

MATTER 1



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Examination of the City of York Local Plan

Matters, Issues and Questions for the Examination

Matter 1 – Legal Requirements

November 2019

CLIENT: Redrow Homes and Michael Glover (ST8)



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1.0 INTRODUCTION

- 1.1 This response has been prepared on behalf of Redrow Homes and Michael Glover in relation to their land interests at Monks Cross, York which is proposed allocation ST8 and land immediately west of, in the Publication Draft Local Plan.

- 1.2 An Outline Planning Application for the development of circa 970 dwellings including infrastructure, open space, primary school, associated community facilities, convenience store and Country Park was submitted on behalf of Redrow Homes (Yorkshire) Limited in January 2018 on the emerging Local Plan ST8 site. The application is pending consideration (18/00017/OUTM).

- 1.3 This response should be read alongside previous submissions made to the Local Plan, namely the July 2019 response to the City of York Local Plan Proposed Modifications and prior to that the submissions made to the Publication Draft Local Plan in March 2018. In addition to this statement relating to Examination Matter 1, it should be noted that statements have been prepared for Matter 2 and 3 on behalf of Redrow Homes and Michael Glover and Johnson Mowat will be representing Redrow Homes and Michael Glover at the Examination Hearing sessions relating to Matters 1, 2 and 3 in December 2019



2.0 TEST OF SOUNDNESS

2.1 The City of York Local Plan is being tested against the 2012 National Planning Policy Framework (NPPF 2012) which at Paragraph 182 states that:

“The 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 RESPONSE TO INSPECTOR'S QUESTIONS

Matter 1 Legal requirements

Duty to Cooperate

Q 1.1 What are the strategic, cross-boundary issues of relevance to the Local Plan ('the Plan')? How does the strategy address them?

3.1 It is considered the key strategic cross boundary issues of relevance to the York Local Plan are the relationship and linkages with the neighbouring Selby District. The June 2016 SHMA recognises the linkages between York and Selby and proposes the inclusion of Selby within the York HMA. The below extracts from the June 2016 SHMA demonstrate this.

2.72 – “Because both Selby and York’s strongest links are with each other it is reasonable to assess them together... We therefore consider the York HMA which includes Selby is a reasonable area.”

2.103 – “The triangulation of the sources strongly supports placing each commissioning authority within a separate Housing Market Areas. Within this we would consider that the HMA which covers the City of York extends to include Selby.”

2.106 – “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.”

3.2 At the time of the York Local Plan Submission, the Selby Development Plan included a housing requirement of 450 dwellings per annum + 105 dwellings per annum from windfalls. This was based on a housing needs assessment calculated in advance of the Standard Method. Given the passage of time the Selby Development Plan is now out of date and the fallback position is the Standard Method for identifying Housing Need – this is **351 dwellings per annum** (see below calculation). This is significantly lower than the 450 dwellings per annum position, which was the case at the time of the York Local Plan Submission.

Standard Method calculation for Selby District:

- Step 1: 2014 household projections 2019 = 37,379 and 2029 = 40,388 = 300.9 per annum increase.



- Step 2: This is adjusted using the most recent median workplace-based affordability ratio (table 5c), published in March 2019. This is currently 6.64 (Table 5c). The following calculation is then applied.

$$\text{Adjustment factor} = ((6.64 - 4)/4) \times 0.25 = 0.165$$

$$\text{Annual Local Housing Need figure} = (1 + 0.165) \times 300.9 = \mathbf{350.5485} = \mathbf{351} \text{ dwellings per annum.}$$

- Step 3: The capped figure ($301 \times 1.4 = 421$) is greater than the annual local housing need figure so a cap does not apply.

3.3 The Selby position has changed, since the York Local Plan submission. At that time of Submission, Selby were proposing a Sites and Policies Plan and a Local Plan Review. This is no longer the case, with Selby now preparing a new comprehensive Local Plan, which will be undertaken following the Governments Standard Method. Whilst we agree it is right for York to pursue their own housing target separate from Selby in the same market area we have concerns over the current disconnect between the two Authority positions. The City of York Council's latest position in the Submission Local Plan fails to recognise the change in Selby's position.

Q 1.2 What actions have been taken in relation to the 'duty to cooperate'?

3.4 This is for the Council to respond to.

Q 1.3 What have been the outcomes of the actions taken in relation to the 'duty to cooperate'?

Q 1.4 How does the Plan address those outcomes?

Q 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)?

3.5 Given the time lag between the Submission draft consultation and the Examination Hearings (with the Proposed Modifications consultation in between), the implications of the reduced housing need in Selby hasn't been considered, nor has the consideration of the clear 'direction of travel' in terms of housing need, as identified via the Standard Method. The Council, in their Duty to Cooperate Statement of Compliance, state they are 'sticking to its guns' when referring to not addressing the standard method figure, which is significantly higher than the OAN figure included in the Submission Local Plan. This is now at odds with the approach of neighbouring



Selby, who are preparing a new Local Plan based on the significantly lower Standard Method housing requirement.

- 3.6 There is a failure within York to take account of the shifting position of Selby, with York continuing with an OAHN approach and Selby now being led by the Government imposed Standard Method which sees a significant reduction in housing.
- 3.7 As stated in response to Question 1.1 the York SHMA identifies the strong links between York and Selby and considers the HMA covers Selby and York. The government imposed significant reduction of the housing requirement in Selby since the Submission of the York Local Plan hasn't been addressed.
- 3.8 At the time of the York Publication Draft Local Plan Selby outlined concerns in relation to the potential increase in the York housing requirement. Page 71 of the Duty to Cooperate Compliance Statement refers to Selby District Council's concerns:

“SDC notes Policy SS1 states that the plan will deliver a minimum of 867 dwellings per year. Having read the SHMA Addendum, it is also noted that this figure does not take into account the level of employment growth proposed by the Local Plan and that the SHMA has not undertaken a full update to the analysis of economic growth. Whilst the SHMA concludes that there is unlikely to be any justification for an uplift in housing numbers in York to support expected growth in employment, Selby identify no more than 867 dwellings per annum.

CYC will also be aware of the proposed methodology for the calculation of housing need requirements set out in the in the DCLG consultation on 'Planning for the Right Homes in the Right Places', which if taken forward would increase York's housing requirement figure to 1,070 dwellings per annum. Whilst you are confident that you can realise the growth aspirations detailed within the Pre-Publication Local Plan within the City of York boundary, Selby District Council is concerned that any increases to this figure could raise significant cross-boundary issues.”

- 3.9 The City of York Council have made it clear that they are 'sticking to their guns' in relation to continuing with the OAHN approach. However there has been a material change in relation to the approach that Selby Council are now pursuing. It is considered that this material change has not been factored into the York Local Plan, which is a failure of the Duty to Cooperate.