

BANKS PROPERTY LIMITED

**CITY OF YORK LOCAL PLAN 2017 - 2033
EXAMINATION IN PUBLIC**

MATTER 1: LEGAL REQUIREMENTS

HEARING STATEMENT ON BEHALF OF BANKS PROPERTY

FILE NOTE

Duty to Cooperate

1.1-1.5 Overall, has the Plan been prepared in accordance with the 'duty to cooperate' imposed by Section 33A of the Planning & Compulsory Purchase Act 2004 (as amended)?

- 1.1 As set out in our response to Matter 2, the 'duty to cooperate' in relation to housing related matters is unclear. We note that the housing market area for York extends in Selby, however Selby has produced its own SHMA.
- 1.2 The now archived Planning Practice Guidance (PPG) that supported the NPPF 2012 explained that a HMA reflects the functional linkages between where people live and work, and that they are a geographical area, that may overlap, and would not necessarily follow political boundaries. Issues that arise from overlapping HMA and inconsistencies between geography and the political 'landscape' should be considered through the Duty to Cooperate (Reference ID: 2a-010-20140306).
- 1.3 Banks Property considers that the HMA is reasonably identified. It is assumed, but Banks has seen no unequivocal statement to this effect, that the 'commissioning authorities' of the 2016 SHMA agree that the HMA are reasonable, and that therefore the Council's responsibility through the Duty to Cooperate has been discharged in this regard. However, Banks notes that in the latest addendum to the Council's evidence for the Duty to Cooperate (EX_CYC_23) there appears to be some tension between the authorities and the repeated reference to the City Council meeting its own need, and the inference that there is no capacity for neighbouring authorities to take any unmet need. The statement from Selby, though, focuses on the housing need figure, but makes no reference to land capacity in either authority area. It is assumed that Selby will not be in the position to take any unmet needs from York if they do emerge, but this is not made clear in any statement that Banks has seen.
- 1.4 Banks accepts the pragmatism of authorities assessing their own needs to support their own plan making timetables. This is an approach of which Banks has experience elsewhere and can be seen in several locations across the country. The outcome of such an approach, however, has mixed results. Banks believes that whilst the approach can be made to work, it is critical that authorities' clearly and robustly set out their housing and economic land capacity; understand and accept the interlinkages between the separately assessed needs; and, agree to jointly monitor (and review as necessary) the delivery of development against the needs. It is not clear if York and Selby (and the other 'commissioning authorities' of the SHMA) have agreed to such an approach.

J Seabury
28 November 2019