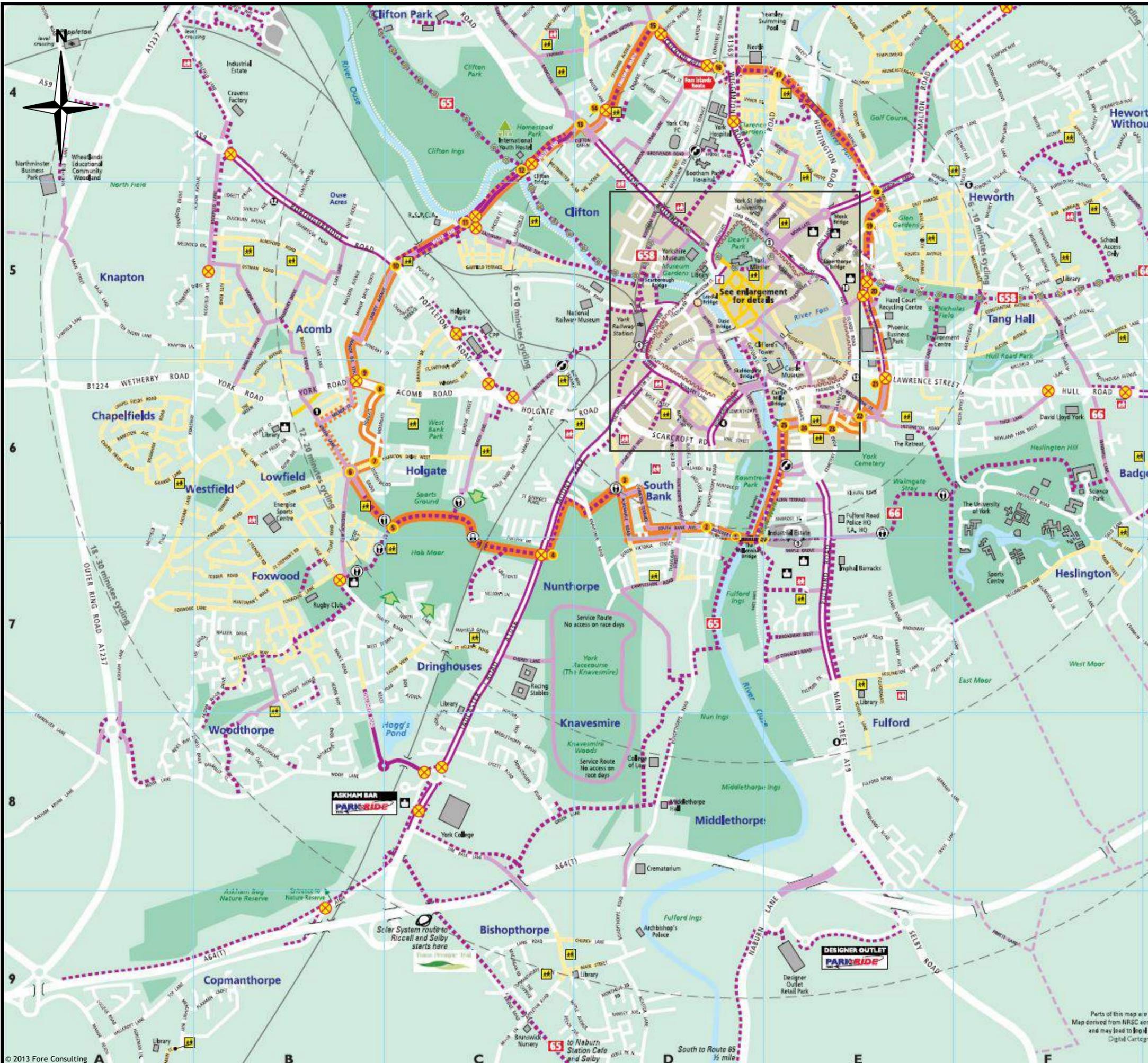
Figure Title:
 Pedestrian Catchment

Scale:
 Not to Scale

Figure Status:
 Issue

Job Number:
 3053

Figure Number:
 Figure 3



Key:

Key to Cycle Facilities

- Off-road cycle track
- On-road cycle lane
- Advisory route for cyclists
- Orbital route
- Traffic calmed streets
- Brideway (accessible to cycles, possible uneven surface)
- Footpaths
- Way of the Roses
- One-way streets
- Cycle parking
- Wheel ramp up steps for cycles
- Cycle shop (see listing left for details)
- Cycle hire available
- Signalled cycle crossing
- Foss Islands Route access
- Hub Moor access
- Park and Ride sites (cycle parking available)
- National Cycle Network (NCN) route
- Cycle Hub Station
- Secondary School
- Primary School
- Supermarket
- Trans Pennine Trail (follows route 65)

Footstreets - Cycling is prohibited (except Minster Yard) between 11am - 4pm Monday to Friday, 10.30am - 4.30pm Saturday and 12.00 noon - 4pm Sunday

Locked Gate on Cycle Routes
 Normal bikes can pass through. To obtain a key to allow access for bike trailers/wheelchairs please telephone City of York Council's Cycling Officer on 01904 551550. Note: A refundable deposit for keys is required.

Reproduced from the York Cycle Map
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Client:
 Shepherd Group

Project:
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 Copmanthorpe

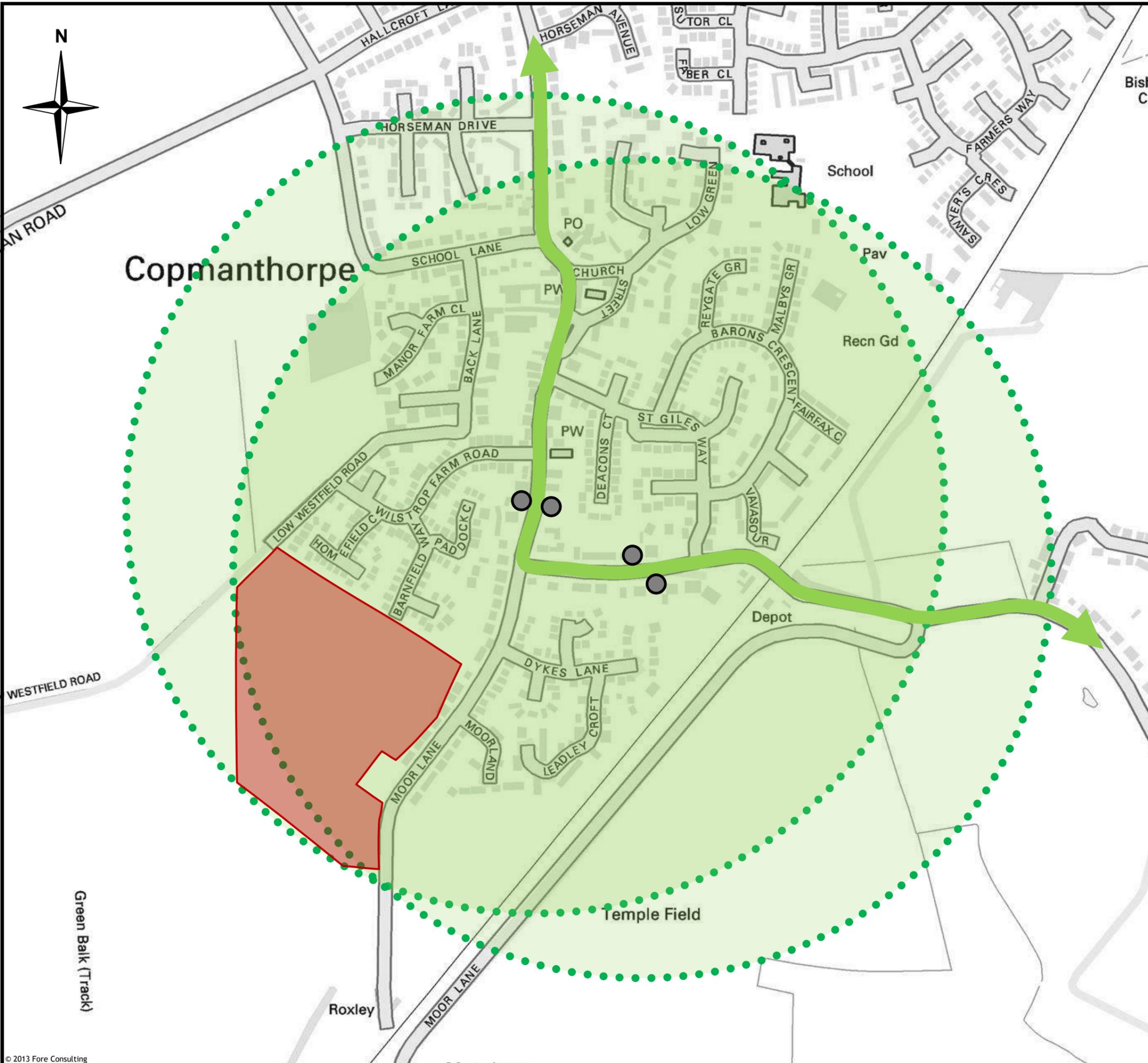
Figure Title:
 Cycle Network

Scale:
 Not to Scale

Figure Status:
 Issue

Job Number:
 3053

Figure Number:
 Figure 4



Key:

-  Site Location
-  Approximate 400m walking distance isochrones
-  Bus Stop
-  Bus Route

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Client:
 Shepherd Group

Project:
 Proposed Residential Development, Moor Lane, Copmanthorpe

Figure Title:
 Public Transport

Scale: Not to Scale | Figure Status: Issue

Job Number: 3053 | Figure Number: Figure 5

Appendix A

NTM/Tempo Output



NTM / TEMPro Output

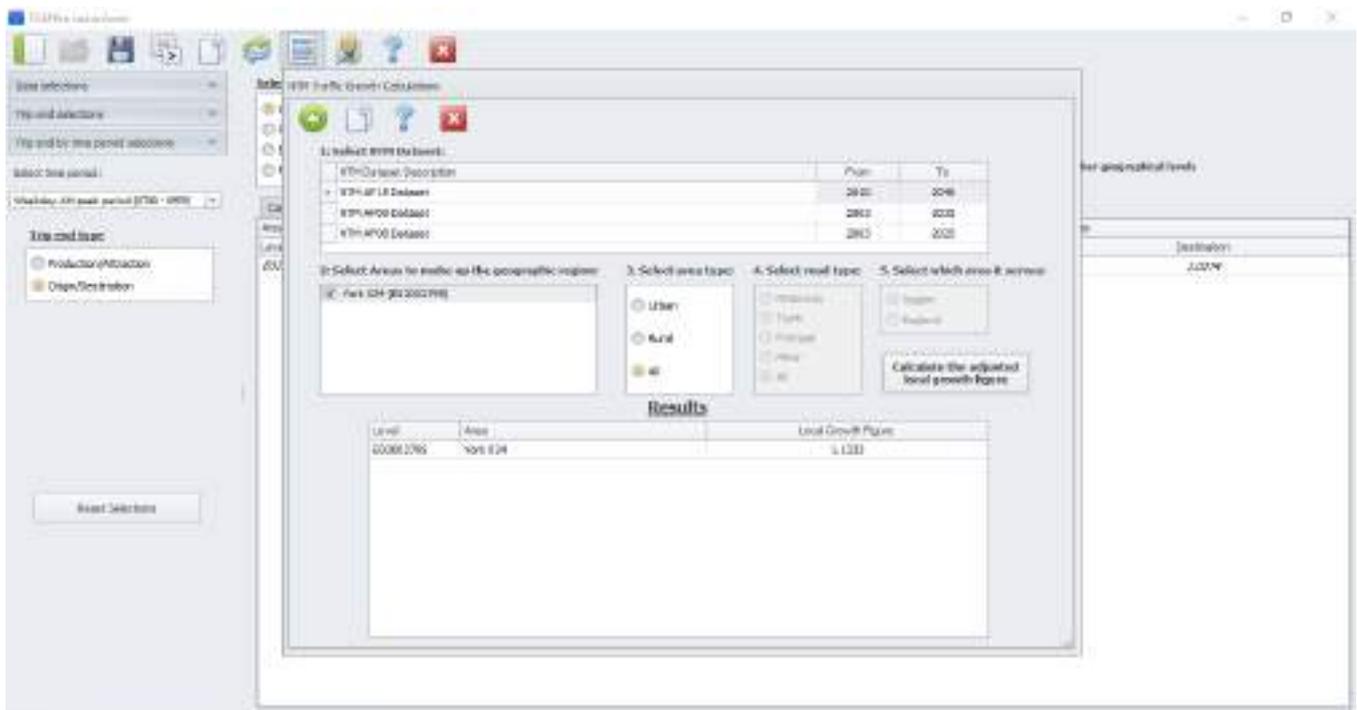
27 October 2017

NTM/TEMPro Traffic Growth Factors

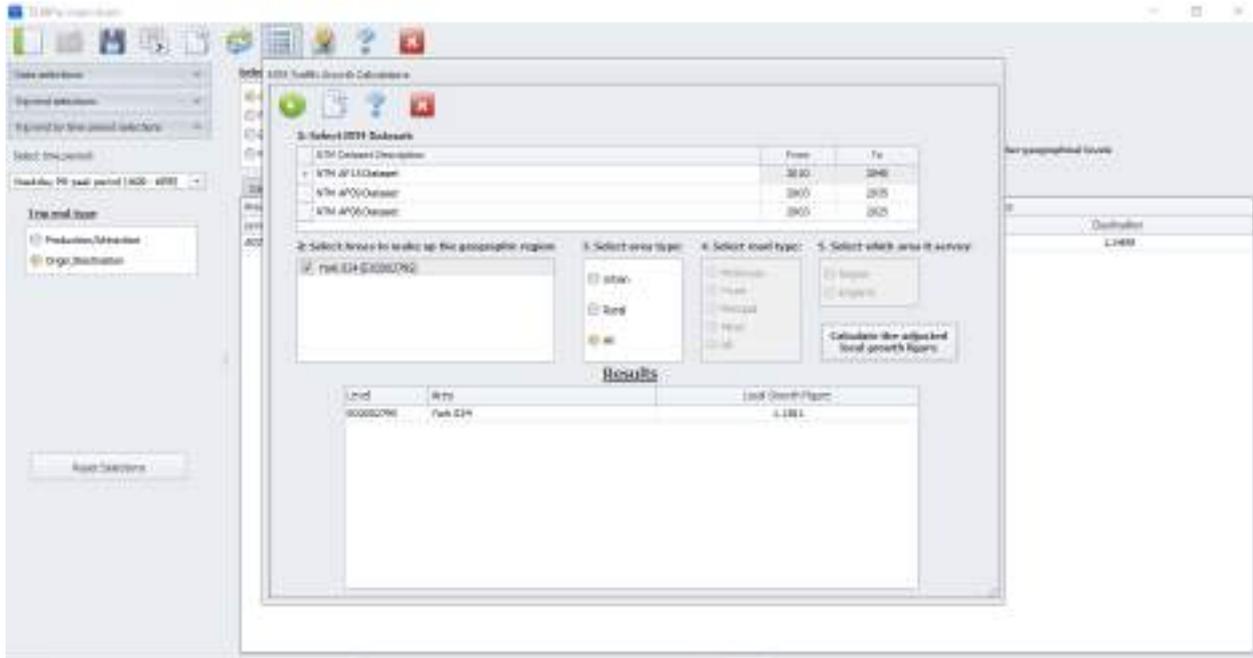
This note demonstrates output from NTM/TEMPro (v7.0) for a future assessment year of 2022 from a base year of 2013.

1 2013 Base Year to 2022 Assessment Year

1.1 AM Peak Period



1.2 PM Peak Period



Appendix B

TRICS Output

Calculation Reference: AUDIT-752701-171018-1016

TRIP RATE CALCULATION SELECTION PARAMETERS:

Land Use : 03 - RESIDENTIAL
 Category : A - HOUSES PRIVATELY OWNED
 MULTI-MODAL VEHICLES

Selected regions and areas:

01	GREATER LONDON	
	HO HOUNSLOW	1 days
	KI KINGSTON	2 days
	WE WESTMINSTER	1 days
02	SOUTH EAST	
	ES EAST SUSSEX	1 days
	HC HAMPSHIRE	1 days
	SC SURREY	1 days
	WS WEST SUSSEX	2 days
03	SOUTH WEST	
	DC DORSET	1 days
	DV DEVON	3 days
	SM SOMERSET	1 days
04	EAST ANGLIA	
	CA CAMBRIDGESHIRE	1 days
	NF NORFOLK	3 days
	SF SUFFOLK	2 days
05	EAST MIDLANDS	
	LN LINCOLNSHIRE	1 days
06	WEST MIDLANDS	
	SH SHROPSHIRE	4 days
	WK WARWICKSHIRE	2 days
07	YORKSHIRE & NORTH LINCOLNSHIRE	
	NY NORTH YORKSHIRE	5 days
	SY SOUTH YORKSHIRE	1 days
08	NORTH WEST	
	CH CHESHIRE	2 days
	GM GREATER MANCHESTER	1 days
	MS MERSEYSIDE	1 days
09	NORTH	
	CB CUMBRIA	1 days
	DH DURHAM	1 days
	TW TYNE & WEAR	1 days
10	WALES	
	PS POWYS	1 days
11	SCOTLAND	
	AG ANGUS	1 days
	FA FALKIRK	2 days
	HI HIGHLAND	2 days
	PK PERTH & KINROSS	1 days
12	CONNAUGHT	
	LT LEITRIM	1 days
	MA MAYO	1 days
	RO ROSCOMMON	4 days
13	MUNSTER	
	WA WATERFORD	1 days
14	LEINSTER	
	KD KILDARE	1 days
	WX WEXFORD	1 days
15	GREATER DUBLIN	
	DL DUBLIN	2 days
16	ULSTER (REPUBLIC OF IRELAND)	
	CV CAVAN	1 days
	DN DONEGAL	4 days
17	ULSTER (NORTHERN IRELAND)	
	AN ANTRIM	4 days
	AR ARMAGH	1 days
	DO DOWN	1 days

This section displays the number of survey days per TRICS® sub-region in the selected set

Secondary Filtering selection:

This data displays the chosen trip rate parameter and its selected range. Only sites that fall within the parameter range are included in the trip rate calculation.

Parameter: Number of dwellings
 Actual Range: 6 to 280 (units:)
 Range Selected by User: 4 to 400 (units:)

Public Transport Provision:

Selection by: Include all surveys

Date Range: 01/01/09 to 28/03/17

This data displays the range of survey dates selected. Only surveys that were conducted within this date range are included in the trip rate calculation.

Selected survey days:

Monday	10 days
Tuesday	16 days
Wednesday	13 days
Thursday	18 days
Friday	12 days

This data displays the number of selected surveys by day of the week.

Selected survey types:

Manual count	69 days
Directional ATC Count	0 days

This data displays the number of manual classified surveys and the number of unclassified ATC surveys, the total adding up to the overall number of surveys in the selected set. Manual surveys are undertaken using staff, whilst ATC surveys are undertaken using machines.

Selected Locations:

Suburban Area (PPS6 Out of Centre)	41
Edge of Town	28

This data displays the number of surveys per main location category within the selected set. The main location categories consist of Free Standing, Edge of Town, Suburban Area, Neighbourhood Centre, Edge of Town Centre, Town Centre and Not Known.

Selected Location Sub Categories:

Development Zone	1
Residential Zone	58
No Sub Category	10

This data displays the number of surveys per location sub-category within the selected set. The location sub-categories consist of Commercial Zone, Industrial Zone, Development Zone, Residential Zone, Retail Zone, Built-Up Zone, Village, Out of Town, High Street and No Sub Category.

Secondary Filtering selection:**Use Class:**

C1	1 days
C3	67 days

This data displays the number of surveys per Use Class classification within the selected set. The Use Classes Order 2005 has been used for this purpose, which can be found within the Library module of TRICS®.

Secondary Filtering selection (Cont.):

Population within 1 mile:

1,001 to 5,000	17 days
5,001 to 10,000	13 days
10,001 to 15,000	14 days
15,001 to 20,000	9 days
20,001 to 25,000	6 days
25,001 to 50,000	9 days
100,001 or More	1 days

This data displays the number of selected surveys within stated 1-mile radii of population.

Population within 5 miles:

5,000 or Less	4 days
5,001 to 25,000	14 days
25,001 to 50,000	9 days
50,001 to 75,000	6 days
75,001 to 100,000	15 days
100,001 to 125,000	3 days
125,001 to 250,000	6 days
250,001 to 500,000	5 days
500,001 or More	7 days

This data displays the number of selected surveys within stated 5-mile radii of population.

Car ownership within 5 miles:

0.5 or Less	1 days
0.6 to 1.0	18 days
1.1 to 1.5	48 days
1.6 to 2.0	2 days

This data displays the number of selected surveys within stated ranges of average cars owned per residential dwelling, within a radius of 5-miles of selected survey sites.

Travel Plan:

Yes	5 days
No	64 days

This data displays the number of surveys within the selected set that were undertaken at sites with Travel Plans in place, and the number of surveys that were undertaken at sites without Travel Plans.

PTAL Rating:

No PTAL Present	65 days
2 Poor	1 days
3 Moderate	1 days
4 Good	1 days
6a Excellent	1 days

This data displays the number of selected surveys with PTAL Ratings.

LIST OF SITES relevant to selection parameters

1	AG-03-A-01	BUNGALOWS/DET.		ANGUS
		KEPTIE ROAD		
		ARBROATH		
		Suburban Area (PPS6 Out of Centre)		
		Residential Zone		
		Total Number of dwellings:	7	
		Survey date: TUESDAY	22/05/12	Survey Type: MANUAL
2	AN-03-A-06	SEMI -DET.		ANTRIM
		GLENMOUNT ROAD		
		NEWTOWNABBEY		
		Suburban Area (PPS6 Out of Centre)		
		No Sub Category		
		Total Number of dwellings:	132	
		Survey date: THURSDAY	10/06/10	Survey Type: MANUAL
3	AN-03-A-07	SEMI DETACHED/TERRACED HOUSING		ANTRIM
		CASTLE WAY		
		ANTRIM		
		Suburban Area (PPS6 Out of Centre)		
		Residential Zone		
		Total Number of dwellings:	55	
		Survey date: TUESDAY	20/12/11	Survey Type: MANUAL
4	AN-03-A-08	HOUSES & FLATS		ANTRIM
		BALLINDERRY ROAD		
		LISBURN		
		Suburban Area (PPS6 Out of Centre)		
		Residential Zone		
		Total Number of dwellings:	204	
		Survey date: TUESDAY	29/10/13	Survey Type: MANUAL
5	AN-03-A-09	DETACHED & SEMI -DETACHED		ANTRIM
		SLOEFIELD DRIVE		
		CARRICKFERGUS		
		Edge of Town		
		No Sub Category		
		Total Number of dwellings:	151	
		Survey date: WEDNESDAY	12/10/16	Survey Type: MANUAL
6	AR-03-A-01	MIXED HOUSES		ARMAGH
		BIRCHDALE MANOR		
		LURGAN		
		Edge of Town		
		Residential Zone		
		Total Number of dwellings:	153	
		Survey date: TUESDAY	15/06/10	Survey Type: MANUAL
7	CA-03-A-04	DETACHED		CAMBRIDGESHIRE
		THORPE PARK ROAD		
		PETERBOROUGH		
		Suburban Area (PPS6 Out of Centre)		
		Residential Zone		
		Total Number of dwellings:	9	
		Survey date: TUESDAY	18/10/11	Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

8	CB-03-A-04	SEMI DETACHED		CUMBRIA
	MOORCLOSE ROAD			
	SALTERBACK			
	WORKINGTON			
	Edge of Town			
	No Sub Category			
	Total Number of dwellings:		82	
	Survey date: FRIDAY		24/04/09	Survey Type: MANUAL
9	CH-03-A-08	DETACHED		CHESHIRE
	WHITCHURCH ROAD			
	BOUGHTON HEATH			
	CHESTER			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:		11	
	Survey date: TUESDAY		22/05/12	Survey Type: MANUAL
10	CH-03-A-09	TERRACED HOUSES		CHESHIRE
	GREYSTOKE ROAD			
	HURDSFIELD			
	MACCLESFIELD			
	Edge of Town			
	Residential Zone			
	Total Number of dwellings:		24	
	Survey date: MONDAY		24/11/14	Survey Type: MANUAL
11	CV-03-A-01	DETACHED		CAVAN
	DUBLIN ROAD			
	CAVAN			
	Edge of Town			
	No Sub Category			
	Total Number of dwellings:		37	
	Survey date: TUESDAY		18/12/12	Survey Type: MANUAL
12	DC-03-A-08	BUNGALOWS		DORSET
	HURSTDENE ROAD			
	CASTLE LANE WEST			
	BOURNEMOUTH			
	Edge of Town			
	Residential Zone			
	Total Number of dwellings:		28	
	Survey date: MONDAY		24/03/14	Survey Type: MANUAL
13	DH-03-A-01	SEMI DETACHED		DURHAM
	GREENFIELDS ROAD			
	BISHOP AUCKLAND			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:		50	
	Survey date: TUESDAY		28/03/17	Survey Type: MANUAL
14	DL-03-A-06	DETACHED		DUBLIN
	UPPER KILMACUD ROAD			
	DUNDRUM			
	DUBLIN			
	Edge of Town			
	Residential Zone			
	Total Number of dwellings:		147	
	Survey date: FRIDAY		30/04/10	Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

15	DL-03-A-08	VARIOUS HOUSES		DUBLIN
	CASTLE PARK ROAD			
	DALKEY			
	DUBLIN			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:		36	
	Survey date:	MONDAY	26/09/11	Survey Type: MANUAL
16	DN-03-A-02	DETACHED		DONEGAL
	GLENFIN ROAD			
	BALLYBOFEY			
	Edge of Town			
	Residential Zone			
	Total Number of dwellings:		7	
	Survey date:	THURSDAY	05/09/13	Survey Type: MANUAL
17	DN-03-A-03	DETACHED/SEMI-DETACHED		DONEGAL
	THE GRANGE			
	GLENCAR IRISH			
	LETTERKENNY			
	Edge of Town			
	Residential Zone			
	Total Number of dwellings:		50	
	Survey date:	MONDAY	01/09/14	Survey Type: MANUAL
18	DN-03-A-04	SEMI-DETACHED		DONEGAL
	GORTLEE ROAD			
	GORTLEE			
	LETTERKENNY			
	Edge of Town			
	Residential Zone			
	Total Number of dwellings:		83	
	Survey date:	FRIDAY	26/09/14	Survey Type: MANUAL
19	DN-03-A-05	DETACHED/SEMI-DETACHED		DONEGAL
	GORTLEE ROAD			
	GORTLEE			
	LETTERKENNY			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:		146	
	Survey date:	WEDNESDAY	03/09/14	Survey Type: MANUAL
20	DO-03-A-03	DETACHED/SEMI DETACHED		DOWN
	OLD MILL HEIGHTS			
	DUNDONALD			
	BELFAST			
	Edge of Town			
	Residential Zone			
	Total Number of dwellings:		79	
	Survey date:	WEDNESDAY	23/10/13	Survey Type: MANUAL
21	DV-03-A-01	TERRACED HOUSES		DEVON
	BRONSHILL ROAD			
	TORQUAY			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:		37	
	Survey date:	WEDNESDAY	30/09/15	Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

22	DV-03-A-02 MILLHEAD ROAD	HOUSES & BUNGALOWS	DEVON
	HONITON Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 116 Survey date: FRIDAY 25/09/15		
	Survey Type: MANUAL		
23	DV-03-A-03 LOWER BRAND LANE	TERRACED & SEMI DETACHED	DEVON
	HONITON Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 70 Survey date: MONDAY 28/09/15		
	Survey Type: MANUAL		
24	ES-03-A-02 SOUTH COAST ROAD	PRIVATE HOUSING	EAST SUSSEX
	PEACEHAVEN Edge of Town Residential Zone Total Number of dwellings: 37 Survey date: FRIDAY 18/11/11		
	Survey Type: MANUAL		
25	FA-03-A-01 MANDELA AVENUE	SEMI -DETACHED/TERRACED	FALKIRK
	FALKIRK Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 37 Survey date: THURSDAY 30/05/13		
	Survey Type: MANUAL		
26	FA-03-A-02 ROSEBANK AVENUE & SPRINGFIELD DRIVE	MIXED HOUSES	FALKIRK
	FALKIRK Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 161 Survey date: WEDNESDAY 29/05/13		
	Survey Type: MANUAL		
27	GM-03-A-10 BUTT HILL DRIVE	DETACHED/SEMI	GREATER MANCHESTER
	PRESTWICH MANCHESTER Edge of Town Residential Zone Total Number of dwellings: 29 Survey date: WEDNESDAY 12/10/11		
	Survey Type: MANUAL		
28	HC-03-A-18 CANADA WAY	HOUSES & FLATS	HAMPSHIRE
	LIPHOOK Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 62 Survey date: TUESDAY 29/11/16		
	Survey Type: MANUAL		

LIST OF SITES relevant to selection parameters (Cont.)

29	HI-03-A-13	HOUSING		HIGHLAND
	KINGSMILLS ROAD			
	INVERNESS			
	Edge of Town			
	Residential Zone			
	Total Number of dwellings:		9	
	Survey date:	THURSDAY	21/05/09	Survey Type: MANUAL
30	HI-03-A-14	SEMI-DETACHED & TERRACED		HIGHLAND
	KING BRUDE ROAD			
	SCORGUIE			
	INVERNESS			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:		40	
	Survey date:	WEDNESDAY	23/03/16	Survey Type: MANUAL
31	HO-03-A-01	MIXED HOUSING		HOUNSLOW
	THORNBURY ROAD			
	OSTERLEY			
	Suburban Area (PPS6 Out of Centre)			
	Development Zone			
	Total Number of dwellings:		82	
	Survey date:	TUESDAY	16/09/14	Survey Type: MANUAL
32	KD-03-A-02	TERRACED/SEMI-D.		KILDARE
	CEDARWOOD PARK			
	MORRISTOWN ROAD			
	NEWBRIDGE			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:		71	
	Survey date:	TUESDAY	12/05/09	Survey Type: MANUAL
33	KI-03-A-01	DETACHED		KINGSTON
	COOMBE RISE			
	KINGSTON UPON THAMES			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:		12	
	Survey date:	THURSDAY	24/06/10	Survey Type: MANUAL
34	KI-03-A-02	DETACHED		KINGSTON
	WOLSEY CLOSE			
	KINGSTON UPON THAMES			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:		20	
	Survey date:	THURSDAY	24/06/10	Survey Type: MANUAL
35	LN-03-A-03	SEMI DETACHED		LINCOLNSHIRE
	ROOKERY LANE			
	BOULTHAM			
	LINCOLN			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:		22	
	Survey date:	TUESDAY	18/09/12	Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

36	LT-03-A-01	SEMI-DETACHED & DETACHED		LEITRIM
	ARD NA SI ATTIRORY CARRICK-ON-SHANNON Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 90 Survey date: FRIDAY 24/04/15			
				Survey Type: MANUAL
37	MA-03-A-01	SEMI-DET. & TERRACED		MAYO
	N26 STATION ROAD BALLINA Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 74 Survey date: FRIDAY 15/07/11			
				Survey Type: MANUAL
38	MS-03-A-03	DETACHED		MERSEYSIDE
	BEMPTON ROAD OTTERSPOOL LIVERPOOL Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 15 Survey date: FRIDAY 21/06/13			
				Survey Type: MANUAL
39	NF-03-A-01	SEMI DET. & BUNGALOWS		NORFOLK
	YARMOUTH ROAD CAISTER-ON-SEA Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 27 Survey date: TUESDAY 16/10/12			
				Survey Type: MANUAL
40	NF-03-A-02	HOUSES & FLATS		NORFOLK
	DEREHAM ROAD NORWICH Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 98 Survey date: MONDAY 22/10/12			
				Survey Type: MANUAL
41	NF-03-A-03	DETACHED HOUSES		NORFOLK
	HALING WAY THETFORD Edge of Town Residential Zone Total Number of dwellings: 10 Survey date: WEDNESDAY 16/09/15			
				Survey Type: MANUAL
42	NY-03-A-06	BUNGALOWS & SEMI DET.		NORTH YORKSHIRE
	HORSEFAIR BOROUGHBRIDGE Suburban Area (PPS6 Out of Centre) Residential Zone Total Number of dwellings: 115 Survey date: FRIDAY 14/10/11			
				Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

43	NY-03-A-08	TERRACED HOUSES		NORTH YORKSHIRE
		NICHOLAS STREET		
		YORK		
		Suburban Area (PPS6 Out of Centre)		
		Residential Zone		
		Total Number of dwellings:	21	
		Survey date: MONDAY	16/09/13	Survey Type: MANUAL
44	NY-03-A-09	MIXED HOUSING		NORTH YORKSHIRE
		GRAMMAR SCHOOL LANE		
		NORTHALLERTON		
		Suburban Area (PPS6 Out of Centre)		
		Residential Zone		
		Total Number of dwellings:	52	
		Survey date: MONDAY	16/09/13	Survey Type: MANUAL
45	NY-03-A-10	HOUSES AND FLATS		NORTH YORKSHIRE
		BOROUGHBRIDGE ROAD		
		RIPON		
		Edge of Town		
		No Sub Category		
		Total Number of dwellings:	71	
		Survey date: TUESDAY	17/09/13	Survey Type: MANUAL
46	NY-03-A-11	PRIVATE HOUSING		NORTH YORKSHIRE
		HORSEFAIR		
		BOROUGHBRIDGE		
		Edge of Town		
		Residential Zone		
		Total Number of dwellings:	23	
		Survey date: WEDNESDAY	18/09/13	Survey Type: MANUAL
47	PK-03-A-01	DETAC. & BUNGALOWS		PERTH & KINROSS
		TULLYLUMB TERRACE		
		GORNHILL		
		PERTH		
		Suburban Area (PPS6 Out of Centre)		
		Residential Zone		
		Total Number of dwellings:	36	
		Survey date: WEDNESDAY	11/05/11	Survey Type: MANUAL
48	PS-03-A-02	DETACHED/SEMI-DETACHED		POWYS
		GUNROG ROAD		
		WELSHPOOL		
		Suburban Area (PPS6 Out of Centre)		
		Residential Zone		
		Total Number of dwellings:	28	
		Survey date: MONDAY	11/05/15	Survey Type: MANUAL
49	RO-03-A-01	MIXED HOUSES		ROSCOMMON
		GALWAY ROAD		
		ROSCOMMON		
		Edge of Town		
		No Sub Category		
		Total Number of dwellings:	80	
		Survey date: THURSDAY	07/05/09	Survey Type: MANUAL
50	RO-03-A-02	SEMI DET. & BUNGALOWS		ROSCOMMON
		SLIGO ROAD		
		BALLAGHADERREEN		
		Suburban Area (PPS6 Out of Centre)		
		Residential Zone		
		Total Number of dwellings:	31	
		Survey date: THURSDAY	14/07/11	Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

51	RO-03-A-03	DETACHED HOUSES	ROSCOMMON
	N61		
	GREATMEADOW		
	BOYLE		
	Edge of Town		
	No Sub Category		
	Total Number of dwellings:	23	
	Survey date: THURSDAY	25/09/14	Survey Type: MANUAL
52	RO-03-A-04	SEMI DET. & BUNGALOWS	ROSCOMMON
	EAGLE COURT		
	ARDNANAGH		
	ROSCOMMON		
	Suburban Area (PPS6 Out of Centre)		
	Residential Zone		
	Total Number of dwellings:	39	
	Survey date: FRIDAY	26/09/14	Survey Type: MANUAL
53	SC-03-A-04	DETACHED & TERRACED	SURREY
	HIGH ROAD		
	BYFLEET		
	Edge of Town		
	Residential Zone		
	Total Number of dwellings:	71	
	Survey date: THURSDAY	23/01/14	Survey Type: MANUAL
54	SF-03-A-04	DETACHED & BUNGALOWS	SUFFOLK
	NORMANSTON DRIVE		
	LOWESTOFT		
	Suburban Area (PPS6 Out of Centre)		
	Residential Zone		
	Total Number of dwellings:	7	
	Survey date: TUESDAY	23/10/12	Survey Type: MANUAL
55	SF-03-A-05	DETACHED HOUSES	SUFFOLK
	VALE LANE		
	BURY ST EDMUNDS		
	Edge of Town		
	Residential Zone		
	Total Number of dwellings:	18	
	Survey date: WEDNESDAY	09/09/15	Survey Type: MANUAL
56	SH-03-A-03	DETACHED	SHROPSHIRE
	SOMERBY DRIVE		
	BICTON HEATH		
	SHREWSBURY		
	Edge of Town		
	No Sub Category		
	Total Number of dwellings:	10	
	Survey date: FRIDAY	26/06/09	Survey Type: MANUAL
57	SH-03-A-04	TERRACED	SHROPSHIRE
	ST MICHAEL'S STREET		
	SHREWSBURY		
	Suburban Area (PPS6 Out of Centre)		
	No Sub Category		
	Total Number of dwellings:	108	
	Survey date: THURSDAY	11/06/09	Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

58	SH-03-A-05 SANDCROFT SUTTON HILL TELFORD Edge of Town Residential Zone	SEMI -DETACHED/TERRACED		SHROPSHIRE
	Total Number of dwellings:		54	
	Survey date:	THURSDAY	24/10/13	Survey Type: MANUAL
59	SH-03-A-06 ELLESMERE ROAD	BUNGALOWS		SHROPSHIRE
	SHREWSBURY Edge of Town Residential Zone			
	Total Number of dwellings:		16	
	Survey date:	THURSDAY	22/05/14	Survey Type: MANUAL
60	SM-03-A-01 WEMBDON ROAD NORTHFIELD BRIDGWATER Edge of Town Residential Zone	DETACHED & SEMI		SOMERSET
	Total Number of dwellings:		33	
	Survey date:	THURSDAY	24/09/15	Survey Type: MANUAL
61	SY-03-A-01 A19 BENTLEY ROAD BENTLEY RISE DONCASTER Suburban Area (PPS6 Out of Centre) Residential Zone	SEMI DETACHED HOUSES		SOUTH YORKSHIRE
	Total Number of dwellings:		54	
	Survey date:	WEDNESDAY	18/09/13	Survey Type: MANUAL
62	TW-03-A-02 WEST PARK ROAD	SEMI -DETACHED		TYNE & WEAR
	GATESHEAD Suburban Area (PPS6 Out of Centre) Residential Zone			
	Total Number of dwellings:		16	
	Survey date:	MONDAY	07/10/13	Survey Type: MANUAL
63	WA-03-A-04 MAYPARK LANE	DETACHED		WATERFORD
	WATERFORD Edge of Town Residential Zone			
	Total Number of dwellings:		280	
	Survey date:	TUESDAY	24/06/14	Survey Type: MANUAL
64	WE-03-A-01 HEREFORD ROAD	PRINCES MEWS		WESTMINSTER
	NOTTING HILL Suburban Area (PPS6 Out of Centre) Residential Zone			
	Total Number of dwellings:		18	
	Survey date:	THURSDAY	15/10/09	Survey Type: MANUAL
65	WK-03-A-01 ARLINGTON AVENUE	TERRACED/SEMI /DET.		WARWICKSHIRE
	LEAMINGTON SPA Suburban Area (PPS6 Out of Centre) Residential Zone			
	Total Number of dwellings:		6	
	Survey date:	FRIDAY	21/10/11	Survey Type: MANUAL

LIST OF SITES relevant to selection parameters (Cont.)

66	WK-03-A-02	BUNGALOWS		WARWICKSHIRE
	NARBERTH WAY			
	POTTERS GREEN			
	COVENTRY			
	Edge of Town			
	Residential Zone			
	Total Number of dwellings:		17	
	Survey date:	THURSDAY	17/10/13	Survey Type: MANUAL
67	WS-03-A-04	MIXED HOUSES		WEST SUSSEX
	HILLS FARM LANE			
	BROADBRIDGE HEATH			
	HORSHAM			
	Edge of Town			
	Residential Zone			
	Total Number of dwellings:		151	
	Survey date:	THURSDAY	11/12/14	Survey Type: MANUAL
68	WS-03-A-05	TERRACED & FLATS		WEST SUSSEX
	UPPER SHOREHAM ROAD			
	SHOREHAM BY SEA			
	Suburban Area (PPS6 Out of Centre)			
	Residential Zone			
	Total Number of dwellings:		48	
	Survey date:	WEDNESDAY	18/04/12	Survey Type: MANUAL
69	WX-03-A-01	SEMI-DETACHED		WEXFORD
	CLONARD ROAD			
	WEXFORD			
	Suburban Area (PPS6 Out of Centre)			
	No Sub Category			
	Total Number of dwellings:		34	
	Survey date:	THURSDAY	25/09/14	Survey Type: MANUAL

This section provides a list of all survey sites and days in the selected set. For each individual survey site, it displays a unique site reference code and site address, the selected trip rate calculation parameter and its value, the day of the week and date of each survey, and whether the survey was a manual classified count or an ATC count.

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
 MULTI-MODAL VEHICLES
 Calculation factor: 1 DWELLS
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	69	59	0.058	69	59	0.243	69	59	0.301
08:00 - 09:00	69	59	0.147	69	59	0.402	69	59	0.549
09:00 - 10:00	69	59	0.165	69	59	0.233	69	59	0.398
10:00 - 11:00	69	59	0.145	69	59	0.169	69	59	0.314
11:00 - 12:00	69	59	0.154	69	59	0.175	69	59	0.329
12:00 - 13:00	69	59	0.200	69	59	0.185	69	59	0.385
13:00 - 14:00	69	59	0.205	69	59	0.207	69	59	0.412
14:00 - 15:00	69	59	0.203	69	59	0.217	69	59	0.420
15:00 - 16:00	69	59	0.263	69	59	0.192	69	59	0.455
16:00 - 17:00	69	59	0.307	69	59	0.194	69	59	0.501
17:00 - 18:00	69	59	0.395	69	59	0.215	69	59	0.610
18:00 - 19:00	69	59	0.291	69	59	0.204	69	59	0.495
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			2.533			2.636			5.169

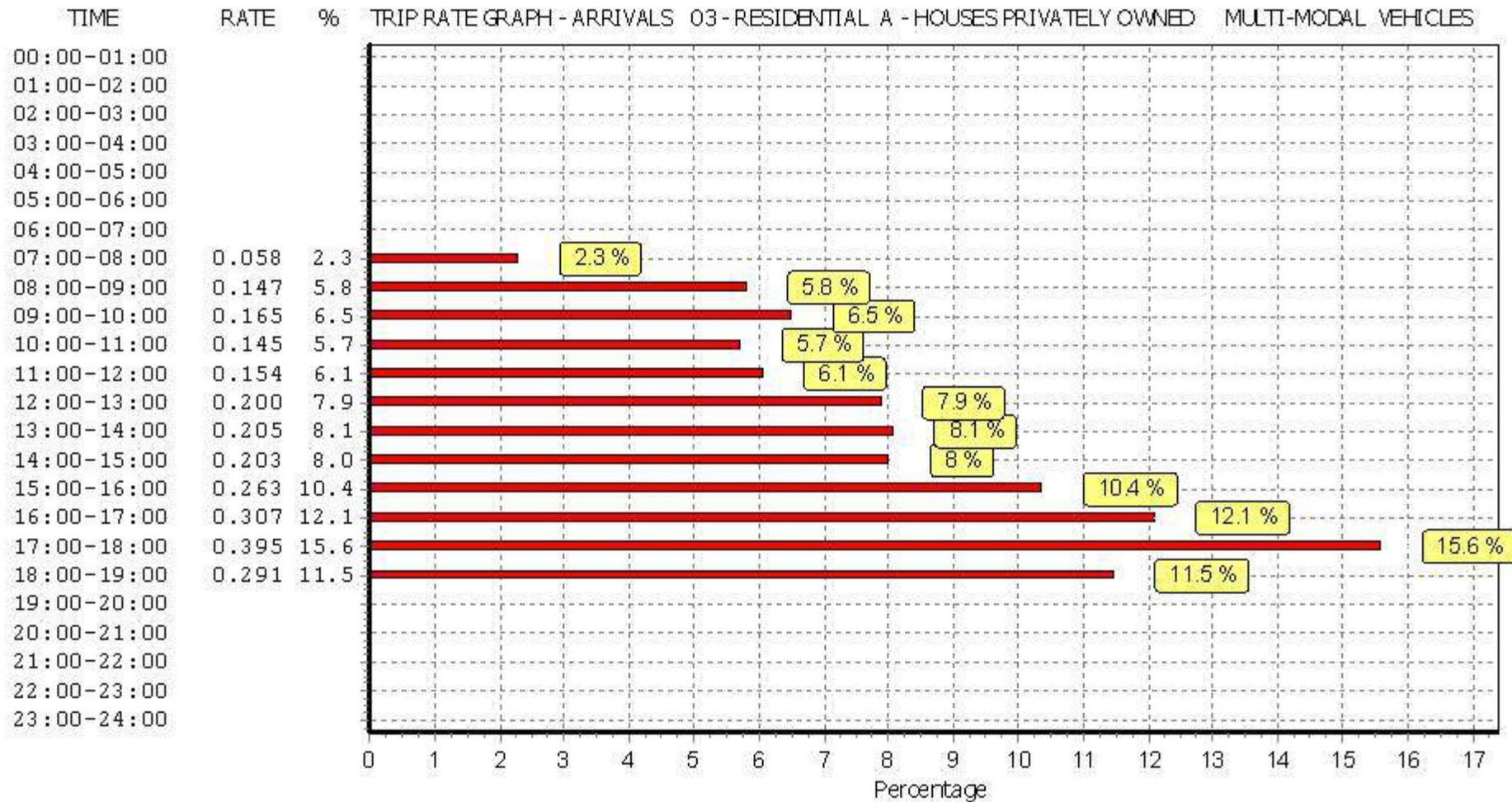
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: $COUNT/TRP*FACT$. Trip rates are then rounded to 3 decimal places.

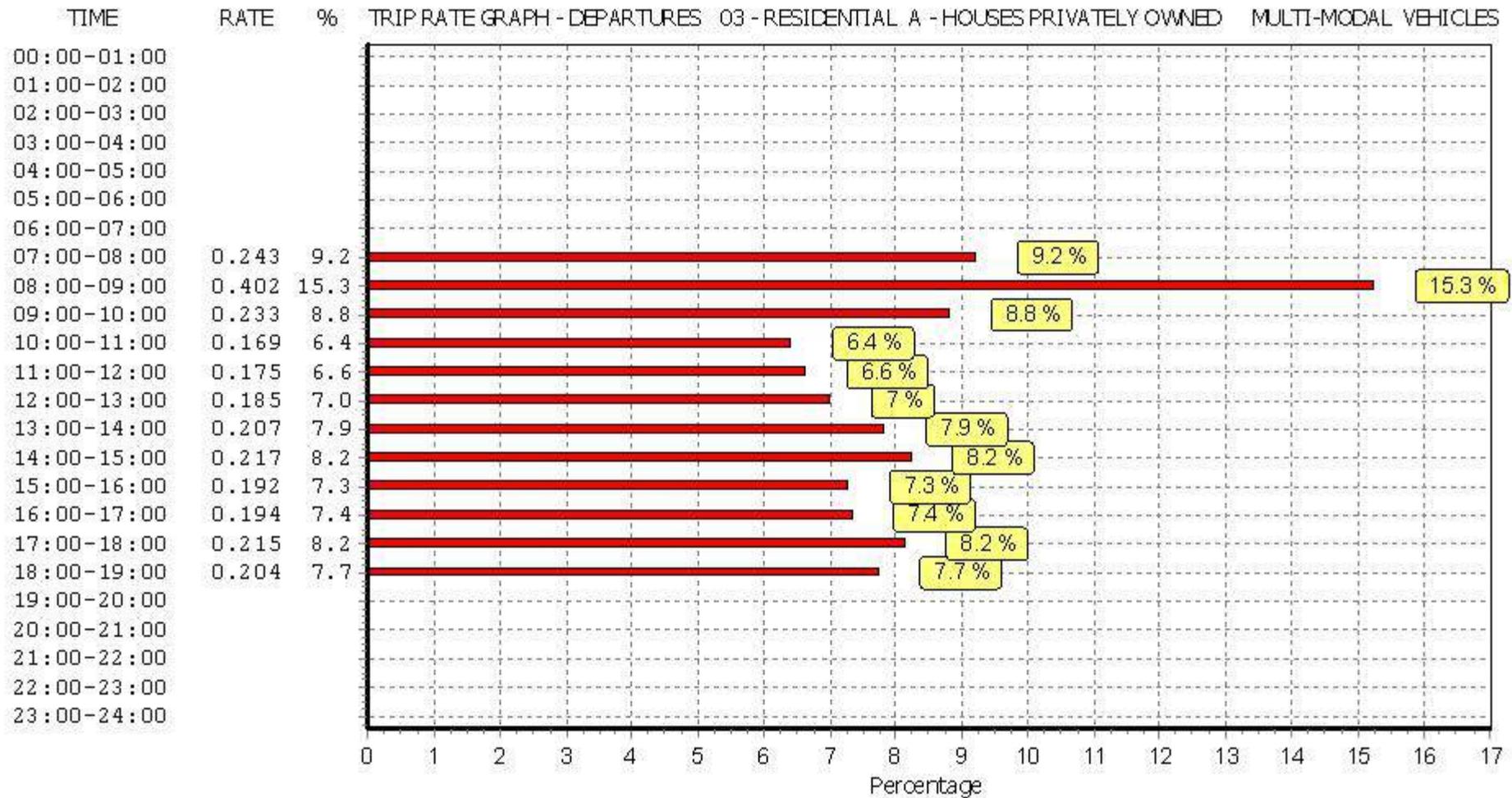
Parameter summary

Trip rate parameter range selected: 6 - 280 (units:)
 Survey date date range: 01/01/09 - 28/03/17
 Number of weekdays (Monday-Friday): 69
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 1
 Surveys manually removed from selection: 0

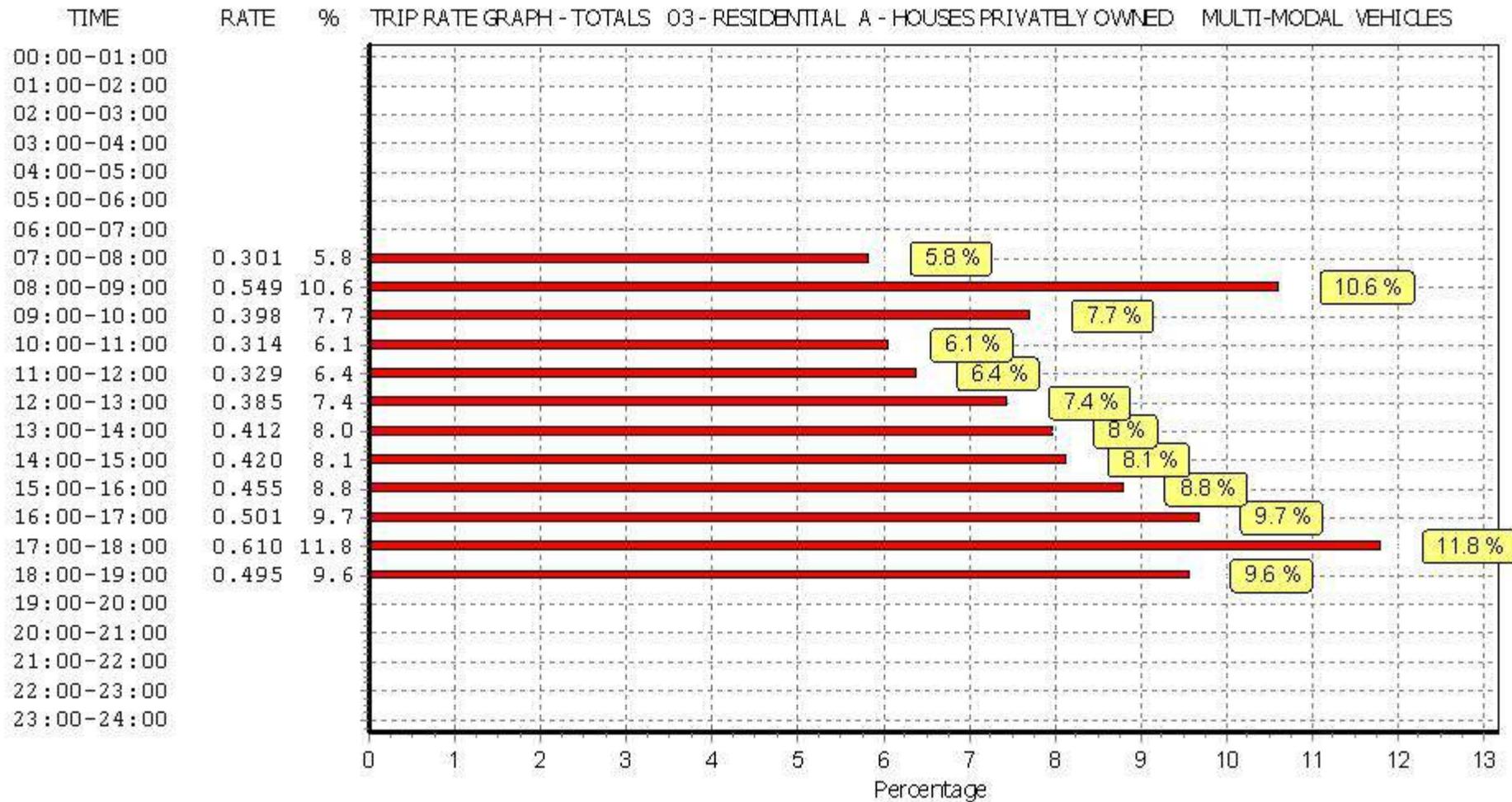
This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.



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TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
 MULTI-MODAL TAXIS
 Calculation factor: 1 DWELLS
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	69	59	0.002	69	59	0.002	69	59	0.004
08:00 - 09:00	69	59	0.005	69	59	0.005	69	59	0.010
09:00 - 10:00	69	59	0.003	69	59	0.003	69	59	0.006
10:00 - 11:00	69	59	0.003	69	59	0.003	69	59	0.006
11:00 - 12:00	69	59	0.005	69	59	0.004	69	59	0.009
12:00 - 13:00	69	59	0.003	69	59	0.003	69	59	0.006
13:00 - 14:00	69	59	0.003	69	59	0.003	69	59	0.006
14:00 - 15:00	69	59	0.003	69	59	0.003	69	59	0.006
15:00 - 16:00	69	59	0.006	69	59	0.006	69	59	0.012
16:00 - 17:00	69	59	0.006	69	59	0.006	69	59	0.012
17:00 - 18:00	69	59	0.005	69	59	0.004	69	59	0.009
18:00 - 19:00	69	59	0.005	69	59	0.006	69	59	0.011
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.049			0.048			0.097

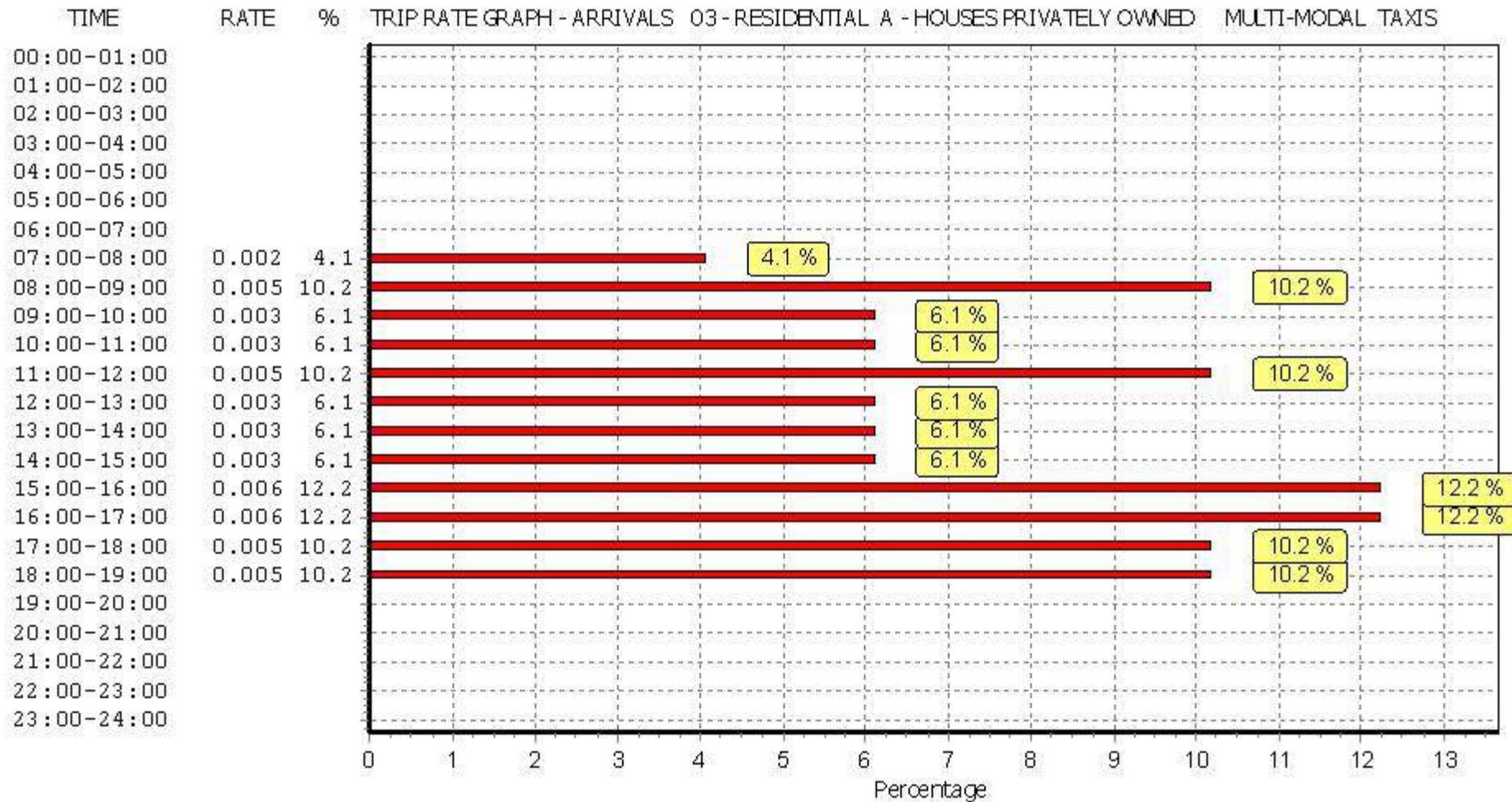
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: $COUNT/TRP*FACT$. Trip rates are then rounded to 3 decimal places.

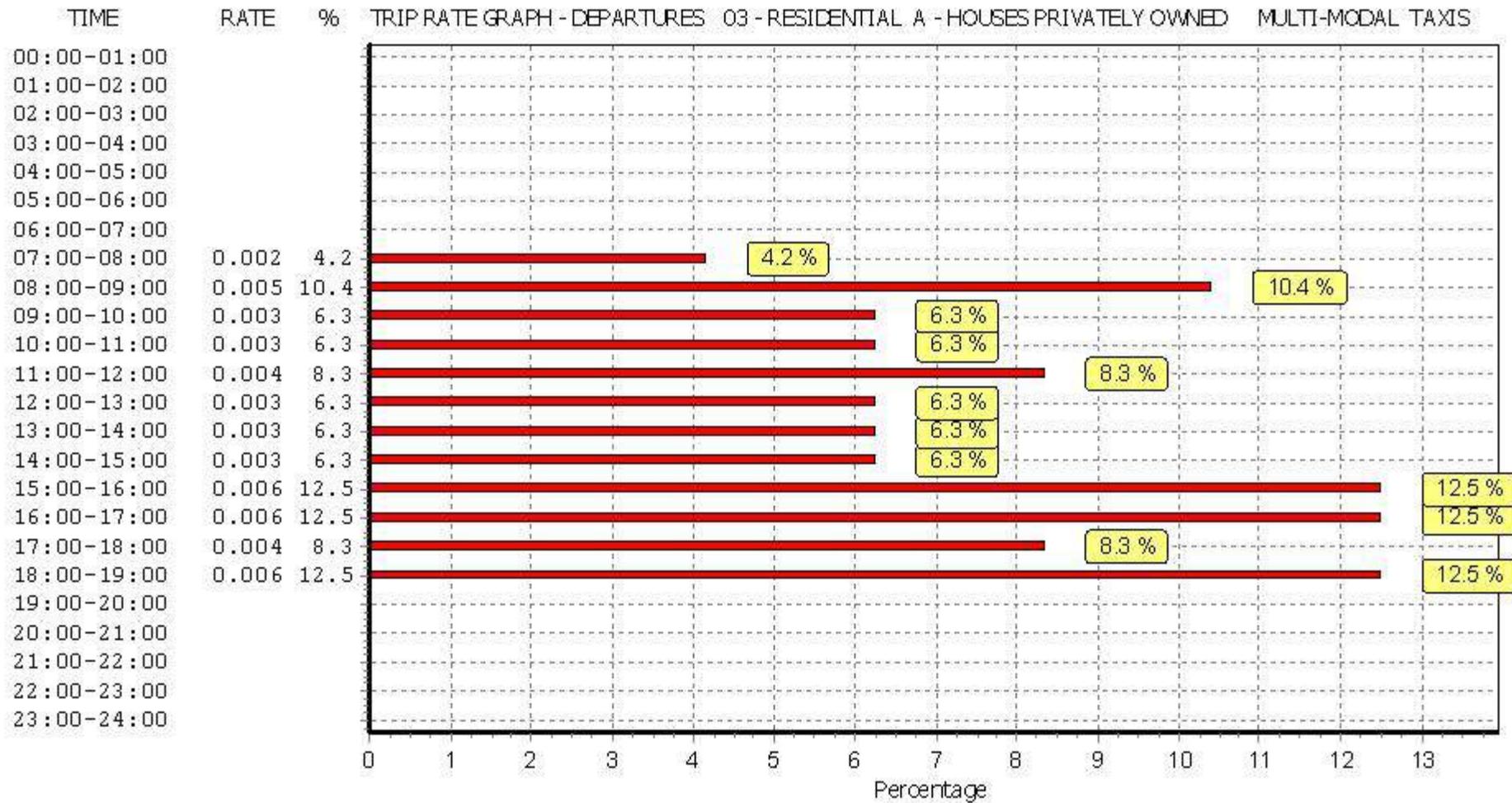
Parameter summary

Trip rate parameter range selected: 6 - 280 (units:)
 Survey date date range: 01/01/09 - 28/03/17
 Number of weekdays (Monday-Friday): 69
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 1
 Surveys manually removed from selection: 0

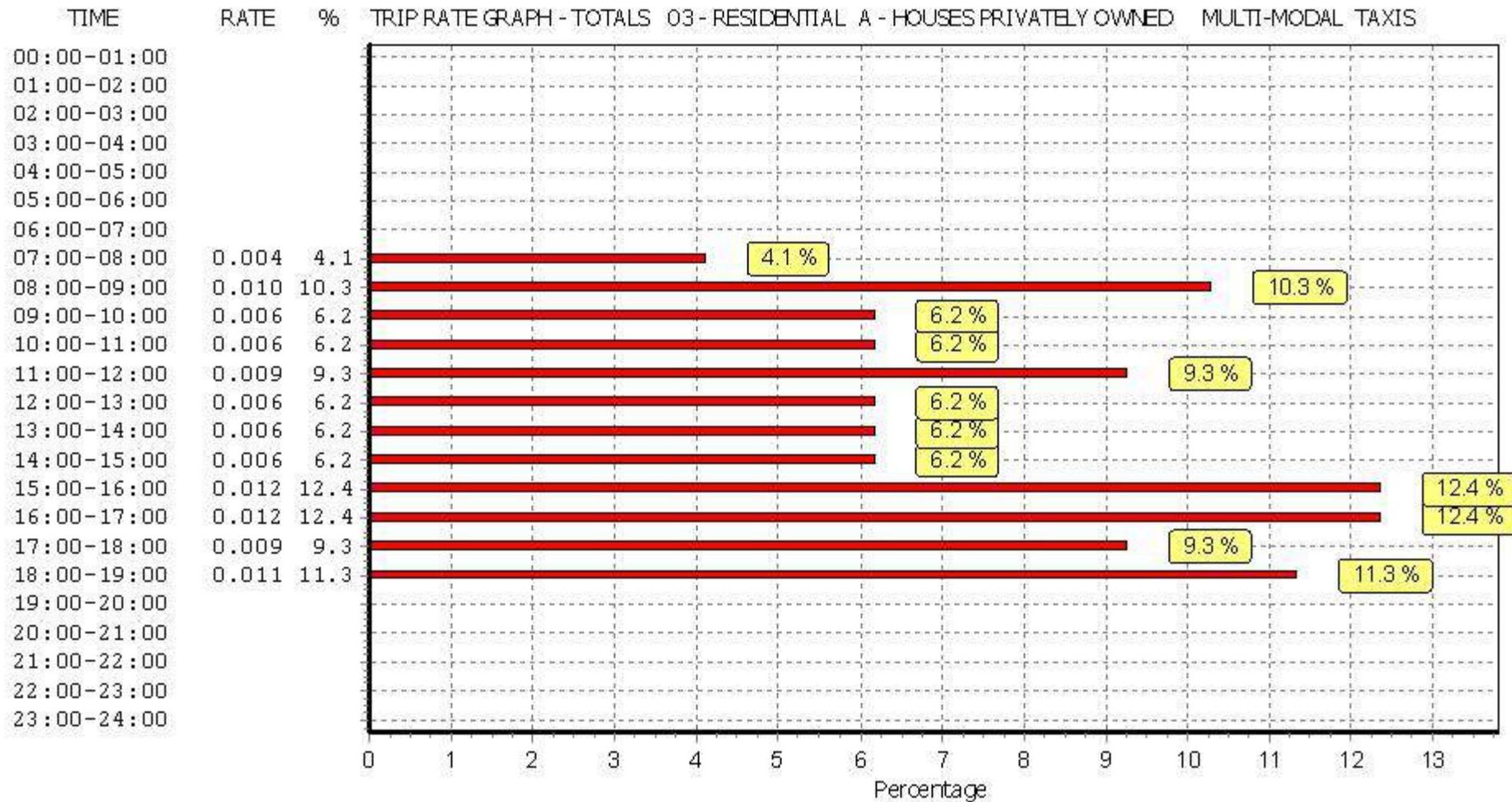
This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



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TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

MULTI-MODAL OGVS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	69	59	0.001	69	59	0.001	69	59	0.002
08:00 - 09:00	69	59	0.003	69	59	0.003	69	59	0.006
09:00 - 10:00	69	59	0.004	69	59	0.004	69	59	0.008
10:00 - 11:00	69	59	0.004	69	59	0.003	69	59	0.007
11:00 - 12:00	69	59	0.002	69	59	0.002	69	59	0.004
12:00 - 13:00	69	59	0.003	69	59	0.003	69	59	0.006
13:00 - 14:00	69	59	0.002	69	59	0.002	69	59	0.004
14:00 - 15:00	69	59	0.002	69	59	0.003	69	59	0.005
15:00 - 16:00	69	59	0.003	69	59	0.002	69	59	0.005
16:00 - 17:00	69	59	0.000	69	59	0.001	69	59	0.001
17:00 - 18:00	69	59	0.001	69	59	0.001	69	59	0.002
18:00 - 19:00	69	59	0.001	69	59	0.001	69	59	0.002
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.026			0.026			0.052

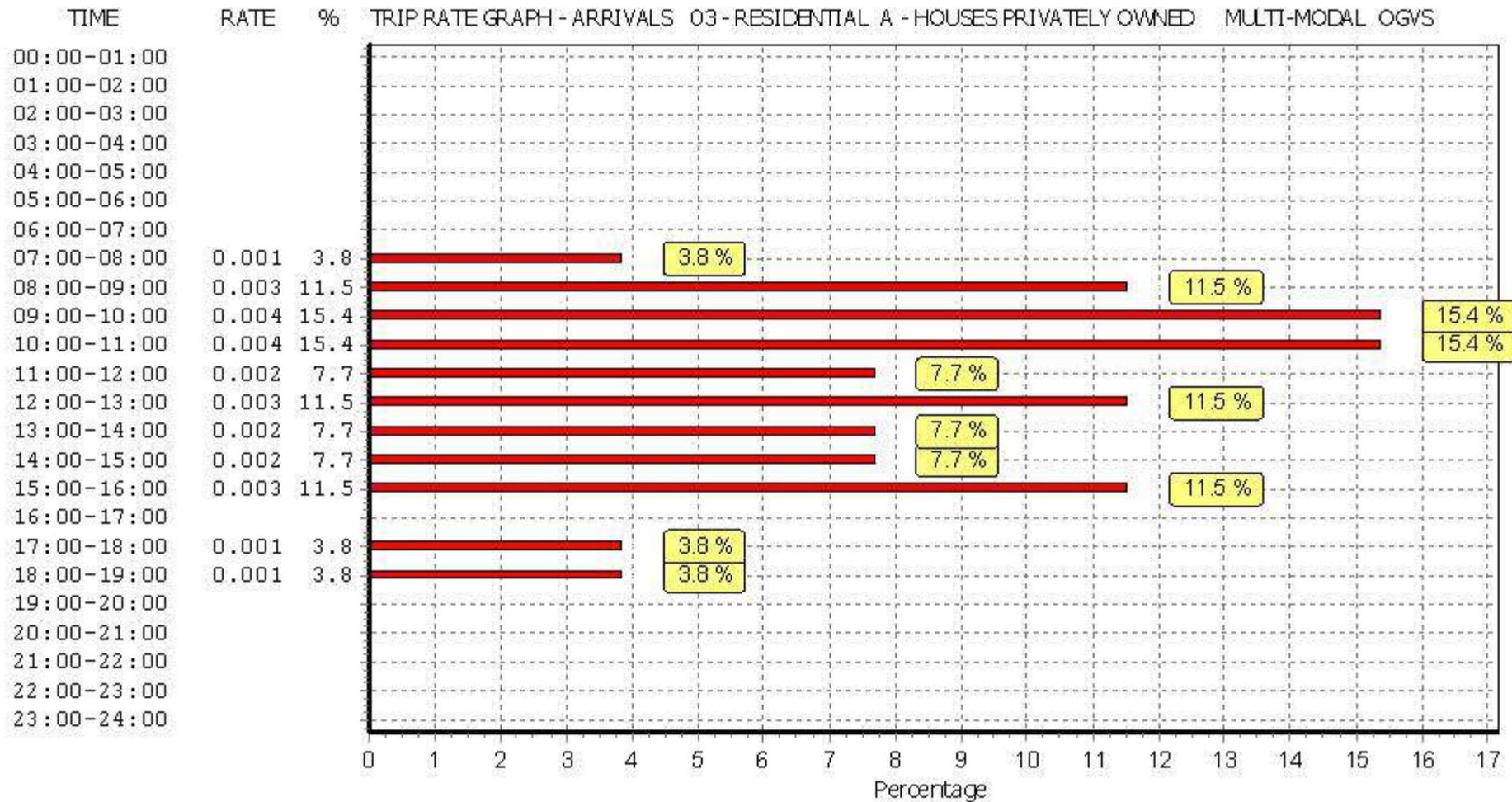
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

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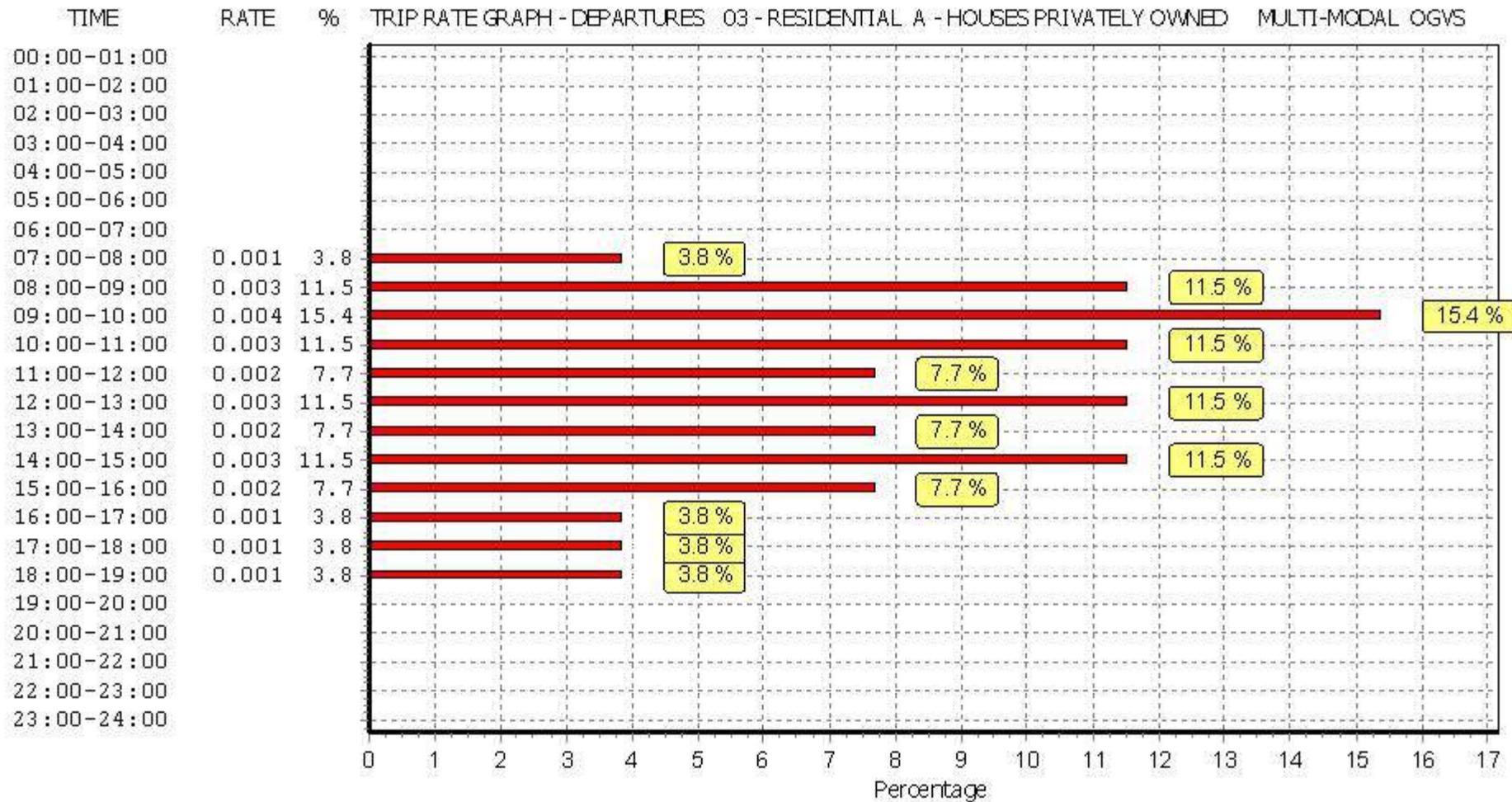
Parameter summary

Trip rate parameter range selected:	6 - 280 (units:)
Survey date date range:	01/01/09 - 28/03/17
Number of weekdays (Monday-Friday):	69
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	1
Surveys manually removed from selection:	0

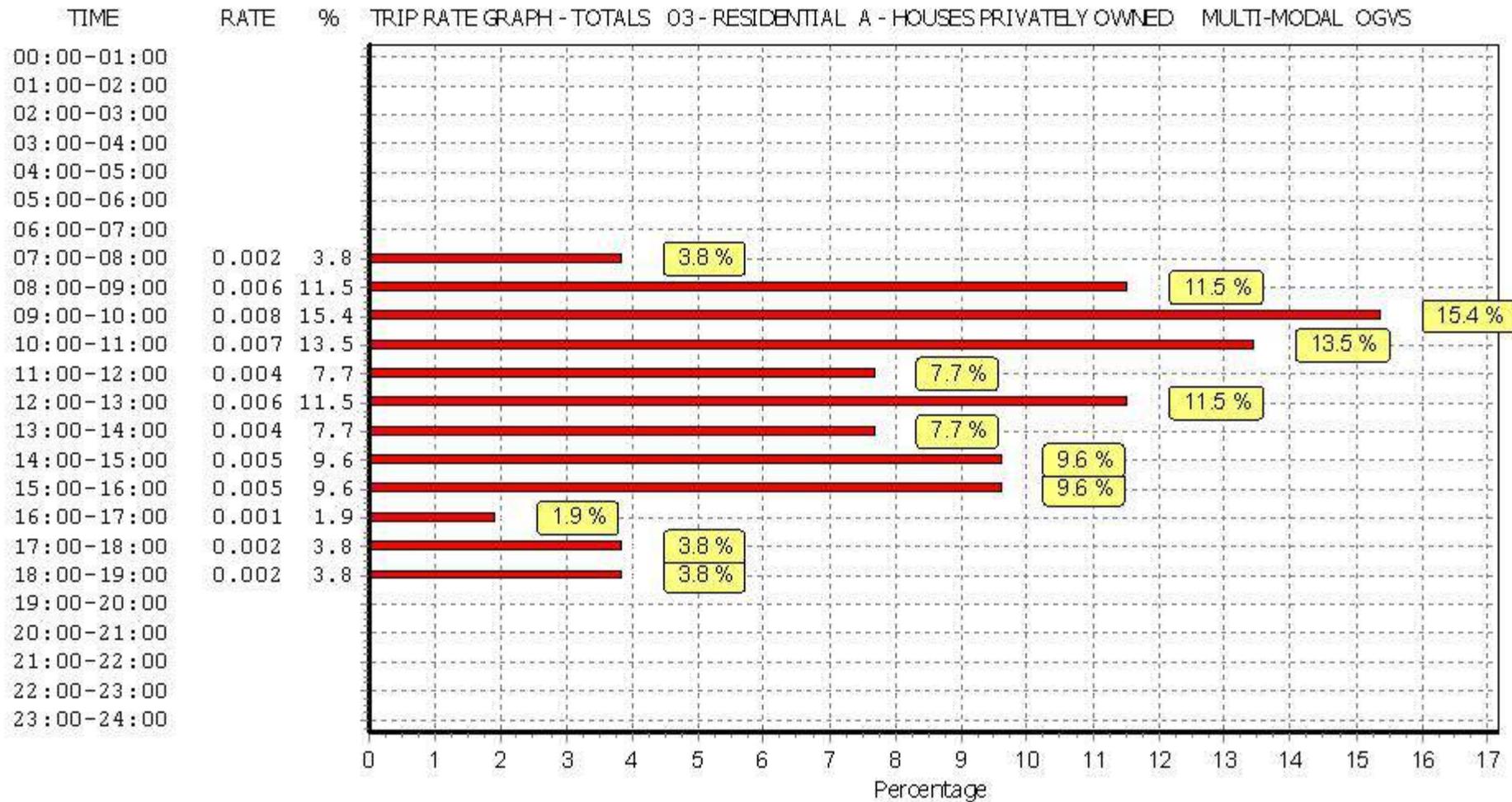
This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.



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TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED

MULTI-MODAL PSVS

Calculation factor: 1 DWELLS

BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	69	59	0.000	69	59	0.000	69	59	0.000
08:00 - 09:00	69	59	0.004	69	59	0.004	69	59	0.008
09:00 - 10:00	69	59	0.000	69	59	0.001	69	59	0.001
10:00 - 11:00	69	59	0.000	69	59	0.000	69	59	0.000
11:00 - 12:00	69	59	0.001	69	59	0.001	69	59	0.002
12:00 - 13:00	69	59	0.000	69	59	0.000	69	59	0.000
13:00 - 14:00	69	59	0.000	69	59	0.000	69	59	0.000
14:00 - 15:00	69	59	0.001	69	59	0.001	69	59	0.002
15:00 - 16:00	69	59	0.003	69	59	0.002	69	59	0.005
16:00 - 17:00	69	59	0.000	69	59	0.001	69	59	0.001
17:00 - 18:00	69	59	0.000	69	59	0.000	69	59	0.000
18:00 - 19:00	69	59	0.000	69	59	0.000	69	59	0.000
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.009			0.010			0.019

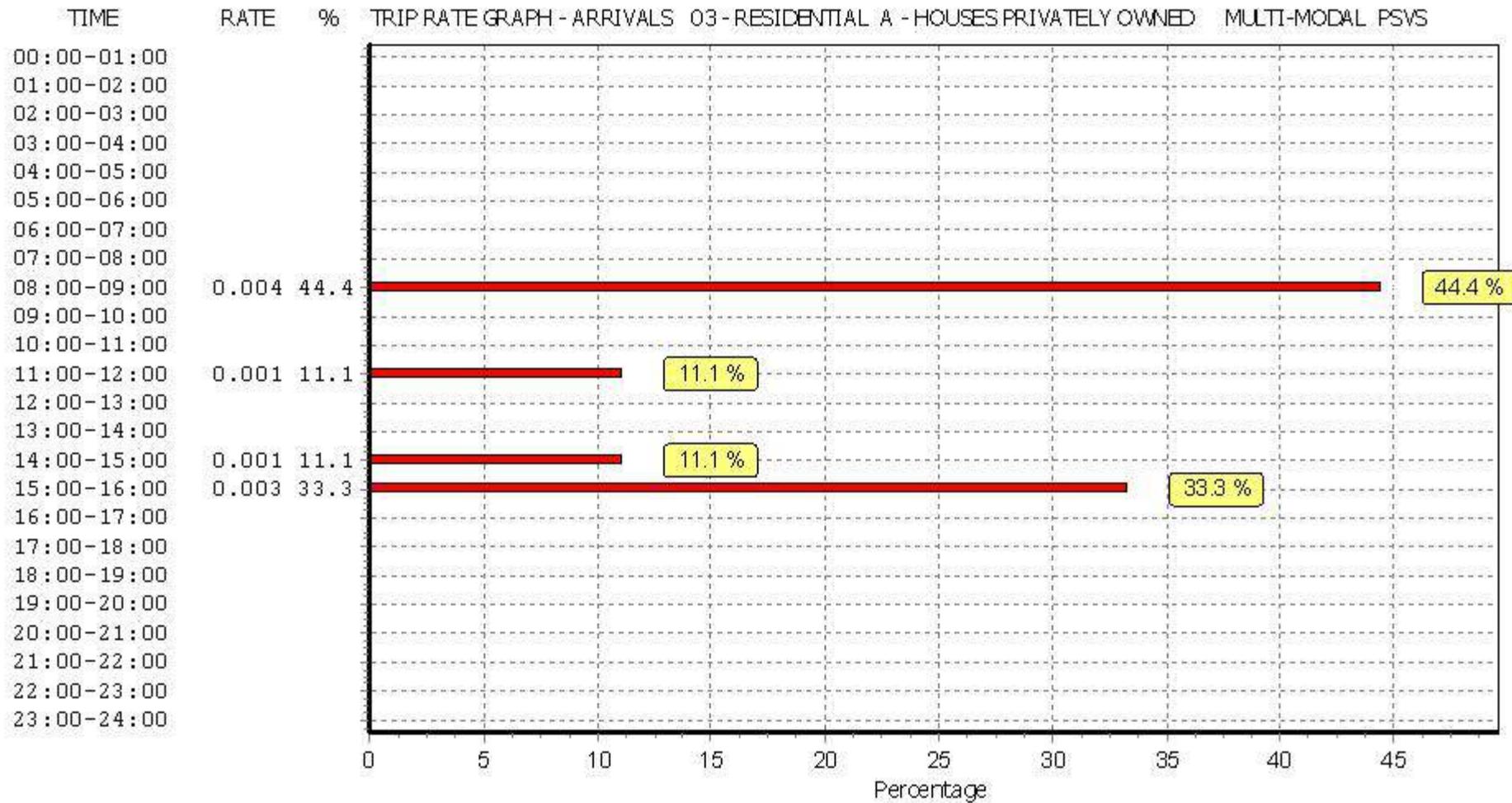
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: $COUNT/TRP*FACT$. Trip rates are then rounded to 3 decimal places.

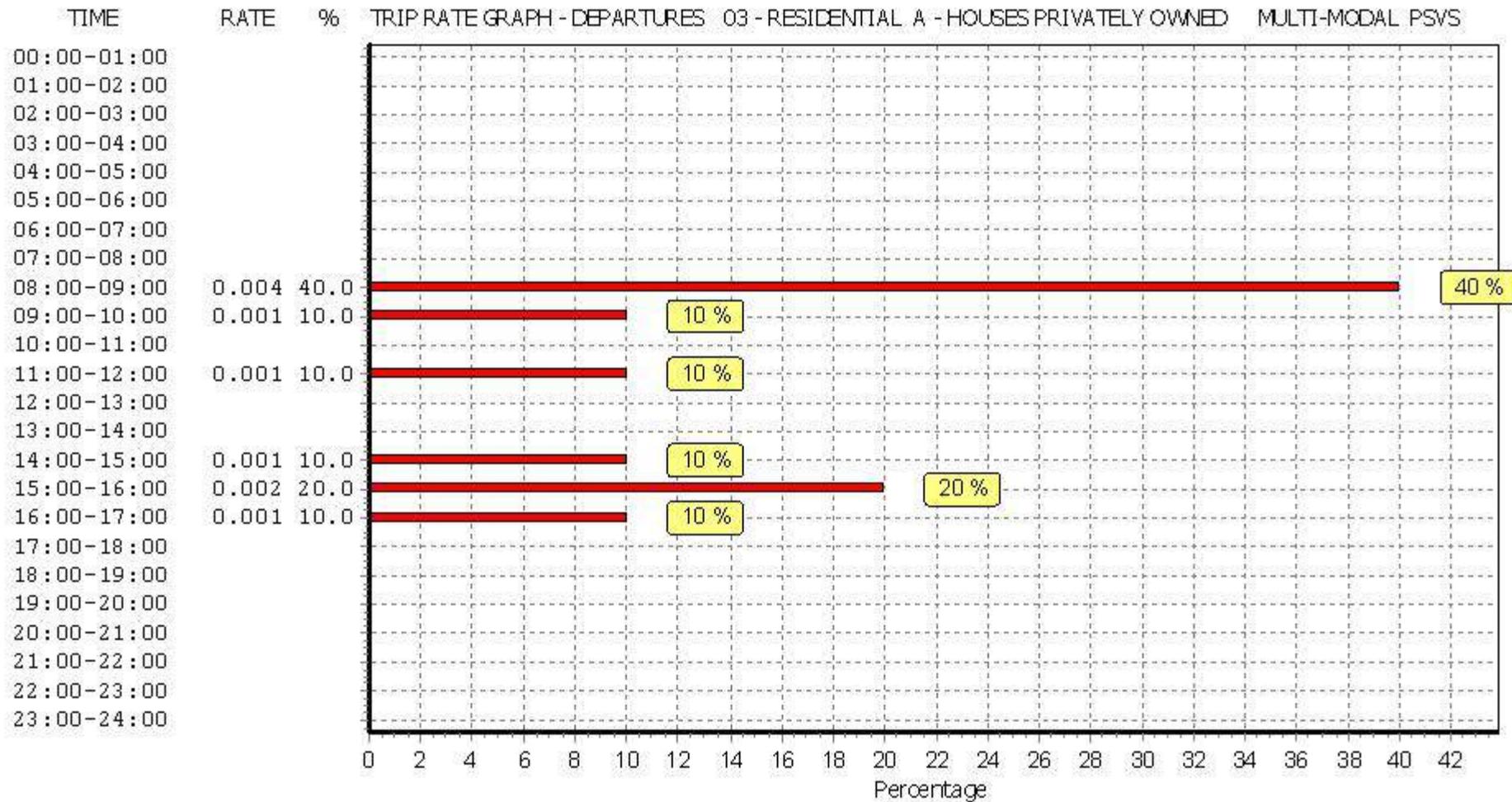
Parameter summary

Trip rate parameter range selected:	6 - 280 (units:)
Survey date date range:	01/01/09 - 28/03/17
Number of weekdays (Monday-Friday):	69
Number of Saturdays:	0
Number of Sundays:	0
Surveys automatically removed from selection:	1
Surveys manually removed from selection:	0

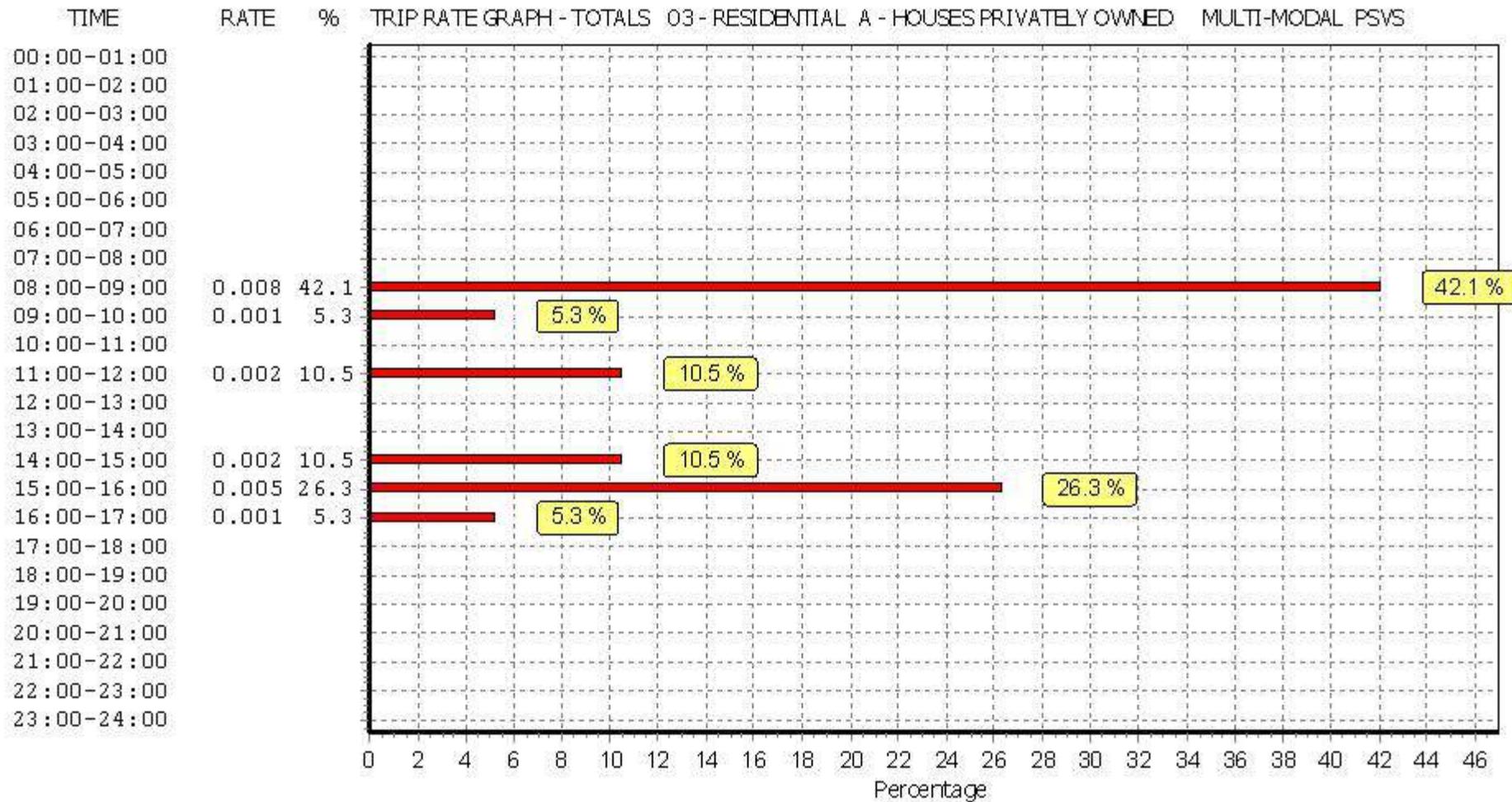
This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.



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TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
 MULTI-MODAL CYCLISTS
 Calculation factor: 1 DWELLS
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	69	59	0.002	69	59	0.010	69	59	0.012
08:00 - 09:00	69	59	0.002	69	59	0.017	69	59	0.019
09:00 - 10:00	69	59	0.002	69	59	0.006	69	59	0.008
10:00 - 11:00	69	59	0.003	69	59	0.006	69	59	0.009
11:00 - 12:00	69	59	0.005	69	59	0.003	69	59	0.008
12:00 - 13:00	69	59	0.005	69	59	0.004	69	59	0.009
13:00 - 14:00	69	59	0.005	69	59	0.003	69	59	0.008
14:00 - 15:00	69	59	0.004	69	59	0.005	69	59	0.009
15:00 - 16:00	69	59	0.013	69	59	0.006	69	59	0.019
16:00 - 17:00	69	59	0.013	69	59	0.005	69	59	0.018
17:00 - 18:00	69	59	0.014	69	59	0.006	69	59	0.020
18:00 - 19:00	69	59	0.008	69	59	0.004	69	59	0.012
19:00 - 20:00	1	7	0.000	1	7	0.000	1	7	0.000
20:00 - 21:00	1	7	0.000	1	7	0.000	1	7	0.000
21:00 - 22:00	1	7	0.000	1	7	0.000	1	7	0.000
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.076			0.075			0.151

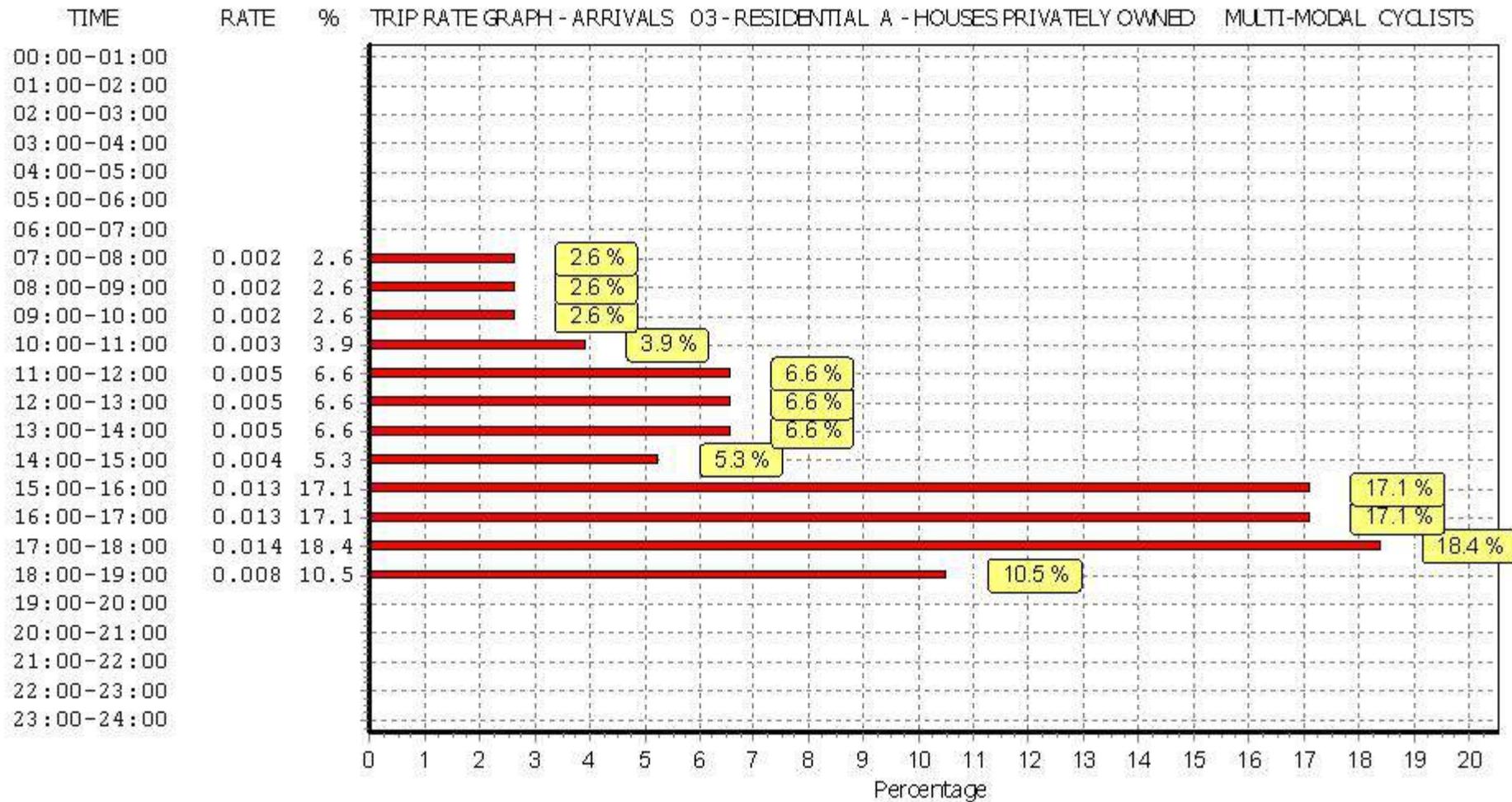
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: $COUNT/TRP*FACT$. Trip rates are then rounded to 3 decimal places.

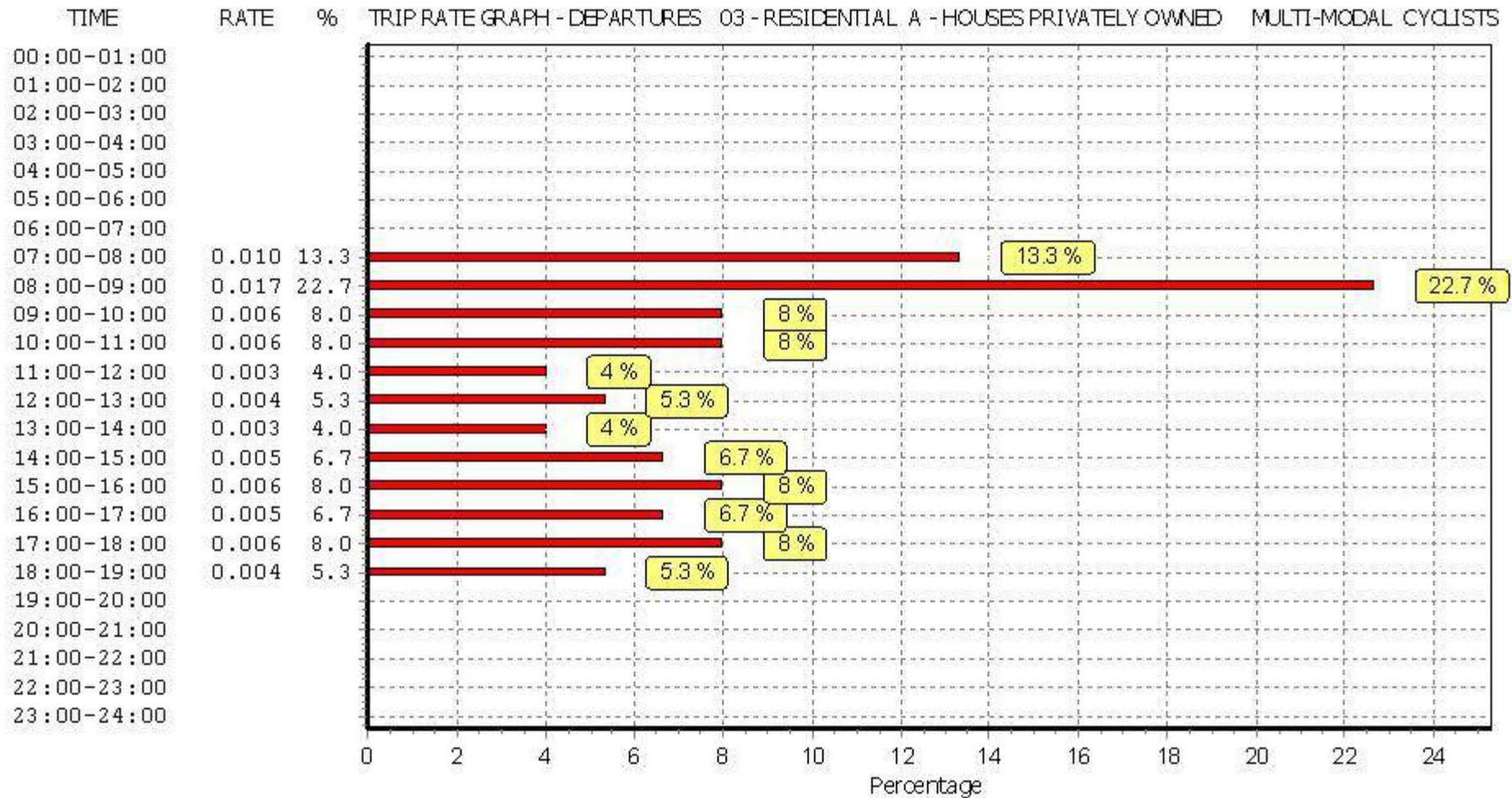
Parameter summary

Trip rate parameter range selected: 6 - 280 (units:)
 Survey date date range: 01/01/09 - 28/03/17
 Number of weekdays (Monday-Friday): 69
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 1
 Surveys manually removed from selection: 0

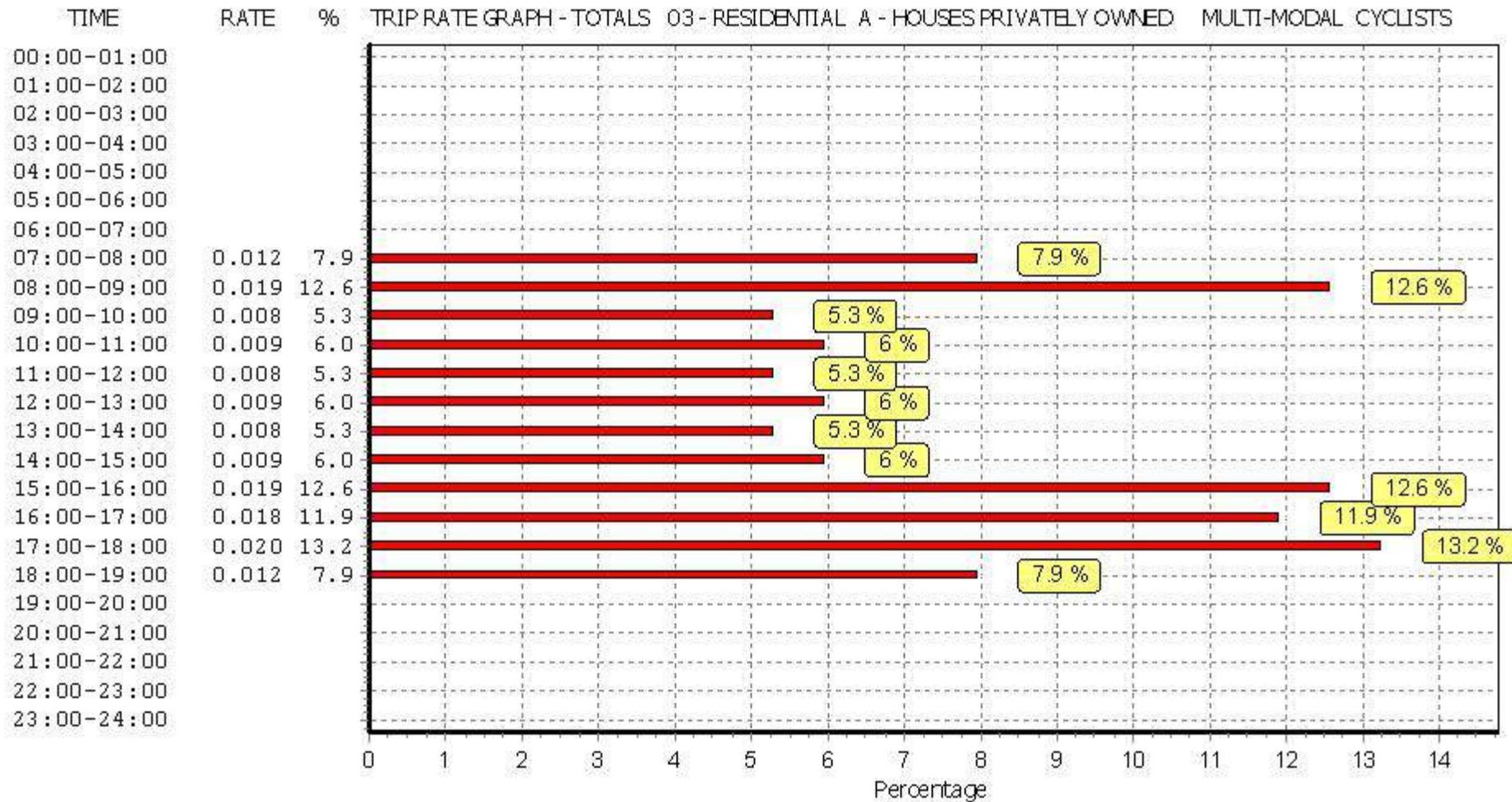
This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.



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This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.

TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
 MULTI-MODAL VEHICLE OCCUPANTS
 Calculation factor: 1 DWELLS
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	69	59	0.066	69	59	0.296	69	59	0.362
08:00 - 09:00	69	59	0.177	69	59	0.588	69	59	0.765
09:00 - 10:00	69	59	0.188	69	59	0.298	69	59	0.486
10:00 - 11:00	69	59	0.171	69	59	0.213	69	59	0.384
11:00 - 12:00	69	59	0.188	69	59	0.216	69	59	0.404
12:00 - 13:00	69	59	0.246	69	59	0.234	69	59	0.480
13:00 - 14:00	69	59	0.259	69	59	0.266	69	59	0.525
14:00 - 15:00	69	59	0.271	69	59	0.267	69	59	0.538
15:00 - 16:00	69	59	0.392	69	59	0.249	69	59	0.641
16:00 - 17:00	69	59	0.430	69	59	0.263	69	59	0.693
17:00 - 18:00	69	59	0.519	69	59	0.295	69	59	0.814
18:00 - 19:00	69	59	0.382	69	59	0.275	69	59	0.657
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			3.289			3.460			6.749

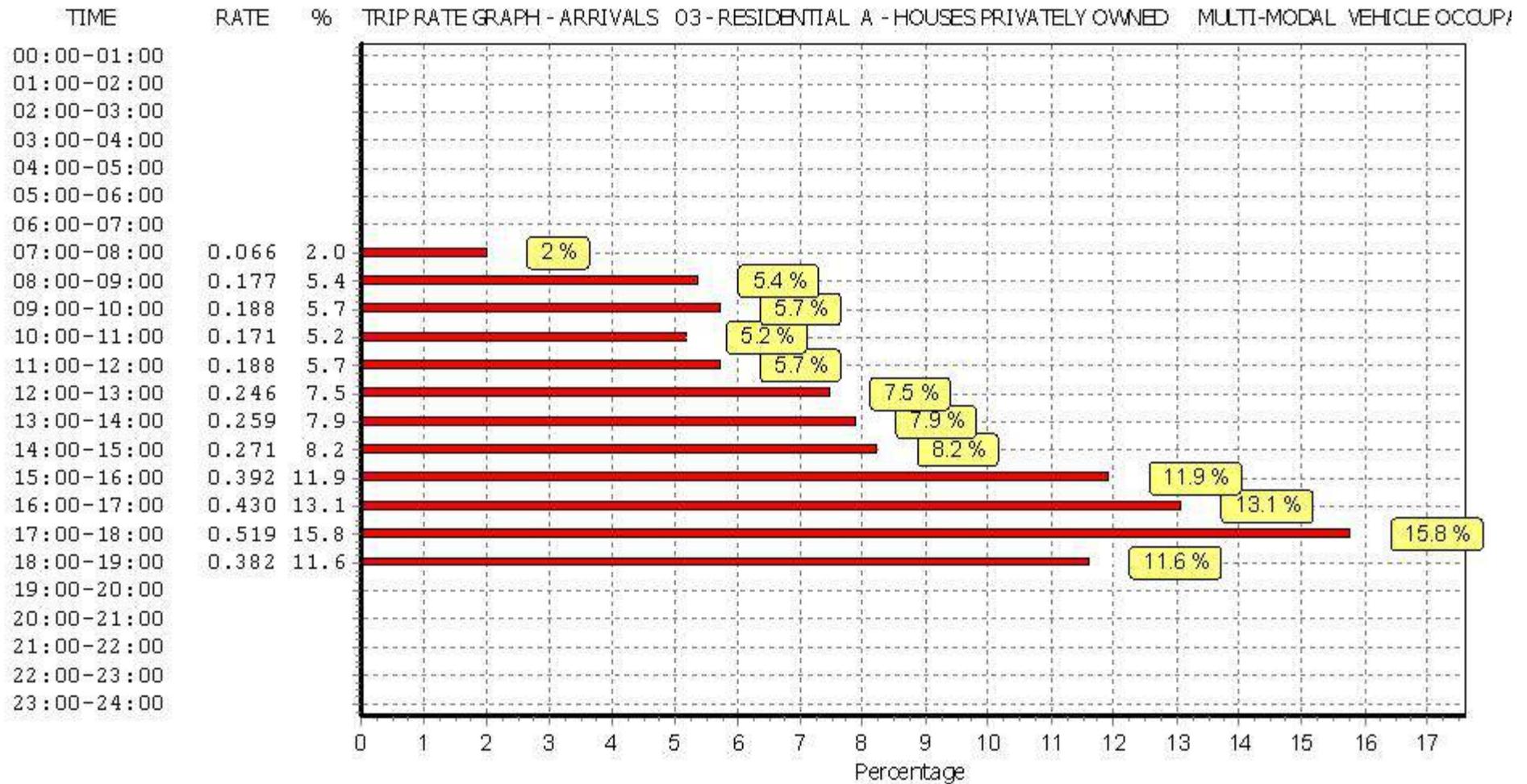
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: $COUNT/TRP*FACT$. Trip rates are then rounded to 3 decimal places.

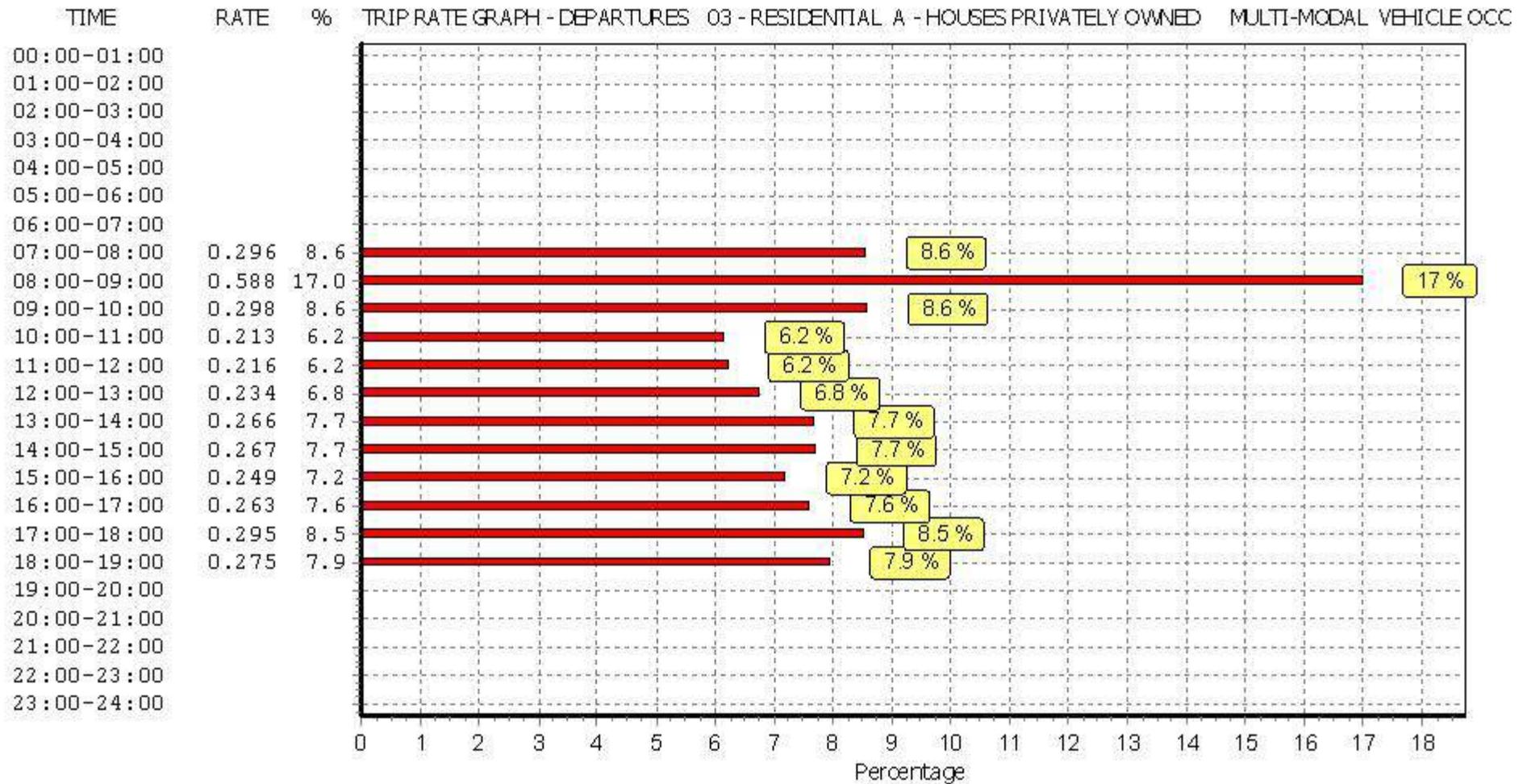
Parameter summary

Trip rate parameter range selected: 6 - 280 (units:)
 Survey date date range: 01/01/09 - 28/03/17
 Number of weekdays (Monday-Friday): 69
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 1
 Surveys manually removed from selection: 0

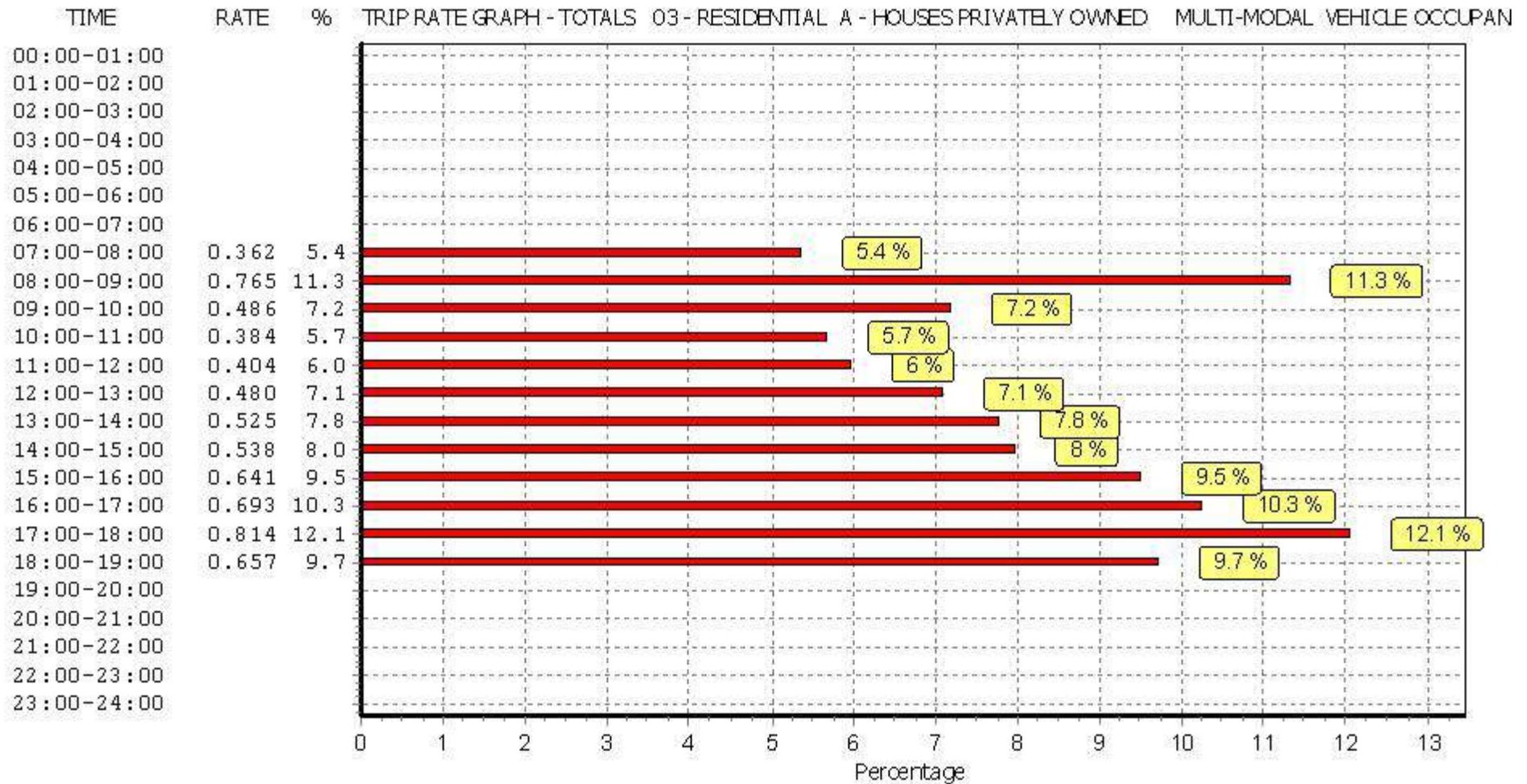
This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.



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TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
 MULTI-MODAL PEDESTRIANS
 Calculation factor: 1 DWELLS
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	69	59	0.017	69	59	0.048	69	59	0.065
08:00 - 09:00	69	59	0.042	69	59	0.136	69	59	0.178
09:00 - 10:00	69	59	0.043	69	59	0.064	69	59	0.107
10:00 - 11:00	69	59	0.045	69	59	0.052	69	59	0.097
11:00 - 12:00	69	59	0.038	69	59	0.039	69	59	0.077
12:00 - 13:00	69	59	0.049	69	59	0.041	69	59	0.090
13:00 - 14:00	69	59	0.053	69	59	0.050	69	59	0.103
14:00 - 15:00	69	59	0.053	69	59	0.049	69	59	0.102
15:00 - 16:00	69	59	0.106	69	59	0.068	69	59	0.174
16:00 - 17:00	69	59	0.098	69	59	0.055	69	59	0.153
17:00 - 18:00	69	59	0.083	69	59	0.044	69	59	0.127
18:00 - 19:00	69	59	0.063	69	59	0.045	69	59	0.108
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.690			0.691			1.381

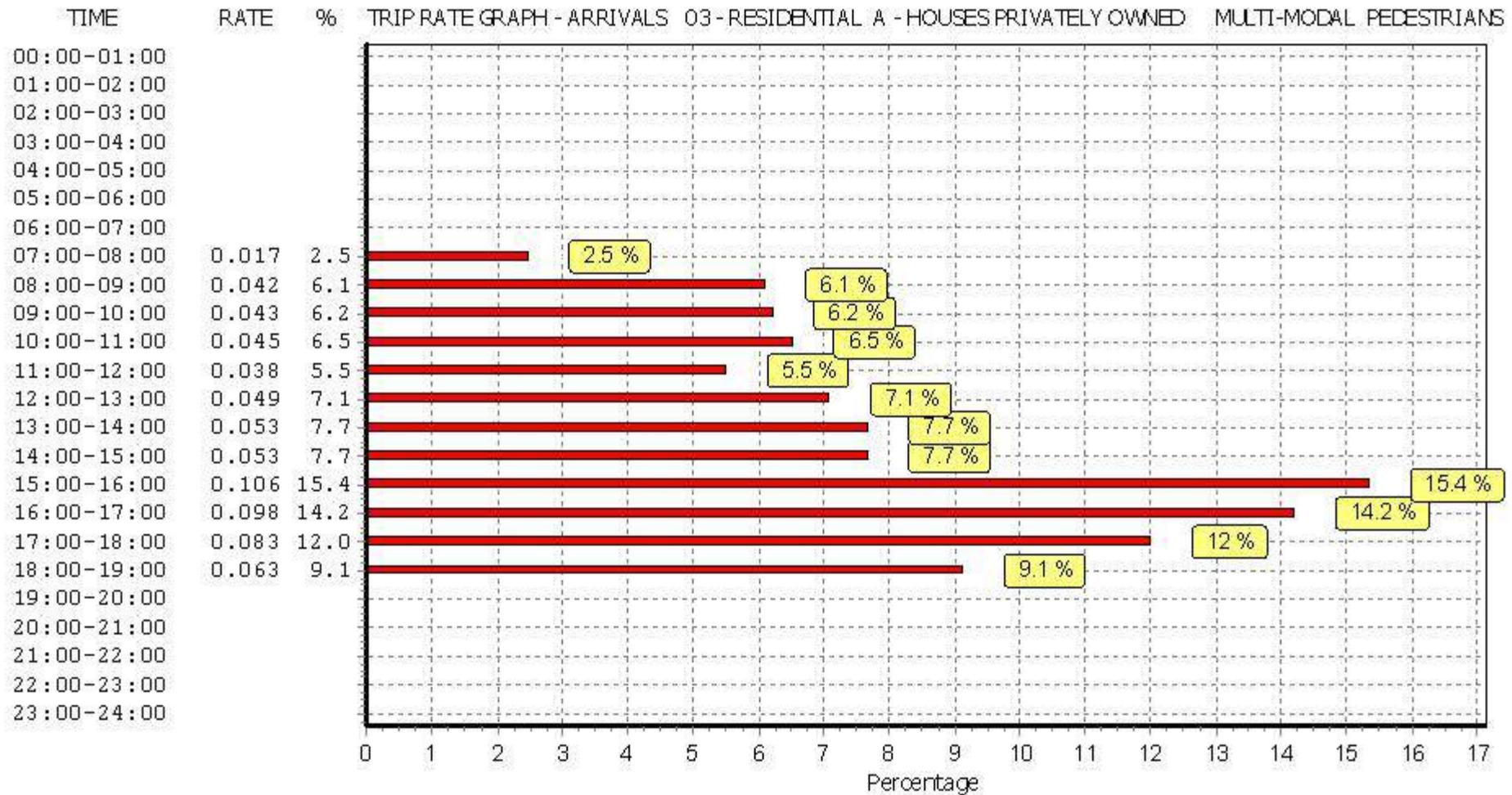
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

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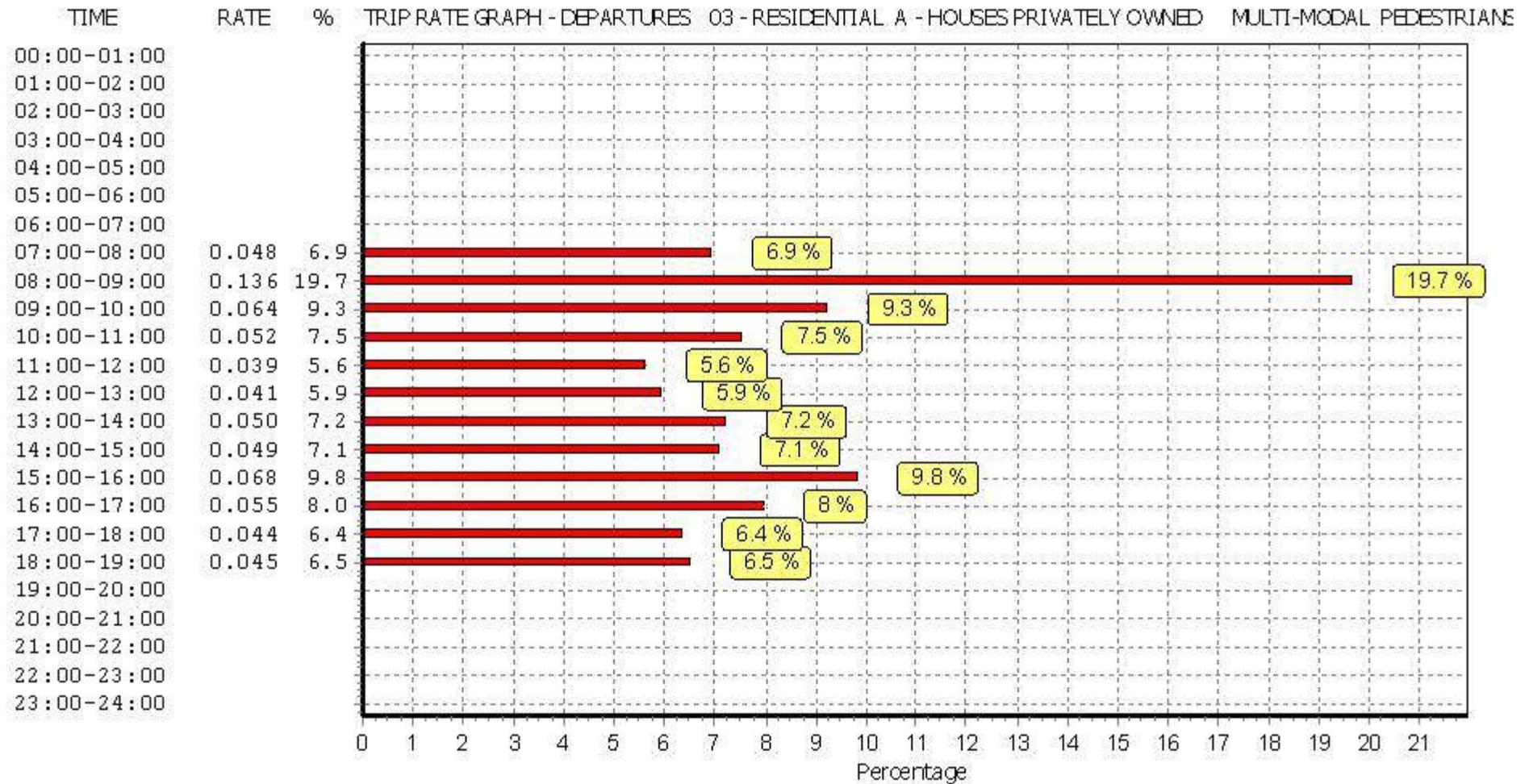
Parameter summary

Trip rate parameter range selected: 6 - 280 (units:)
 Survey date date range: 01/01/09 - 28/03/17
 Number of weekdays (Monday-Friday): 69
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 1
 Surveys manually removed from selection: 0

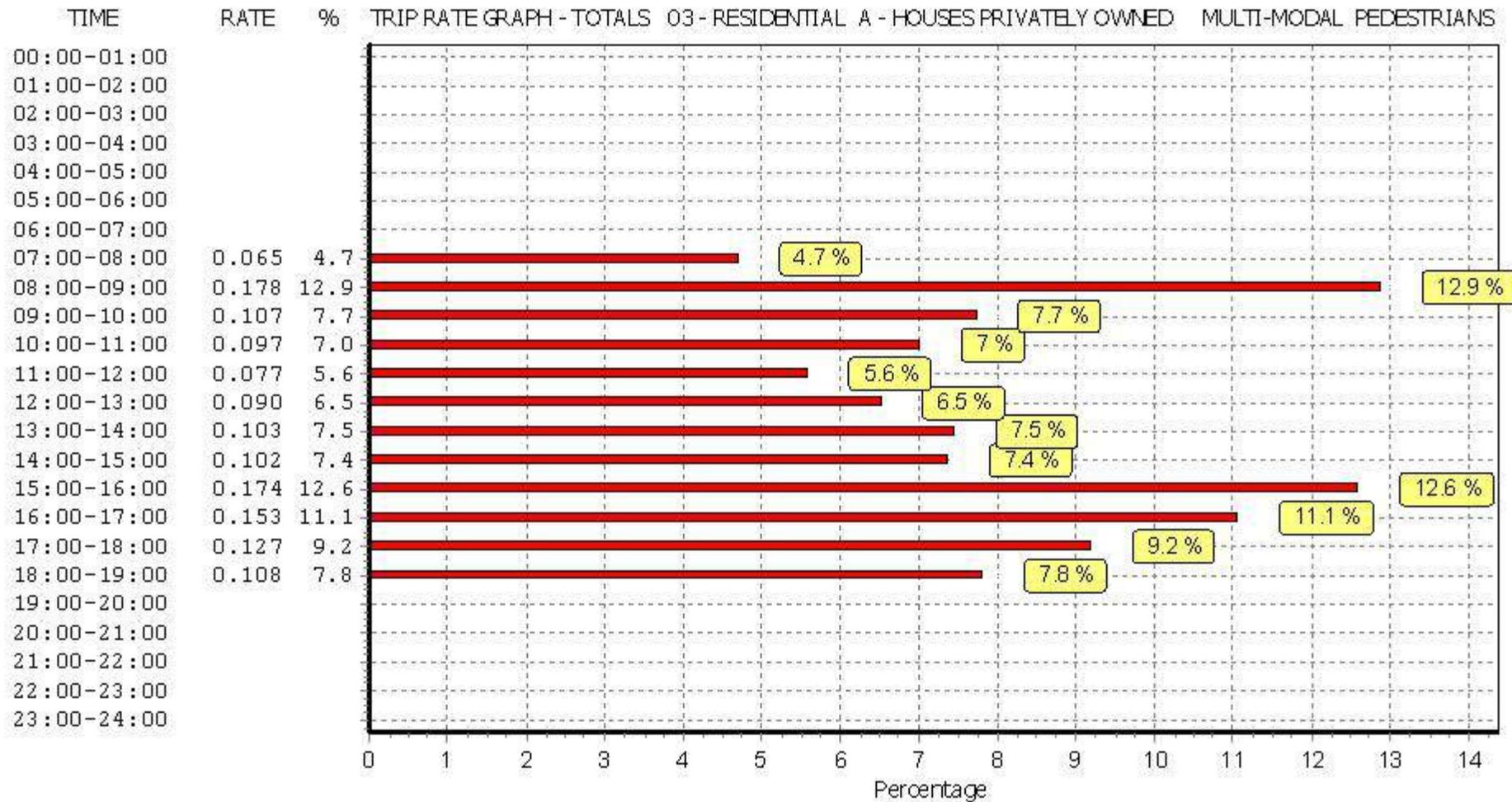
This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



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TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
 MULTI-MODAL BUS/TRAM PASSENGERS
 Calculation factor: 1 DWELLS
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	69	59	0.001	69	59	0.011	69	59	0.012
08:00 - 09:00	69	59	0.003	69	59	0.025	69	59	0.028
09:00 - 10:00	69	59	0.001	69	59	0.008	69	59	0.009
10:00 - 11:00	69	59	0.002	69	59	0.005	69	59	0.007
11:00 - 12:00	69	59	0.004	69	59	0.005	69	59	0.009
12:00 - 13:00	69	59	0.005	69	59	0.007	69	59	0.012
13:00 - 14:00	69	59	0.003	69	59	0.003	69	59	0.006
14:00 - 15:00	69	59	0.006	69	59	0.005	69	59	0.011
15:00 - 16:00	69	59	0.013	69	59	0.004	69	59	0.017
16:00 - 17:00	69	59	0.009	69	59	0.004	69	59	0.013
17:00 - 18:00	69	59	0.014	69	59	0.004	69	59	0.018
18:00 - 19:00	69	59	0.018	69	59	0.003	69	59	0.021
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.079			0.084			0.163

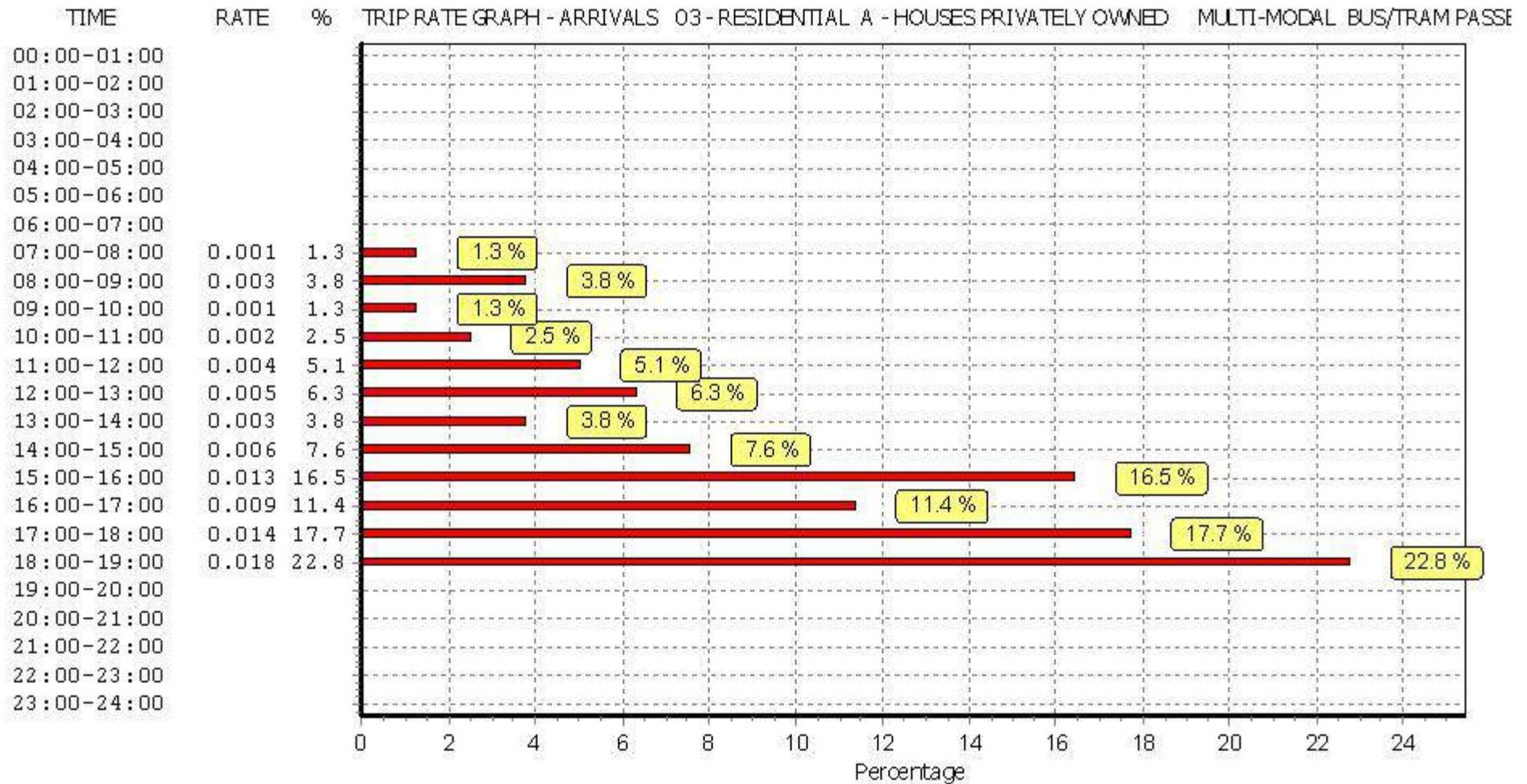
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

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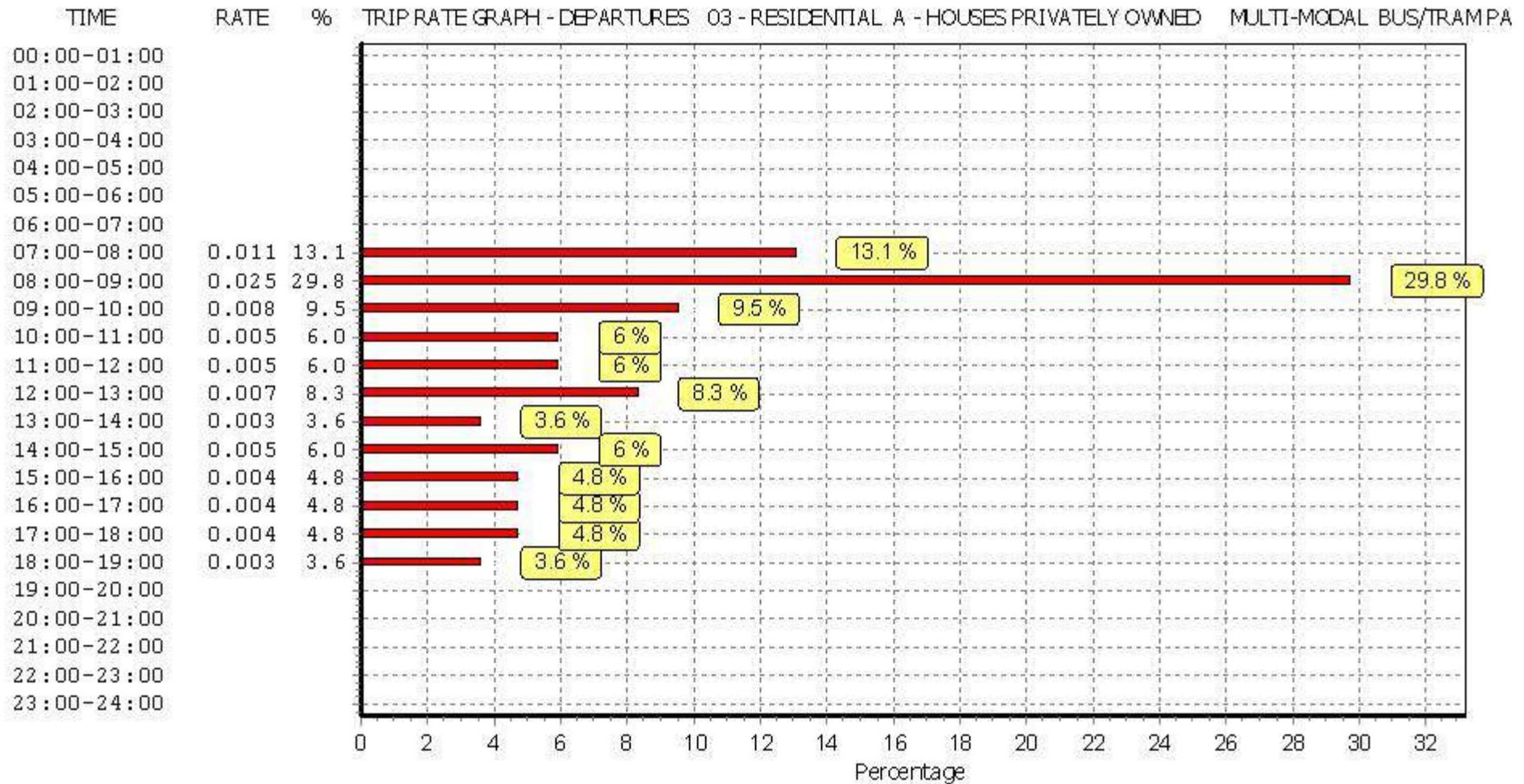
Parameter summary

Trip rate parameter range selected: 6 - 280 (units:)
 Survey date date range: 01/01/09 - 28/03/17
 Number of weekdays (Monday-Friday): 69
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 1
 Surveys manually removed from selection: 0

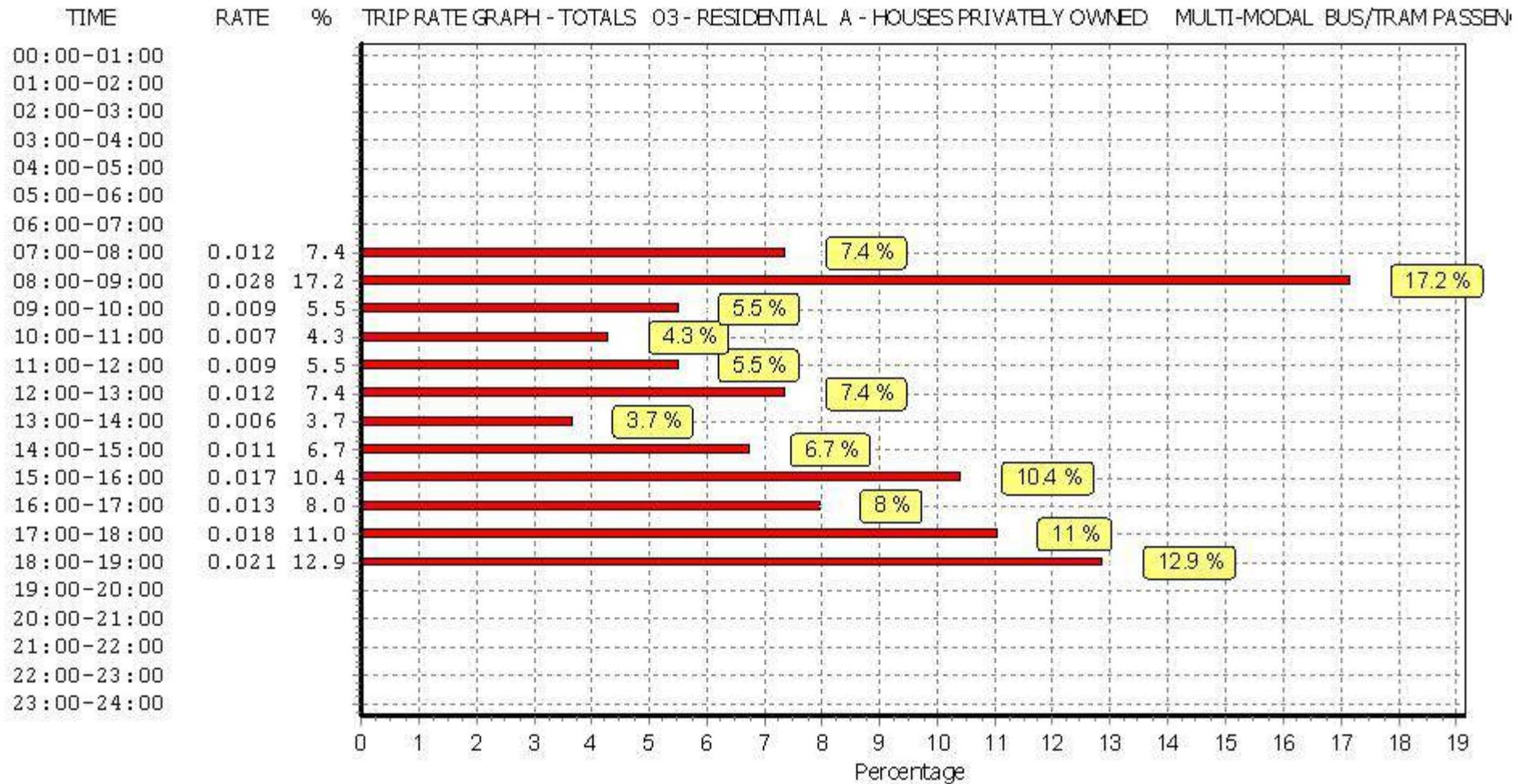
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TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
 MULTI-MODAL TOTAL RAIL PASSENGERS
 Calculation factor: 1 DWELLS
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	69	59	0.000	69	59	0.008	69	59	0.008
08:00 - 09:00	69	59	0.000	69	59	0.005	69	59	0.005
09:00 - 10:00	69	59	0.000	69	59	0.002	69	59	0.002
10:00 - 11:00	69	59	0.000	69	59	0.000	69	59	0.000
11:00 - 12:00	69	59	0.000	69	59	0.000	69	59	0.000
12:00 - 13:00	69	59	0.000	69	59	0.002	69	59	0.002
13:00 - 14:00	69	59	0.001	69	59	0.001	69	59	0.002
14:00 - 15:00	69	59	0.000	69	59	0.001	69	59	0.001
15:00 - 16:00	69	59	0.001	69	59	0.002	69	59	0.003
16:00 - 17:00	69	59	0.001	69	59	0.000	69	59	0.001
17:00 - 18:00	69	59	0.003	69	59	0.000	69	59	0.003
18:00 - 19:00	69	59	0.006	69	59	0.002	69	59	0.008
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.012			0.023			0.035

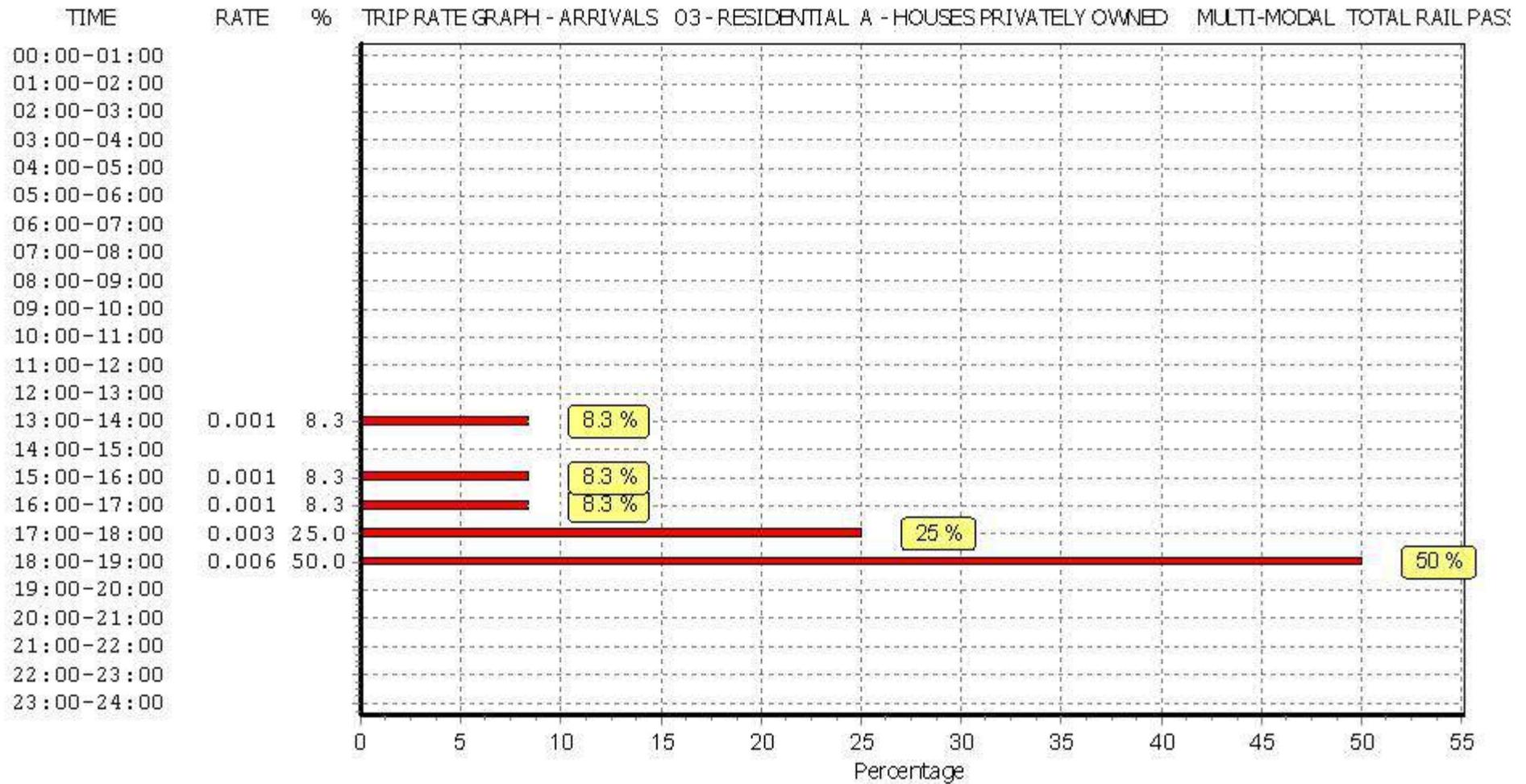
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

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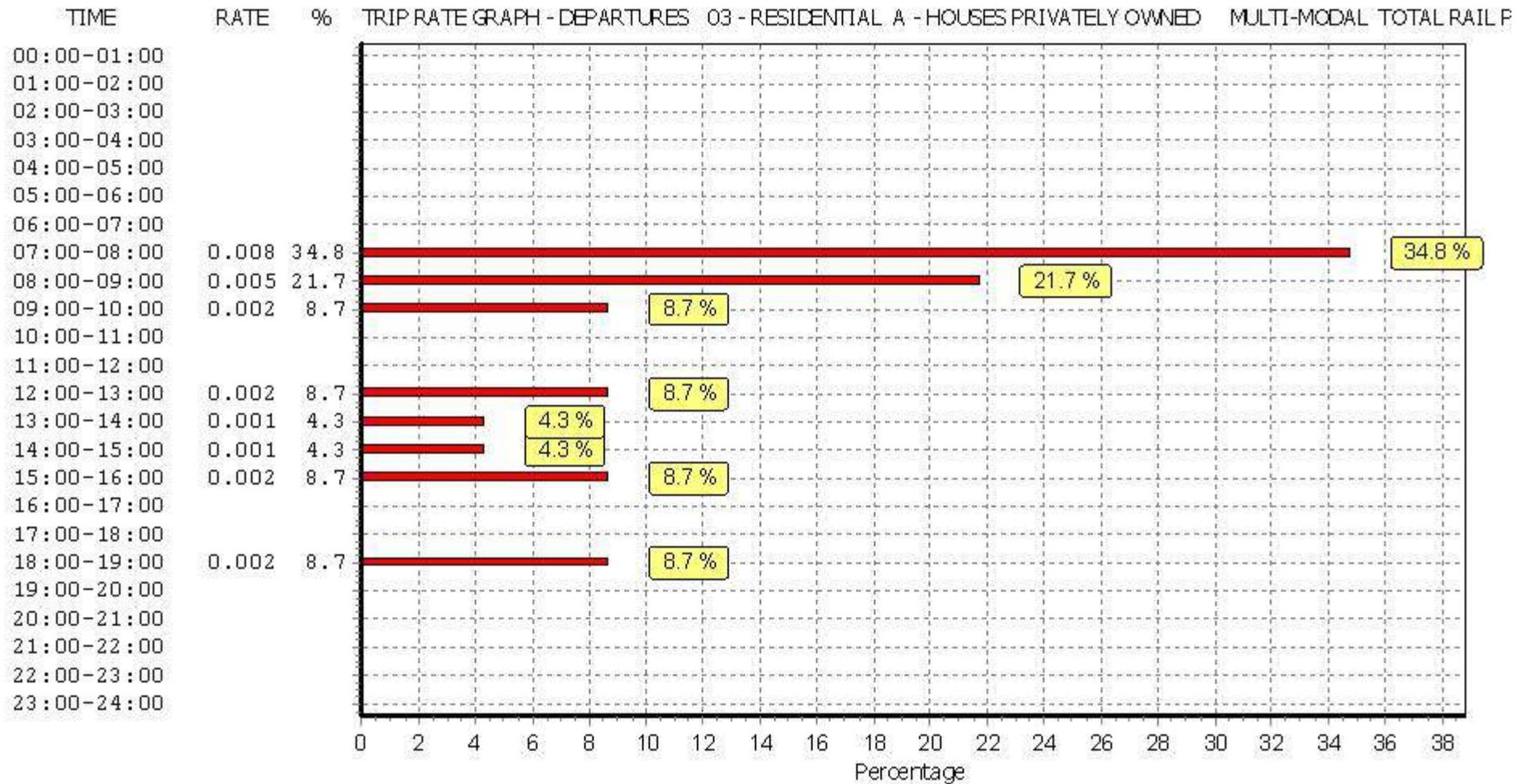
Parameter summary

Trip rate parameter range selected: 6 - 280 (units:)
 Survey date date range: 01/01/09 - 28/03/17
 Number of weekdays (Monday-Friday): 69
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 1
 Surveys manually removed from selection: 0

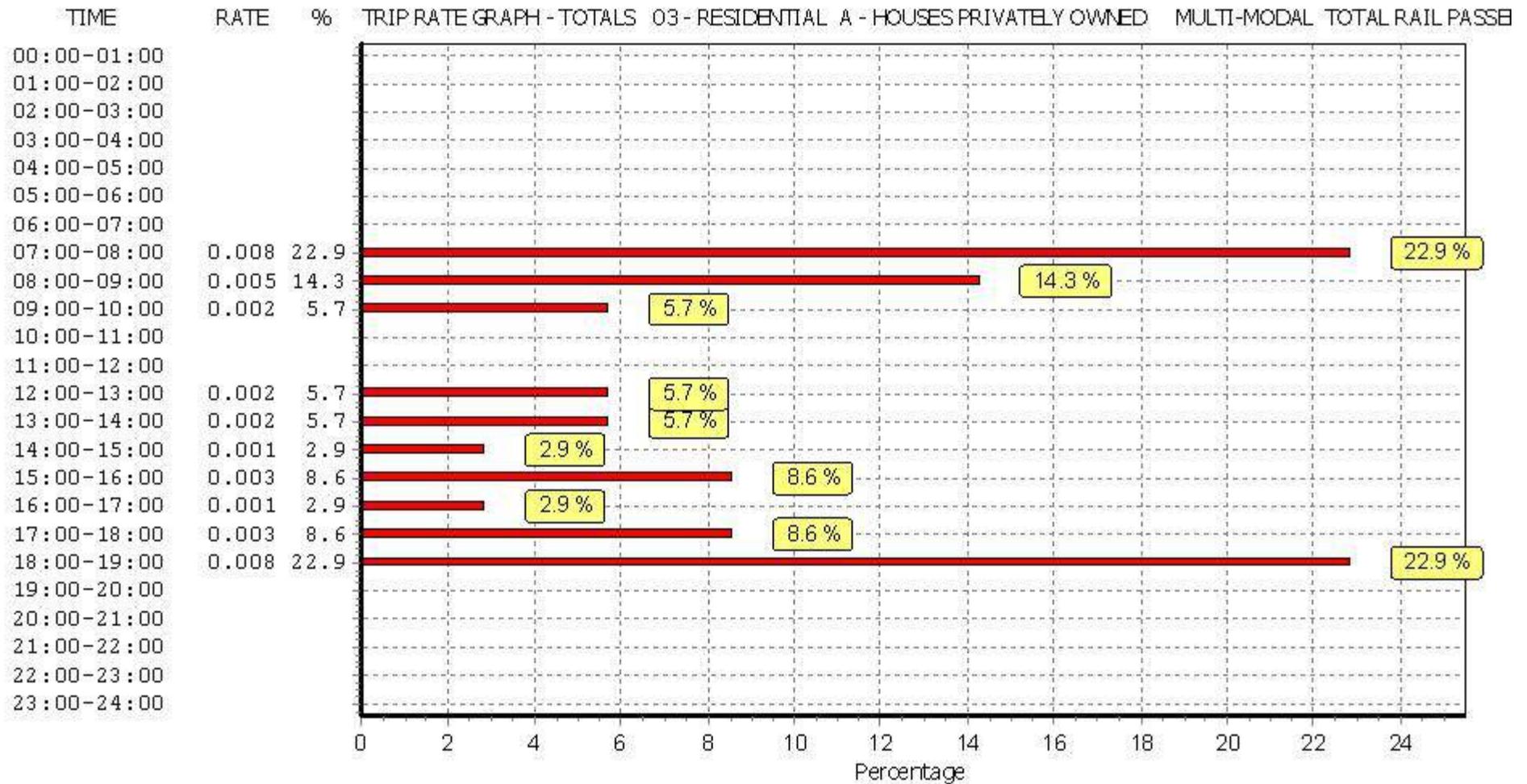
This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.



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TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
 MULTI-MODAL COACH PASSENGERS
 Calculation factor: 1 DWELLS
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	69	59	0.000	69	59	0.000	69	59	0.000
08:00 - 09:00	69	59	0.000	69	59	0.003	69	59	0.003
09:00 - 10:00	69	59	0.000	69	59	0.000	69	59	0.000
10:00 - 11:00	69	59	0.000	69	59	0.000	69	59	0.000
11:00 - 12:00	69	59	0.000	69	59	0.000	69	59	0.000
12:00 - 13:00	69	59	0.000	69	59	0.000	69	59	0.000
13:00 - 14:00	69	59	0.000	69	59	0.000	69	59	0.000
14:00 - 15:00	69	59	0.001	69	59	0.000	69	59	0.001
15:00 - 16:00	69	59	0.002	69	59	0.000	69	59	0.002
16:00 - 17:00	69	59	0.000	69	59	0.000	69	59	0.000
17:00 - 18:00	69	59	0.000	69	59	0.000	69	59	0.000
18:00 - 19:00	69	59	0.000	69	59	0.000	69	59	0.000
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.003			0.003			0.006

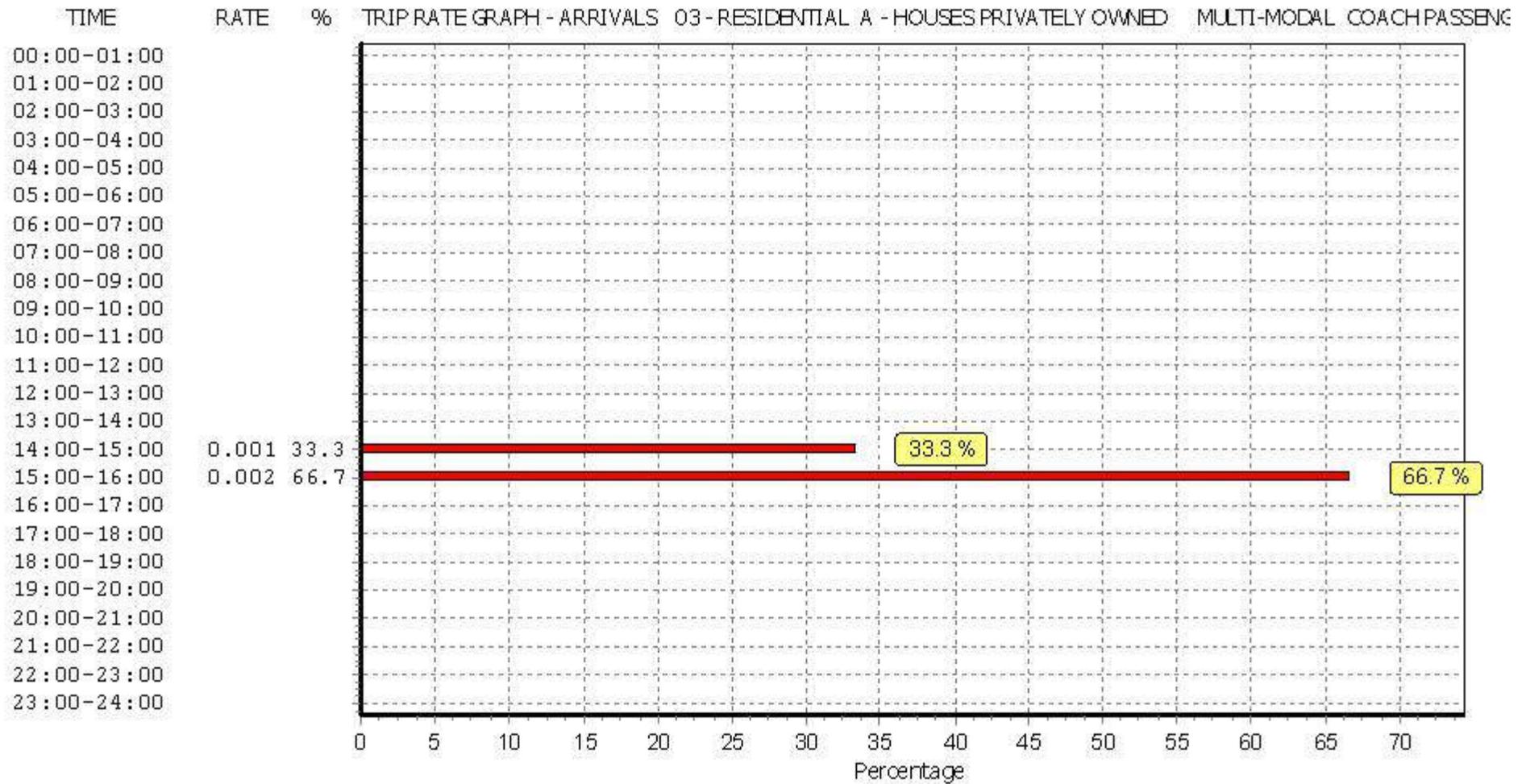
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

To obtain a trip rate, the average (mean) trip rate parameter value (TRP) is first calculated for all selected survey days that have count data available for the stated time period. The average (mean) number of arrivals, departures or totals (whichever applies) is also calculated (COUNT) for all selected survey days that have count data available for the stated time period. Then, the average count is divided by the average trip rate parameter value, and multiplied by the stated calculation factor (shown just above the table and abbreviated here as FACT). So, the method is: $COUNT/TRP*FACT$. Trip rates are then rounded to 3 decimal places.

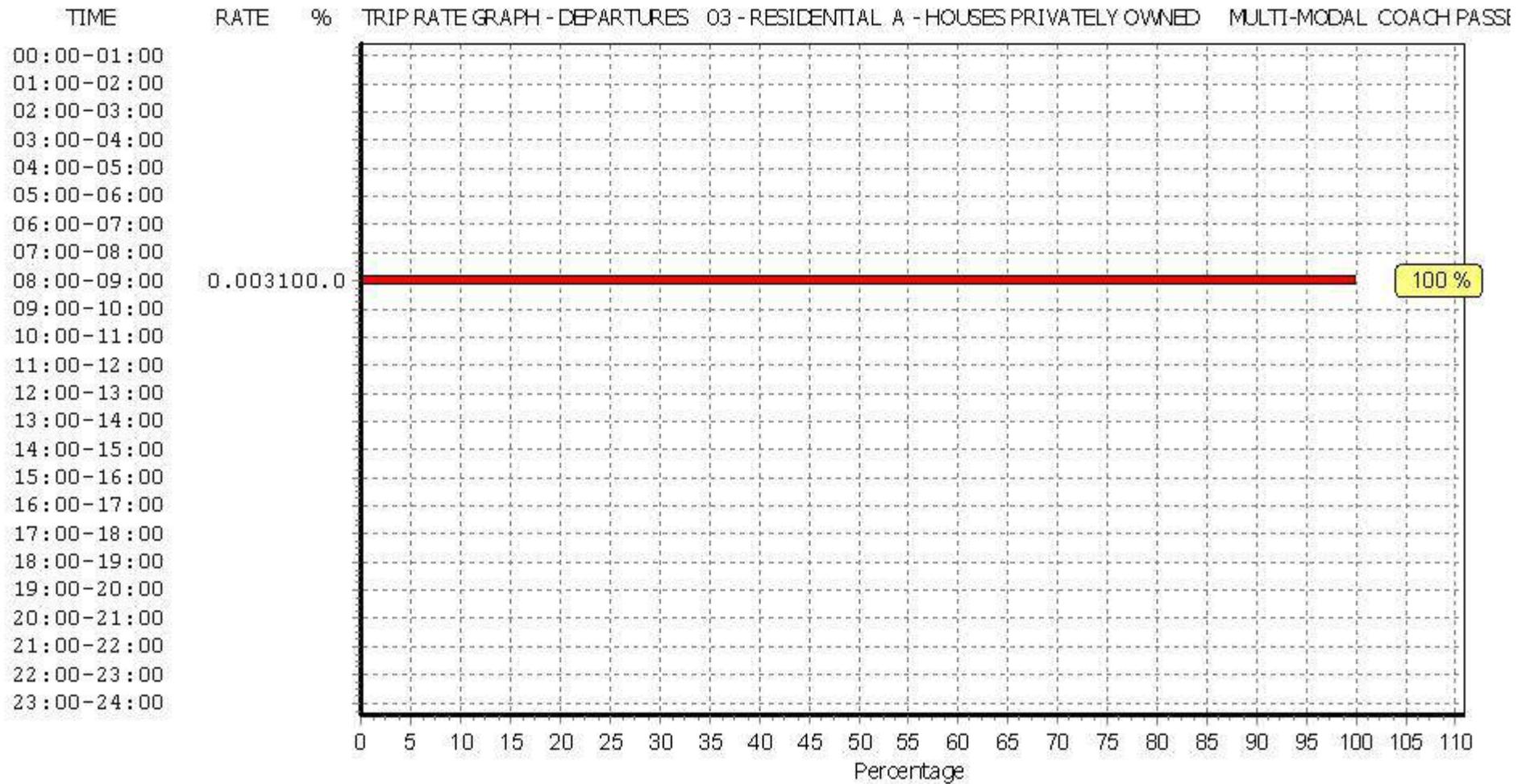
Parameter summary

Trip rate parameter range selected: 6 - 280 (units:)
 Survey date date range: 01/01/09 - 28/03/17
 Number of weekdays (Monday-Friday): 69
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 1
 Surveys manually removed from selection: 0

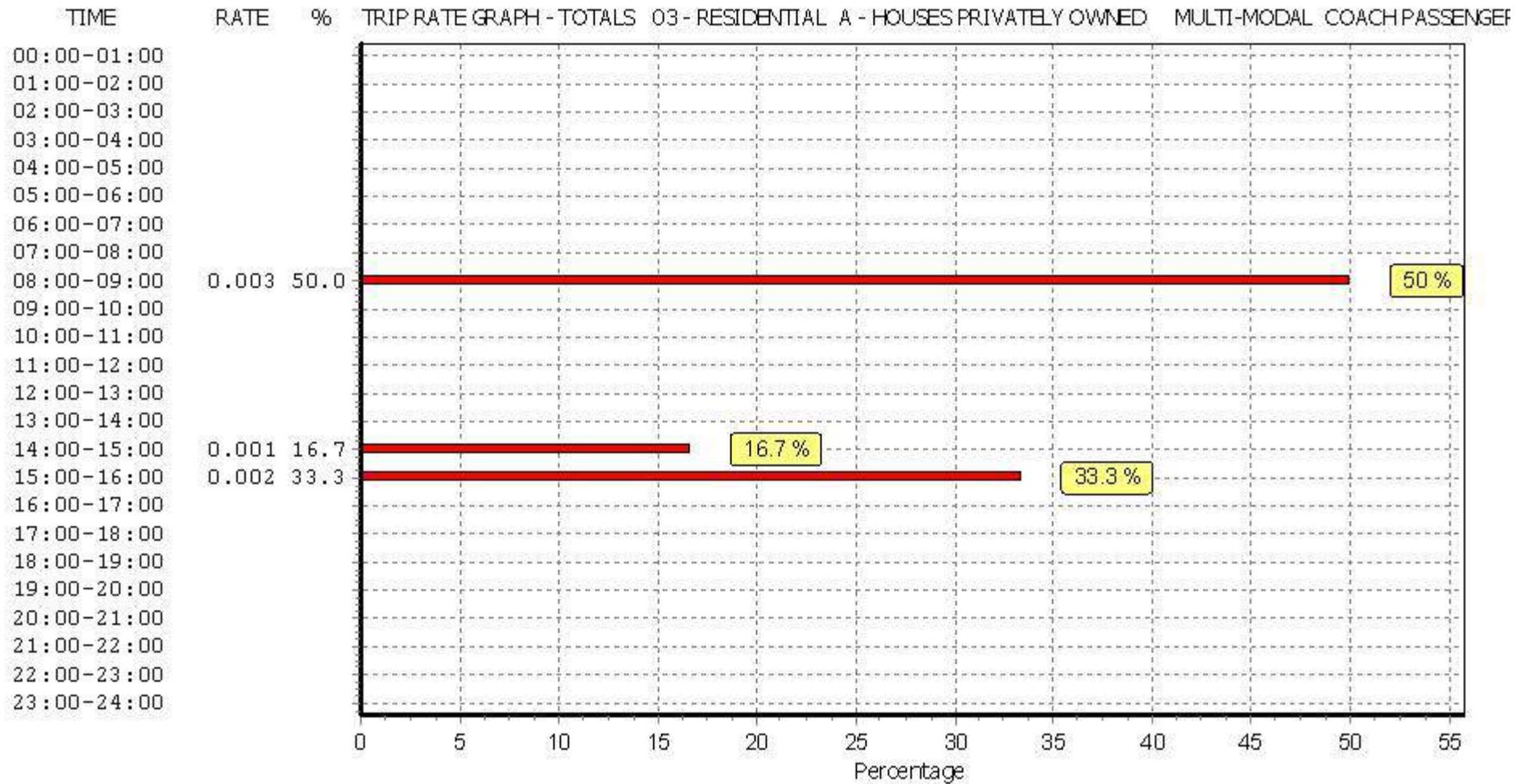
This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



This graph is a visual representation of the trip rate calculation results screen. The same time periods and trip rates are displayed, but in addition there is an additional column showing the percentage of the total trip rate by individual time period, allowing peak periods to be easily identified through observation. Note that the type of count and the selected direction is shown at the top of the graph.



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TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
 MULTI-MODAL PUBLIC TRANSPORT USERS
 Calculation factor: 1 DWELLS
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	69	59	0.001	69	59	0.019	69	59	0.020
08:00 - 09:00	69	59	0.003	69	59	0.033	69	59	0.036
09:00 - 10:00	69	59	0.001	69	59	0.011	69	59	0.012
10:00 - 11:00	69	59	0.003	69	59	0.005	69	59	0.008
11:00 - 12:00	69	59	0.004	69	59	0.006	69	59	0.010
12:00 - 13:00	69	59	0.005	69	59	0.009	69	59	0.014
13:00 - 14:00	69	59	0.004	69	59	0.004	69	59	0.008
14:00 - 15:00	69	59	0.007	69	59	0.006	69	59	0.013
15:00 - 16:00	69	59	0.016	69	59	0.006	69	59	0.022
16:00 - 17:00	69	59	0.010	69	59	0.004	69	59	0.014
17:00 - 18:00	69	59	0.017	69	59	0.005	69	59	0.022
18:00 - 19:00	69	59	0.023	69	59	0.005	69	59	0.028
19:00 - 20:00									
20:00 - 21:00									
21:00 - 22:00									
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			0.094			0.113			0.207

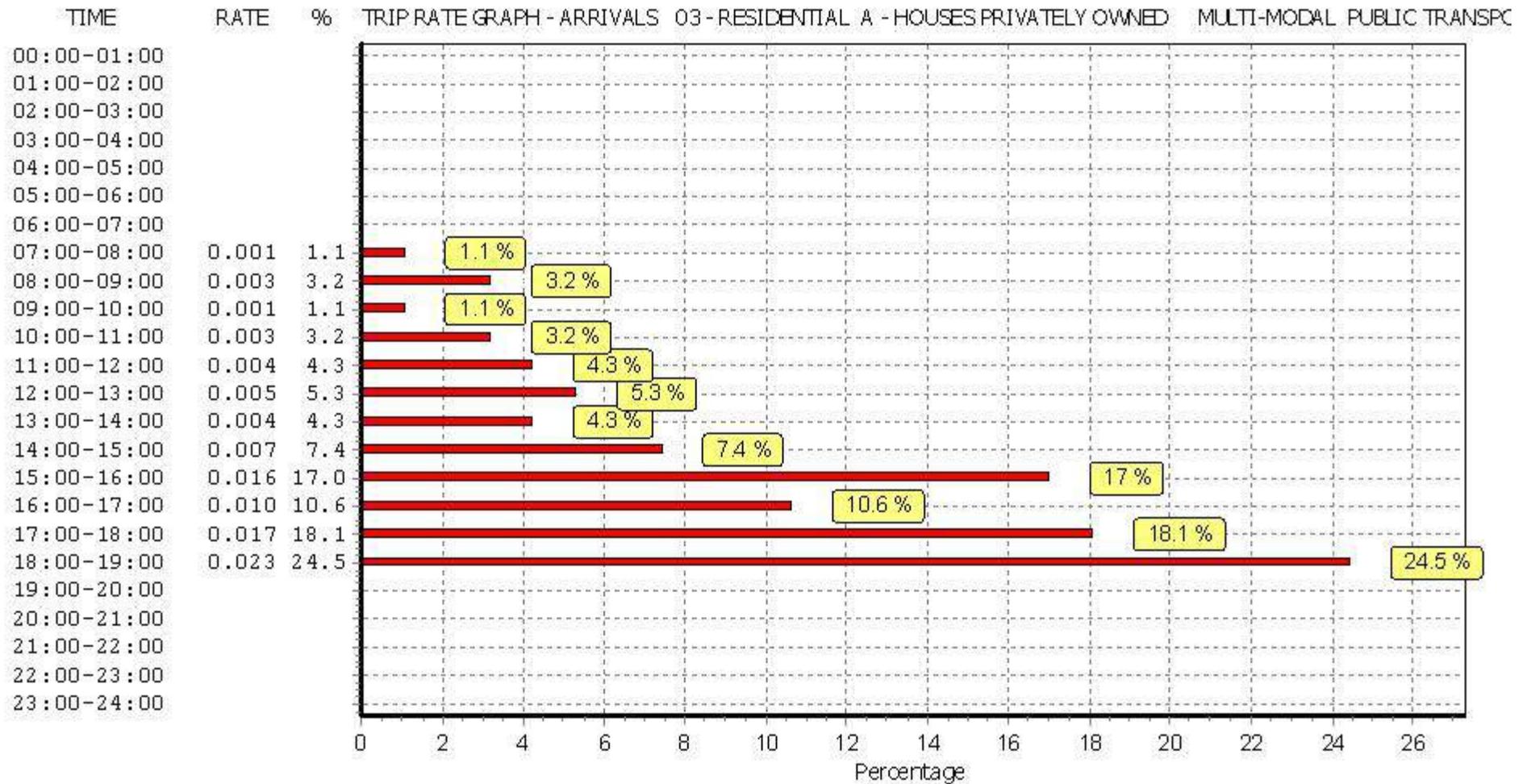
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

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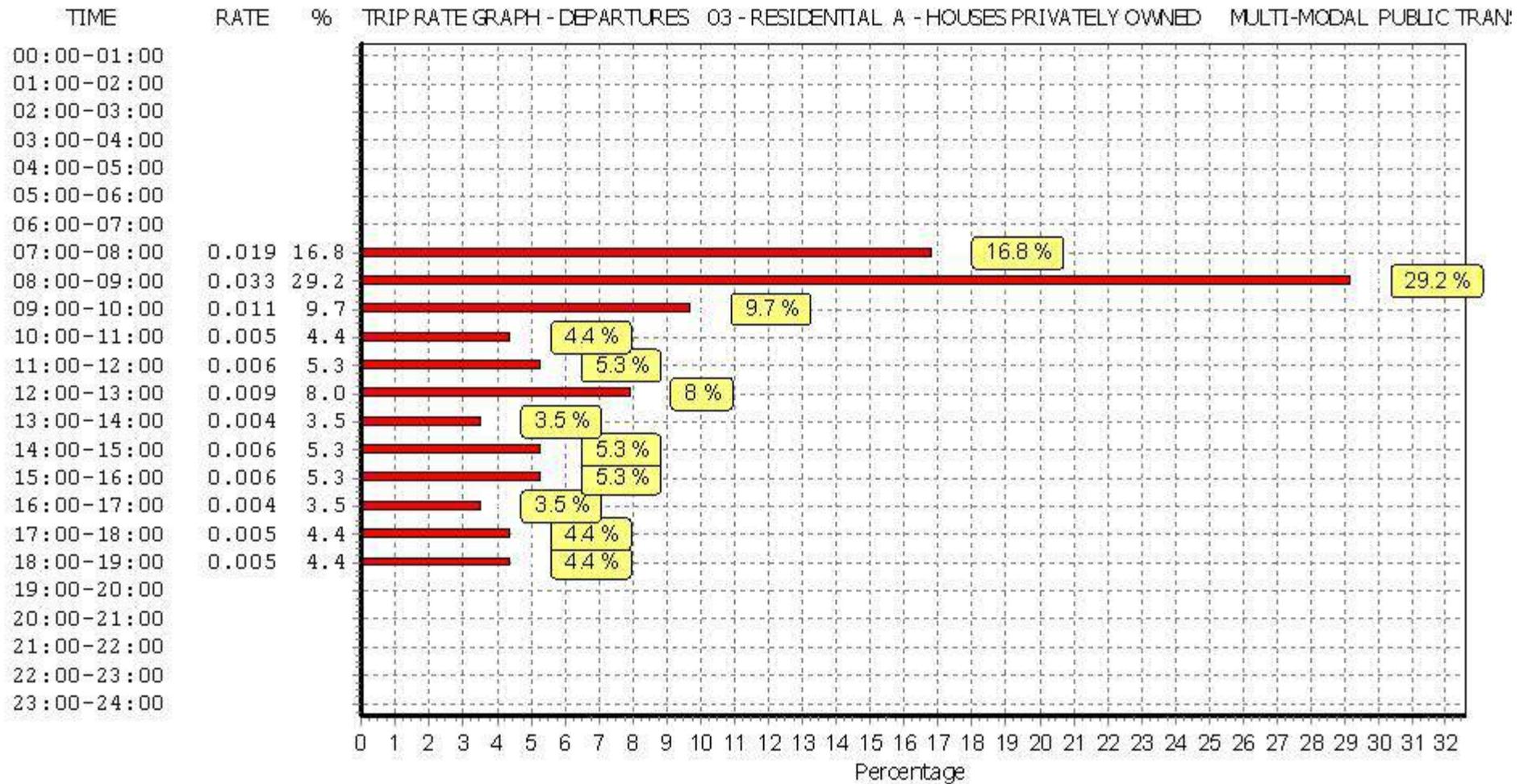
Parameter summary

Trip rate parameter range selected: 6 - 280 (units:)
 Survey date date range: 01/01/09 - 28/03/17
 Number of weekdays (Monday-Friday): 69
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 1
 Surveys manually removed from selection: 0

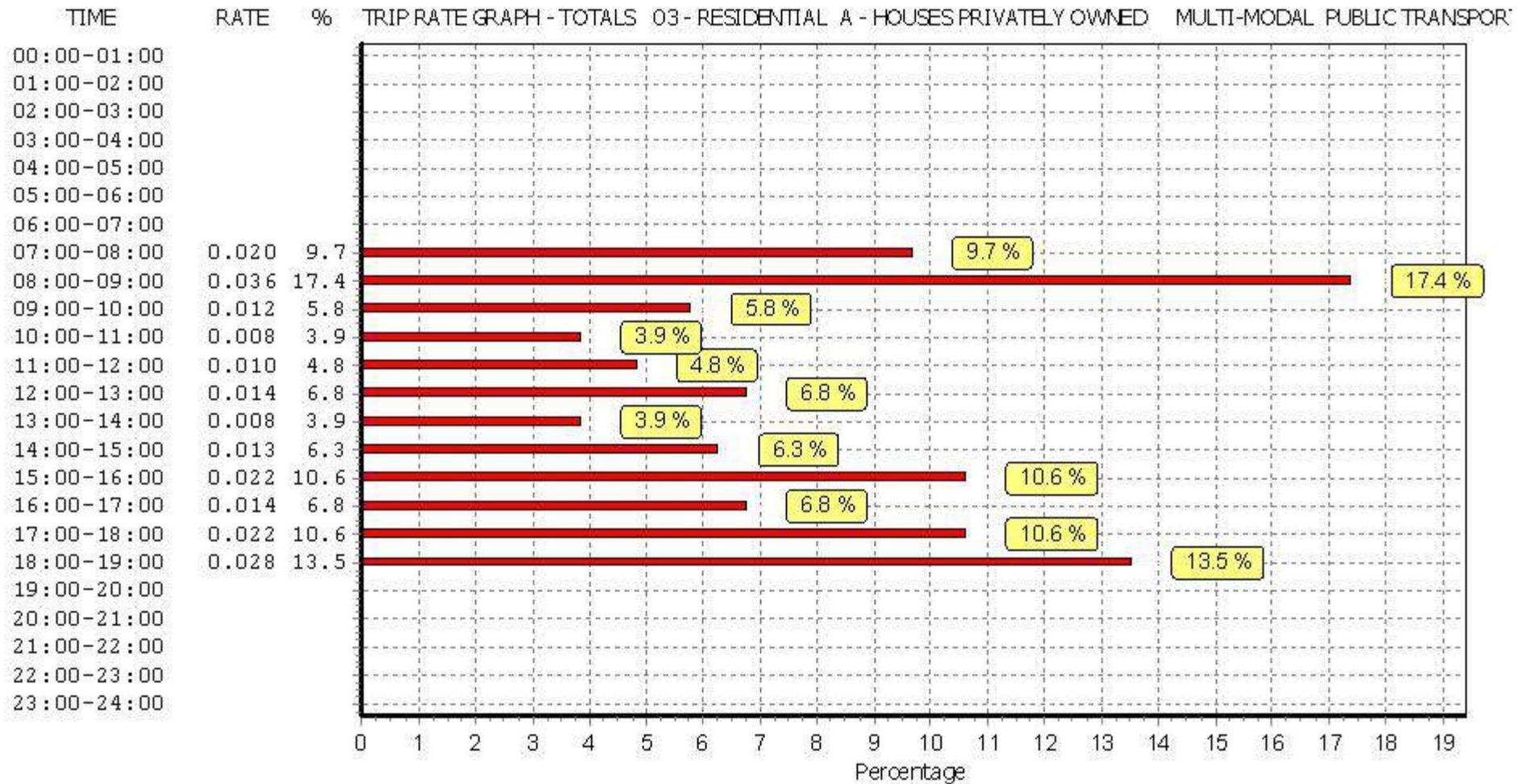
This section displays a quick summary of some of the data filtering selections made by the TRICS® user. The trip rate calculation parameter range of all selected surveys is displayed first, followed by the range of minimum and maximum survey dates selected by the user. Then, the total number of selected weekdays and weekend days in the selected set of surveys are shown. Finally, the number of survey days that have been manually removed from the selected set outside of the standard filtering procedure are displayed.



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TRIP RATE for Land Use 03 - RESIDENTIAL/A - HOUSES PRIVATELY OWNED
 MULTI-MODAL TOTAL PEOPLE
 Calculation factor: 1 DWELLS
 BOLD print indicates peak (busiest) period

Time Range	ARRIVALS			DEPARTURES			TOTALS		
	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate	No. Days	Ave. DWELLS	Trip Rate
00:00 - 01:00									
01:00 - 02:00									
02:00 - 03:00									
03:00 - 04:00									
04:00 - 05:00									
05:00 - 06:00									
06:00 - 07:00									
07:00 - 08:00	69	59	0.086	69	59	0.373	69	59	0.459
08:00 - 09:00	69	59	0.224	69	59	0.774	69	59	0.998
09:00 - 10:00	69	59	0.235	69	59	0.378	69	59	0.613
10:00 - 11:00	69	59	0.222	69	59	0.276	69	59	0.498
11:00 - 12:00	69	59	0.235	69	59	0.264	69	59	0.499
12:00 - 13:00	69	59	0.305	69	59	0.288	69	59	0.593
13:00 - 14:00	69	59	0.322	69	59	0.323	69	59	0.645
14:00 - 15:00	69	59	0.336	69	59	0.326	69	59	0.662
15:00 - 16:00	69	59	0.527	69	59	0.329	69	59	0.856
16:00 - 17:00	69	59	0.551	69	59	0.327	69	59	0.878
17:00 - 18:00	69	59	0.633	69	59	0.350	69	59	0.983
18:00 - 19:00	69	59	0.476	69	59	0.329	69	59	0.805
19:00 - 20:00	1	7	0.000	1	7	0.000	1	7	0.000
20:00 - 21:00	1	7	0.000	1	7	0.000	1	7	0.000
21:00 - 22:00	1	7	0.000	1	7	0.000	1	7	0.000
22:00 - 23:00									
23:00 - 24:00									
Total Rates:			4.152			4.337			8.489

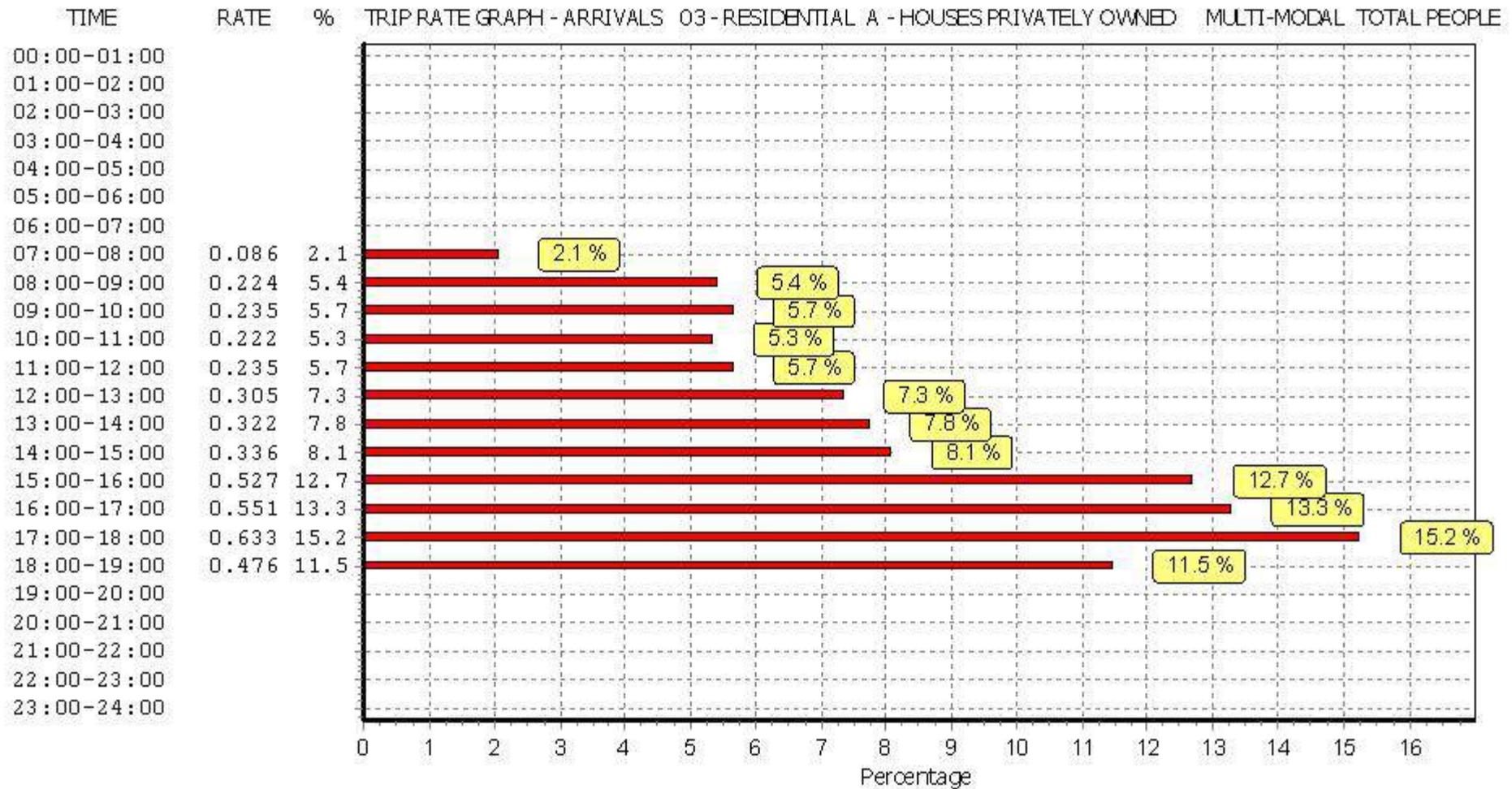
This section displays the trip rate results based on the selected set of surveys and the selected count type (shown just above the table). It is split by three main columns, representing arrivals trips, departures trips, and total trips (arrivals plus departures). Within each of these main columns are three sub-columns. These display the number of survey days where count data is included (per time period), the average value of the selected trip rate calculation parameter (per time period), and the trip rate result (per time period). Total trip rates (the sum of the column) are also displayed at the foot of the table.

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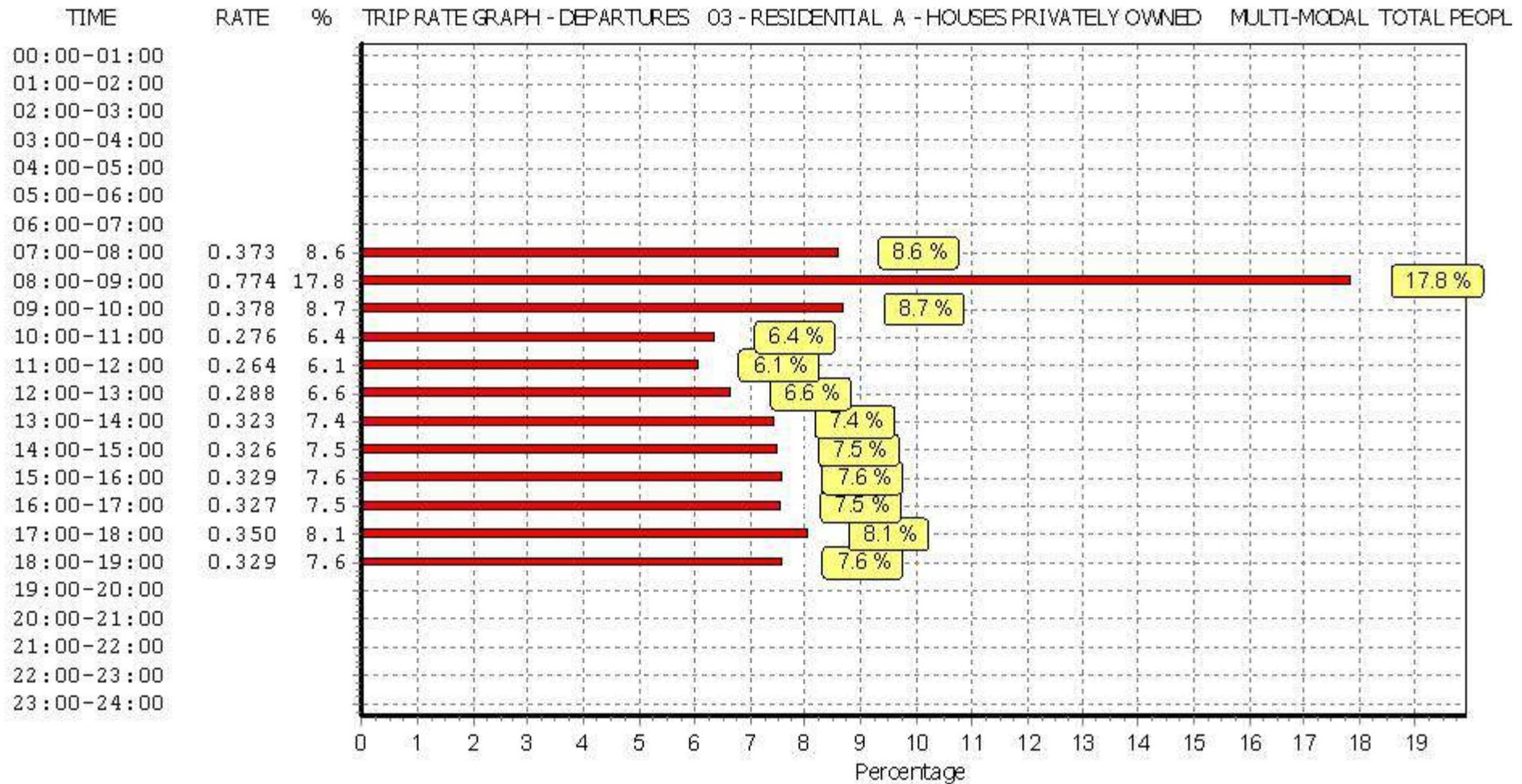
Parameter summary

Trip rate parameter range selected: 6 - 280 (units:)
 Survey date date range: 01/01/09 - 28/03/17
 Number of weekdays (Monday-Friday): 69
 Number of Saturdays: 0
 Number of Sundays: 0
 Surveys automatically removed from selection: 1
 Surveys manually removed from selection: 0

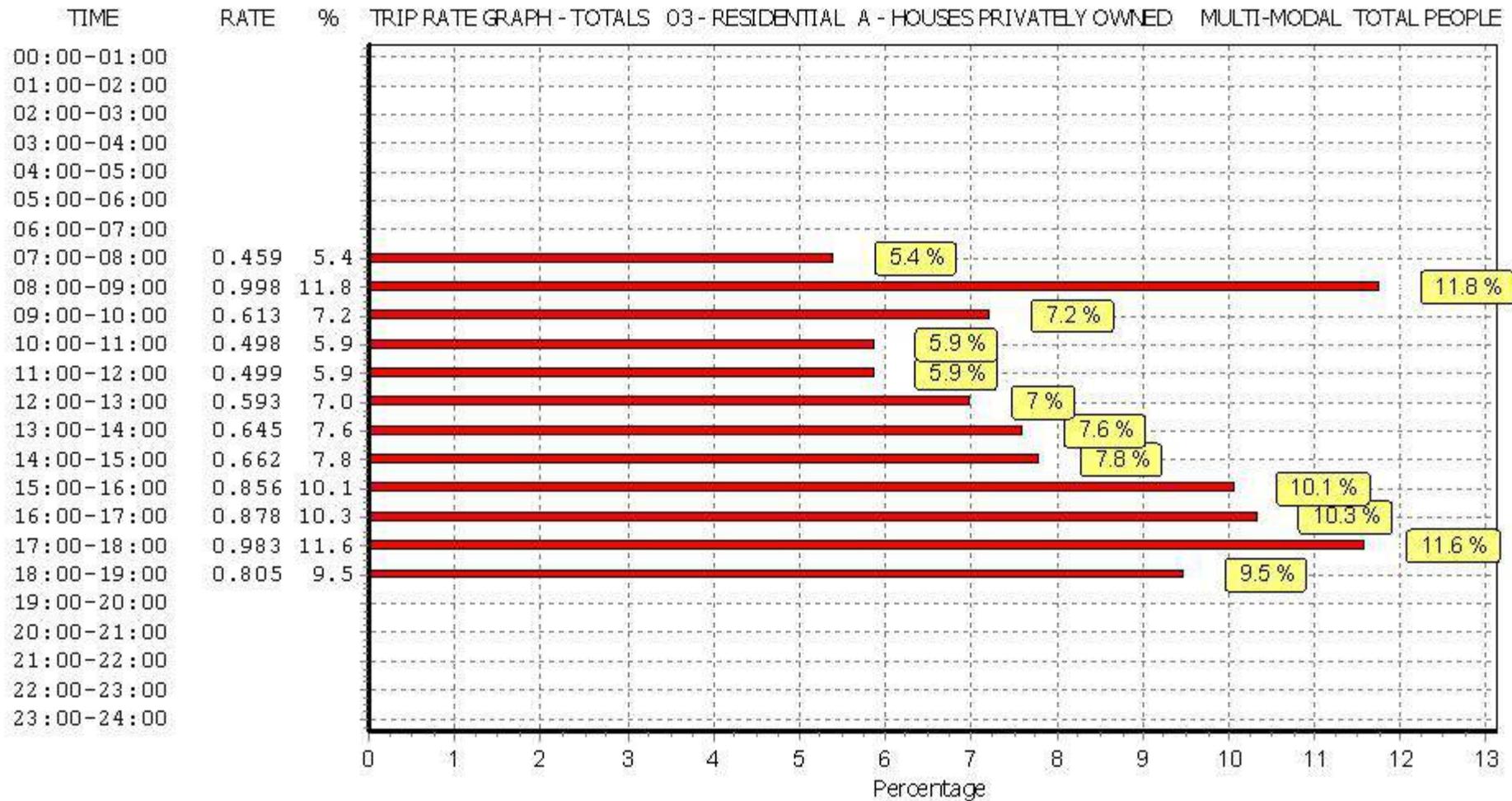
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Appendix 5 – Sustainability Table

	Housing	Health	Education	Economy	Equality	Travel	Climate Change	Biodiversity	Land	Water	Air Quality	Flooding	Heritage	Landscape			
ST12	++	++	-	n/a	+	+	+	0	--	--	0	0	-	-	-	0	
ST13	++	++	+	n/a	+	+	+	0	--	0	0	0	0	0	0	0	
ST14	++	-	-	n/a			+	0	--	--	0	0	-	--	-	--	
ST15	++	--	-	n/a			+	-	-	+	-	--	0	0	-	--	--
ST30	++	+	+	n/a	+	+	+	0	--	--	0	0	-	-	-	-	
ST31	++	++	-	n/a	+	+	+	-	--	--	0	0	-	0	-	--	